



# Resettlement Framework

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Project Number: 46453  
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## Proposed Loan and Administration of Grant Cook Islands: Renewable Energy Sector Project

Prepared by the Ministry of Finance and Economic Management (MFEM), Government of Cook Islands for the Asian Development Bank

## CURRENCY EQUIVALENTS

Currency Unit	=	New Zealand Dollar (NZ\$)
NZ\$1.00	=	US\$ 0.796
US\$1.00	=	NZ\$ 1.255

## ABBREVIATIONS

ADB	–	Asian Development Bank
IAC		island administration committees
AP	–	affected person
RESP	–	Renewable Energy Sector Project
CIIC	–	Cook Islands Investment Corporation
DLR	–	Division of Land Resources
EA	–	executing agency
GDP	–	gross domestic product
GRM	–	Grievance Redress Mechanism
MWp	–	Megawatt per hour
IA	–	implementing agency
KV	–	kilo voltage
RF	–	Land Acquisition/Resettlement Framework
RP	–	Land Acquisition/Resettlement Plan
LIR	–	Land Investigation Report
MFEM	–	Ministry of Finance and Economic Management
NGO	–	Non-government organizations
NES	–	National Environmental Services
NZD	–	New Zealand dollar
OEC	–	Office of Energy Commissioner
PMU	–	Project Management Unit
PPTA	–	Project Preparatory Technical Assistance
REDD	–	Renewable Energy Development Division
SPS	–	Safeguard Policy Statement
TAU	–	Te Aponga Uira
USD	–	United States Dollar

## NOTES

The fiscal year (FY) of the Government of Cook Islands ends on 30 June. FY before a calendar year denotes the year in which the fiscal year ends, e.g., FY2012 ends on 30 June 2012.

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

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## I. INTRODUCTION

1. The proposed Renewable Energy Sector Project (the project) will assist the government of the Cook Island to reduce the country's heavy reliance on imported fossil fuels for power generation by providing a secure, sustainable and environmentally sound source of electricity for private and commercial consumers. The impact of the project will be increased energy security in an environmentally sustainable manner. The outcome will be an increased access to a higher share of electricity generated by renewable energy sources.
2. The project will have two outputs: (i) construction of six solar power plants, including rehabilitation of existing distribution network in Southern group islands; and (ii) institutional strengthening and project management support. The government has requested a loan from the Asian Development Bank (ADB) and a grant from the European Union, administered by ADB.
3. The project will be implemented following a sector loan modality, which will include three core subprojects and three non-core subprojects. The three core subprojects with a total capacity of 0.78 MWp will comprise Mangaia (0.42 MWp), Mauke (0.24 MWp), and Mitiaro (0.12 MWp). Three non-core subprojects to be developed will be Atiu (0.40 MWp), Aitutaki (1 MWp), and Rarotonga (1 MWp) with a total capacity of 3.18 MWp.
4. The project will require acquisition of land, but it is not expected to involve displacement of residential structures or loss of major income sources. The solar power plants are to be built on open areas and land use is non-residential. The core subprojects will require about 4 ha land and the non-core subprojects will require an estimated 3.4 ha land. This is a total of 7.4 ha of land for the entire project. All sites except one are on non-state lands and will need to be acquired and compensated for.
5. Anticipated impacts include losses of idle lands and some fruit and invasive trees. Temporary land use may occur if contractors need to establish construction camps. Land acquisition scope for core and non-core subprojects is summarized in Table 1.

**Table 1: Land Acquisition Scope for Core and Non-Core Subprojects**

	Targeted Islands							Total
	Units	Core Subprojects			Non-Core Subprojects			
		Mangaia	Mauke	Mitiaro	Atiu	Aitutaki	Rarotonga	
Affected Land area	sq m (ha)	20,000 (2 ha)	10,000 (1 ha)	10,000 (1 ha)	6,000 (0.6 ha)	16,000 (1.6 ha)	12,000 (1.2 ha)	74,000 (7.4 ha)
Ownership/ Type of Land		Private/ Native land <sup>1</sup>	Private/ Native freehold land	Private/ Native land	Private/ Native freehold land	Crown Lease Land	Private/ Native freehold land	
Number of Landowners	HH	6	56	10				
Estimated total subproject APs	Persons	34	243	43				
Losing 10% or more land	Persons	0	0	0				
Other Affected	Number	56 trees (21)	40 trees (Mango,	0				

<sup>1</sup> Terms "native land" and "customary land" are used interchangeably in this report, unless specified otherwise (e.g. "native freehold land").

	Targeted Islands							Total
	Units	Core Subprojects			Non-Core Subprojects			
		Mangaia	Mauke	Mitiaro	Atiu	Aitutaki	Rarotonga	
Assets	of trees	coco-nuts)	nuts & trees)					

Source: PPTA

6. The project has been classified as Category B for involuntary resettlement according to the Safeguard Policy Statement (SPS) of ADB. During the Project Preparatory Technical Assistance (PPTA), three core subprojects (Mangaia, Mauke and Mitiaro) were studied and a Resettlement Plan (RP) prepared based on available information of affected persons (APs). The detailed information for non-core subprojects will be confirmed only during implementation, so the RP for these subprojects cannot be prepared before the project appraisal. Non-core subprojects are expected to involve minor land and the RP for these will be prepared during project implementation.

7. This Resettlement Framework (RF) outlines principles and procedures for preparing the RP for non-core subprojects. It is based on applicable laws of Cook Islands and ADB's SPS.

8. The executing agency (EA) will be the Ministry of Finance and Economic Management (MFEM). The implementing agencies (IA) will be Te Aponga Uira (TAU) for Rarotonga, and the Renewable Energy Development Division (REDD) for Atiu, Mauke, Mangaia and Mitiaro, and Aitutaki. The Office of Energy Commissioner (OEC) will provide overall planning and coordination roles. Cook Islands Investment Corporation (CIIC), as the statutory manager of power utilities, will provide guidance and support to IAs in project implementation.

## II. POLICY AND LEGAL FRAMEWORK

9. The policy framework is based on the laws of the Cook Islands and the ADB's SPS. This section describes relevant provisions of the Cook Islands laws, ADB SPS and necessary measures to fill any gaps.

### A. Cook Island Laws on Land Ownership

10. There is a comprehensive legal framework governing land ownership and transactions in the Cook Islands including the Cook Islands Constitution, Cook Island Act 1915, Land Use Act 1969, Lease (Facilitation of Dealings) Act 1970, and Leases restriction Act 1976.

11. Generally, all land in the Cook Islands is owned by the Crown subject to customary title. The implication of this qualification is that, in the end, land ownership rests with the customary owners, being the Native Landowners determined by the High Court, unless alienated.

12. There are a number of categories of lands in the Cook Islands including: (i) Crown Land, (ii) European Land, and (iii) Native Land. Native land means Customary land and native freehold land. Generally all land owned by the Crown is Crown Land so Native land once taken or transferred to the Crown becomes Crown Land.

13. Alienation means, with respect to Native Land, the making or grant of any transfer, sale, gift, lease, license, easement, profit, mortgage, charge, encumbrance, trust, or other disposition, whether absolute or limited, and whether legal or equitable, of or affecting customary land, or the legal or equitable fee simple of freehold land or of any share therein.

14. Many of the above-mentioned laws have been enacted to restrict alienation of the land and apply in different ways to different categories of land in the Cook Islands. The restrictions often do not apply to the Crown. Accordingly a Native Landowner may transfer, sell, gift, and lease native freehold land to the Crown; subject to proper payment and/or compensation. Thus where one native landowner cannot sell to another native, a native can sell the fee simple of the Native Freehold land to the Crown. Also, the term of a lease to a native must be restricted to 60 years but that restriction does not apply to the Crown. The native could lease the Land to the Crown as long as the parties wished.

## **B. Laws Governing Land Acquisition in Cook Islands**

15. **The Cook Islands Constitution.** The Constitution Act was enacted by the Parliament in 1964. It is the supreme law of the land that sets out the power and responsibilities of the government and its three main branches: executive, legislative and judiciary. The Constitution also outlines the functions, powers and responsibilities of the Land Court and the Appellate Court. The Constitution protects citizens from unjust deprivation of property.

16. **Cook Islands Act 1915 (the "Act").** This is essentially a Code for the administration of the Cook Islands. The Act established a High Court and a Native Land Court; and also declared that the common law of England as at 14 January 1840 (being the year in which the colony of New Zealand was established) applied in the Cook Islands except where inconsistent with the Cook Islands Act 1915 and "inapplicable to the circumstances" of the Islands.

17. The Cook Island Act 1915 (Section 362) provides for acquisition of land through agreement. This section states that the government may for any public purpose, for and in the name of Her Majesty, purchase any Native freehold or European land in the Cook Islands. Or, the government may acquire by grant, lease or easement or any limited right, title, estate, or interest on any such land. This section of the Act guides acquisition of land by the Crown for public purposes through agreement with Landowners into sale and purchase of Land.

18. Cook Islands Act 1915 (Section 357) provides for compulsory acquisition of land for public purposes. This Section describes the power of the government to take by warrant (or compulsorily) any land in the Cook Islands for any public purposes specified in the warrant. Thereupon, the land will be absolutely vested in Her Majesty as from the date of the warrant or any later date, free from all estates, rights, and interests of any individual except from what was stated in the warrant.

## **C. Government Procedures for Land Acquisition**

19. Preferably the project should be carried out on Crown Land if Crown land is available. That enquiry should be made immediately the preliminary design has been completed and the indicative area of land required is known. If no Crown Land is available then acquisition becomes necessary.

20. The land acquisition for infrastructure projects is led by Crown Law in coordination with CIIC and IAs.

21. The status, or kind of land, and the purpose of the land required will often dictate what type of title the Crown will obtain; that is whether the Crown wants ownership of the land or simply the use of the land for a time. Sometimes a leasehold interest is sufficient enough title but often for large Infrastructure projects, requiring significant capital improvement to the land,

over relatively long periods of time, the Crown prefers to own the land; that is to acquire the fee simple of the freehold land rather than simply lease the same or obtain a limited title to the land.

22. There are a number of ways for the government to secure legal title to land for projects including but not limited to: (i) agreement, and (ii) compulsory acquisition by warrant.

23. In any event the status or kind of land may determine the options available to Government. That is, whether the land is customary land or native freehold land etc. will dictate to a large extent what title will be acquired by the Government. This is because the status or kind of land often is determined by whether the Landowners are known or not. So the owners of customary land, with a few exceptions, are not known, whereas the owners of native freehold land are known.

24. If landowners are known then the preference is to negotiate an agreement, and preferably again, an agreement for the sale and purchase of the land. Alternatively the parties may negotiate a;

- a) Land use agreement as the government has done in Palmerston and Pukapuka; or
- b) Lease depending on terms and conditions that can be agreed to.

25. If the Landowners are not known, and there is time before the implementation of the project to legally determine who the landowners are, then it is preferred that the investigation take place. For this Government will need to incur cost and expense to determine whom the Landowners are before Government gets agreement to title. Alternatively, Government may incur that expense only for the Landowners who refuse to sell or enter into some other satisfactory agreement with Government. In that case, and/or if there is not time to undertake an investigation of title, the land can be compulsorily acquired by Government by taking the land by Warrant.

26. Essentially then there are two broad categories of acquisition: Land acquired by agreement, for example by sale and purchase; or land acquired compulsorily by warrant. The following paragraphs outline procedures for each approach.

### **Agreement for the Sale and Purchase of Land**

27. This approach to acquire land for the solar power plants is the government's preferred approach. If the legal landowners of the relevant parcel of land are known and are prepared to sell their land, then government will enter into agreement with the landowners to sell and purchase the land pursuant to section 362 of the Cook Islands Act 1915. The sale and purchase is on terms and conditions agreeable to both parties; two paramount and essential terms being specified use limited to PV Plant and revision of title once the land is no longer required for a PV Plant.

28. The following table outlines the procedures to acquire land through Agreement.

**Table 2. Procedures for Agreement for Sale and Purchase of Land**

<b>SN</b>	<b>Activities</b>
1	<i>Land requirement.</i> IA identifies project and need to acquire land.
2	<i>Preparation to identify/ initially negotiate with landowners.</i> The IA conducts exploratory meetings with the relevant Island Councils and

SN	Activities
	landowners and/or recognized representatives to secure agreement in principle for the sale of land through the following steps: <ul style="list-style-type: none"> <li>• IA meets with Island Council and visit the site</li> <li>• Island Council assists in identification of landowners and selects representative to start discussion with landowners</li> <li>• Landowners' representative informs Island Council of decision; Island Council prepares and signs Minutes of Meeting with landowners.</li> <li>• Island Council notifies the IA and submits the signed Minutes of Meeting stating agreement to acquisition of land</li> </ul>
3	<i>Land survey.</i> IA then conducts a land survey on the proposed site.
4	IA then sends a formal request to CIIC to prepare formal negotiation with landowners and budget allocation for land acquisition.
5	CIIC commences second stage identification of landowners (i.e. title search, and if necessary meet with Island Council/Chiefs)
6	<i>Land Negotiation.</i> If necessary CIIC meets with landowners and/or recognized representatives to negotiate for sale and purchase of land on terms and conditions agreeable to both parties. Official minutes of meeting again will be secured by CIIC/IA during this stage.
7	<i>Prepare submission.</i> CIIC will then prepare a Cabinet submission (signed Minutes of Meeting attached).
8	<i>Endorsement.</i> Cabinet endorses submission to purchase/title land.
9	<i>Agreement executed by parties and settlement undertaken</i>
10	<i>Commencement of Work.</i> Work will commence once legal title is secured by the government

### Compulsory Land Acquisition by Warrant

29. This approach to acquire land will only apply if the Landowners are not known (government cannot enter into negotiations in such a case) and or Landowners are not prepared to sell or lease their land. The government then will acquire the land through warrant pursuant to section 357 of the Cook Islands Act 1915. The compulsory land acquisition by Warrants is only a fall-back position; if the government cannot acquire the relevant parcels of land by agreement with the Landowners then the government will exercise legal provisions to compulsorily acquire the land for the public purpose.

30. The compulsory acquisition by Warrant includes the following steps.

**Table 3. Procedures for Compulsory Land Acquisition by Warrant**

SN	Activities
1	<i>Land requirement.</i> IA identifies project and need to acquire land
2	IA carries out survey of the parcel of land.
3	CIIC makes submission to Cabinet for approval to take the land by warrant
4	<i>Endorsement.</i> Cabinet endorses submission and instructs Crown Law to submit submission to the Executive Council to take land by warrant.
5	<i>Approval.</i> Executive Council approves Cabinet's decision. Executive Council makes executive minute and the Queen's Representative executes and seals the Warrant with certified survey attached. At this point the land becomes Crown Land and the project work can theoretically commence.
6	CIIC files original copies of sealed warrants at: (a) Parliamentary Services for



SN	Activities
	gazetting in the Cook Island Gazette; and (b) High Court for registration against the relevant Land title in the Land Registry.
7	CIIC makes application to the High Court for compensation for land taken. If the land is uninvestigated, i.e., the Landowners are not known, the High Court will requisition an investigation of title to determine the Landowners. Once the Landowners are known the High Court will then hear the compensation claim and make an award. The compensation awarded will, by law, constitute a debt due to the landowners by the Crown/Government and shall be payable out of the Cook Islands Government Account.
8.	<i>Commencement of Work.</i> Work will commence once legal title is secured by the government which is at 5 above.

#### D. ADB's Safeguard Policy Statement

31. ADB's SPS requires ADB-assisted projects to (i) avoid involuntary resettlement impacts wherever possible; (ii) minimize such impacts by exploring alternatives; (iii) enhance, or at least restore, the living standards of affected persons (APs) in real terms relative to pre-project levels; and (iv) improve the living standards of the poor and other vulnerable groups. It covers both physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of involuntary land acquisition or restriction on land use, or on access to parks and protected areas.

32. The SPS has 12 policy principles on involuntary resettlement. The 12 principles are: (1) Screen early and assess resettlement impacts; (2) Carry out consultations with APs and develop a grievance redress mechanism; (3) Improve/restore livelihoods of APs through land-based strategies, replacement of lost assets, compensation at replacement cost, and additional benefits, as appropriate; (4) Provide appropriate assistance to physically displaced APs; (5) Improve living standards of poor APs and other vulnerable groups; (6) develop transparent procedures for negotiations; (7) provide assistance and compensation to non-titled APs for loss of non-land assets; (8) Prepare RP with necessary provisions; (9) disclose RP to APs and other stakeholders and document the consultation process; (10) conceive and execute resettlement as part of the project; (11) deliver entitlements to APs before their physical or economic displacement; and (12) monitor and assess resettlement outcomes.

#### E. Gap Analysis and Gap Filling Measures

33. The following table provides an analysis of Cook Islands laws and ADB SPS requirements on land acquisition/resettlement as well as gap filling measures.

**Table 4. Comparison of Cook Islands Laws and ADB SPS Requirements on Land Acquisition/Resettlement**

ADB SPS Requirements on Involuntary Resettlement	Cook Islands Laws on Land Acquisition/Resettlement	Equivalence or Gaps between ADB SPS and Cook Islands Laws	Gap-filling Measures
Avoid involuntary resettlement wherever possible. Minimize involuntary resettlement by exploring project and design alternatives.	The Constitution protects citizens from unjust deprivation of property.	No explicit reference to the need for avoidance or minimizing involuntary land acquisition/resettlement impacts.	The RF has adopted the objective to minimizing involuntary land acquisition and resettlement through careful design.
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.	The Cook Islands Constitution, Section 40, states that no property will be taken compulsorily without compensation.  General principles of compensation for damage or destruction of physical and economic assets are set out in Cook Islands Act 1915, Section 359.	No specific requirements on maintaining income and livelihoods.	The RF includes measures to improve/restore livelihoods of APs through compensation at replacement/market cost, and additional benefits, as appropriate.
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.	Cook Island Act 1915 requires identification and determination of landowners for any type of land acquisition.	No specific requirements on early screening to identify involuntary land acquisition/resettlement impacts.	The RF has adopted measures to assess impacts and prepare mitigation measures.
Carry out meaningful consultations with APs, host communities, and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.	Cook Island Act provides for negotiation of compensation agreeable to both parties or hearing of compensation rates at the court in case of disagreement.	No specific requirements on public disclosure of entitlements and resettlement options.	The RF has adopted measures on consultations with APs and grievance redress mechanism.
Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary	Cook Island Constitution created a mechanism to address land matters through formation of the Land Court and mechanism for appeals through Appellate Court.	Cook Islands laws do not require creating a project level grievance mechanism.	The RF includes a grievance redress mechanism at project level to facilitate early identification and resolution of grievances.

ADB SPS Requirements on Involuntary Resettlement	Cook Islands Laws on Land Acquisition/ Resettlement	Equivalence or Gaps between ADB SPS and Cook Islands Laws	Gap-filling Measures
resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.			
Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.	<p>The Cook Islands Constitution, Section 40, states that no property will be taken compulsorily without compensation.</p> <p>Cook Island Act 1915 provides for compensation to affected persons.</p>	Cook Islands laws do not specifically provide for livelihood improvement or restoration.	The project is not expected to impact livelihoods. However, the RF includes a provision for possible income improvements for APs through the project employment.
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, as required.	Cook Island Act 1915 provides for compensation for displaced persons.	Cook Islands laws, except for compensation payment, do not specifically provide assistance for physically and economically displaced persons.	The project is not expected to involve physical or economic displacement. However, the RF includes provision of assistance to APs i.e. priority of employment if local personnel are 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	Cook Island Act 1915 provides for compensation for displaced persons.	Cook Islands laws do not specifically state support for APs and other vulnerable groups to improve their living standards.	The RF provides for provision of assistance such as training particularly for women to help improve living standards.

ADB SPS Requirements on Involuntary Resettlement	Cook Islands Laws on Land Acquisition/ Resettlement	Equivalence or Gaps between ADB SPS and Cook Islands Laws	Gap-filling Measures
appropriate income sources and legal and affordable access to adequate housing.			
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.	Cook Island Act 1915 provides for Agreement by Sale and Purchase pursuant to Section 362.	Failure of negotiation results in compulsory acquisition of land.	The RF has been prepared in the context of the possibility of compulsory land acquisition. However, the RF includes provisions of consultations, negotiations, and transparent process of land acquisition and compensation.
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	Laws recognize customary ownership of land.	Laws provide for compensation for customary land; they do not provide compensation for non-titled persons.	The project is not expected to involve non-titled persons. The RF provides for entitlements for all APs
Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	No relevant provisions.	Cook Island laws do not require preparation of a resettlement plan.	The RF includes the provision of RP describing APs' entitlements, income and livelihood restoration, institutional arrangements, 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.	No relevant provision.	Cook Island laws do not require an RP and its disclosure to affected persons.	The RF includes provisions of disclosure of the draft RP to APs and to the public following ADB requirements.
Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	No relevant provisions.	No specific requirement for inclusion of land acquisition/ resettlement in the project's costs and benefits.	Estimated cost of land acquisition and related costs are included in the RF and project costs.
Pay compensation and provide other resettlement entitlements	Cook Island Act 1915 provides for payment of	Cook Islands laws do not have specific	The RF includes provisions of the commencement of

ADB SPS Requirements on Involuntary Resettlement	Cook Islands Laws on Land Acquisition/ Resettlement	Equivalence or Gaps between ADB SPS and Cook Islands Laws	Gap-filling Measures
before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	compensation to landowners. The Cook Islands Constitution, Section 40, states that no property will be taken compulsorily without compensation.	provisions for other resettlement entitlements and supervision.	civil works only after payment of compensation and the supervision.
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.		Cook Islands laws do not have specific provision for monitoring of land acquisition/ resettlement outcomes.	The RF provides for monitoring and reporting on land acquisition/resettlement outcomes during project implementation.

### III. PROJECT PRINCIPLES AND ENTITLEMENTS

34. **Policy Principles for the Project:** The project will comply with both ADB's SPS and Cook Islands' laws applicable to land acquisition/resettlement. The objectives and policy principles adopted for the project are as follows:

- (i) Land acquisition/ resettlement will be avoided and minimized through careful engineering design. In particular, there will be no physical displacement of people.
- (ii) APs will be consulted during entire project cycle. The RP will be prepared and updated in participation of APs. Effective grievance redress mechanism will be established for hearing and resolving grievances.
- (iii) APs will receive compensation at replacement cost based on comparable market prices for their loss of land so that they will be as well off as without the project.
- (iv) Compensation will be fully paid to APs prior to the beginning of civil works in the subproject site.
- (v) Absence of formal title will not be a bar to compensation and assistance and particular attention will be paid to vulnerable groups.
- (vi) Land acquisition and resettlement will be conceived as part of the project and related costs will be included in and financed out of the project cost.
- (vii) The land acquisition/resettlement impacts including unforeseen losses and damages that may occur during civil works will be monitored and remedial steps taken as required.

#### A. Avoiding and Minimizing Land Acquisition/Resettlement

35. The subprojects will try to avoid and minimize land requirements during design for future projects. The project will follow appropriate engineering designs during detailed design to further

minimize land acquisition and resettlement impacts, wherever possible. The measures will include:

- i. correct orientation and mounting of solar panels to maximize use of available space;
- ii. use high efficient panels that require less surface for the same amount of power; and,
- iii. Utilize existing public roads to access the project sites to minimize land acquisition requirement.

36. The project's selection criteria state that subprojects will not be eligible for project funding if they involved significant land acquisition/resettlement impacts.

## **B. Land Purchase and Compensation Entitlements**

37. The following sections describe the process for securing agreement for land acquisition, entitlements, and calculation of compensation costs.

### **Negotiation for Purchase of Land**

38. Land required for the project will be acquired following the Cook Islands Act 1915. The priority will be to purchase land through agreements, if landowners are known and are willing to sell. The land will be compulsorily acquired by Warrant only if landowners are unknown and not willing to sell the land. The initial consultations have indicated that landowners in most sites are willing to sell land.

### **Eligibility for Compensation and Assistance**

39. The date of land survey will be the "cut-off-date" for eligibility of compensation and rehabilitation assistance. Landowners and/or users that have documented claims to affected land, crops, and trees as of the cut-off date will be eligible for compensation and/or rehabilitation assistance as per the project policy.

### **Compensation for Affected Land and Other Losses**

40. **Land.** APs who own land that need to be acquired are entitled to compensation. The compensation rates shall be determined based on most recent transaction of comparable land.

41. **Trees and crops.** APs will be encouraged to harvest the current year's produce of trees and crops; the clearance of the land will be timed, to the extent possible, to enable APs to harvest. The fruit trees including any loss of production will be compensated at replacement cost based on market prices.

42. **Structures (if any).** APs will be provided compensation at replacement cost for affected residential or other structures without depreciation. They will also receive transportation allowance and assistance in location.

43. **Business or Livelihoods (if any).** APs will be provided compensation for loss of income for the number of days that business or livelihood activity is disrupted.

### **Calculation of Compensation**

44. Since lands could not be sold in the Cook Islands, there is no active market for the same. There is no regular system of government valuations--attempts were made to value land

in the recent past but the same were inadequate and unacceptable. Where there is agreement then the parties will agree as to value. Where the land is taken compulsorily the matter is determined by the High Court with both parties entitled to give evidence as to value.

45. The government has assessed the price of the land at NZD \$19.76 per square meter or NZD \$20,000-00 per ¼ acre. This is a 25% increase in the rate or amount of compensation awarded in the last two compensation cases heard in the High Court in 2007 and 2009. It is the rate for comparable land taken in Tauhunu and Tuako in Manihiki. It is also the rate used for compensation for the land recently taken in the same area in December 2013 for the solar farms for the renewable energy project in the Northern Pa Enea. The government plans to apply this rate for the Southern Pa Enea project as well.

46. For loss of structures, businesses or livelihood activities (if any), the IA will assess the compensation at replacement cost with the help of a professional valuation specialist.

47. The government will consult with landowners/APs and finalize the compensation rates for land and trees as well as structures and businesses (if any) based on current comparable prices or replacement costs. The RP for subprojects will include the final rates.

### Rehabilitation Assistance

48. Although the project is not expected to impact APs' livelihoods and residential structures, the following assistance will be provided by IA to affected APs: (i) skills training for APs interested to work in project construction; and (ii) priority employment in project works such as vegetation clearance and maintenance works. Any vulnerable APs such as female-headed households, the poor or families with disabilities will be provided priority employment in project activities and special assistance (identified through consultations with affected communities) will be included in the RP for respective subprojects.

### Entitlement Matrix

49. Table 5 summarizes the compensation entitlements in an Entitlement Matrix.

**Table 5: Entitlement Matrix**

Type of Impact	Entitled Persons	Entitlements
Loss of land	Land owners/users as recognized by customary leaders and government	Compensation at replacement cost based on current price will be paid for lands to be acquired by the Government
Loss of trees, crops	APs and households	It will be agreed with APs that any crops will be harvested by them before site clearance. If APs are not able to harvest crops, they will be paid compensation at replacement cost.  Fruit trees including any loss of production will be compensated at replacement cost/market price.
Structures (if any)	All APs	APs will be provided compensation at replacement cost without deductions for depreciation. APs will also receive transportation allowance and assistance in locating to an alternative site.



Type of Impact	Entitled Persons	Entitlements
Disruption of business or livelihoods (if any)	All APs	APs will be provided compensation for loss of income for the number of days that business or livelihood activity is disrupted.
Employment opportunities (project benefit)	APs particularly women, youth and vulnerable group	APs will be provided training and priority employment in civil works based on APs skills suitable to project needs.
Impacts on vulnerable groups (if any)	Vulnerable groups	Necessary special assistance (identified through consultations with affected communities) to be specified in the RP.
Stable power supply (project benefit)	All APs	APs (as regular customers) will get stable power supply. Any unconnected AP households will be provided power connections (as regular customers).
Unforeseen or unintended impacts	Concerned affected people	These will be determined as per the principles of this RF and ADB's SPS.

#### **IV. IMPACT ASSESSMENT AND PREPARATION OF LAND ACQUISITION/RESETTLEMENT PLAN**

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

50. The project's screening process will identify potential impacts on land acquisition and adopt necessary measures to avoid or minimize such impacts. IA will screen impacts by completing the Subproject Screening Form as found in Appendix 1. On the basis of the screening, IA will adopt one of the following approaches:

- i. Further redesign of the subproject to avoid/minimize land acquisition/resettlement.
- ii. Preparation of the RP if there are unavoidable land acquisition/resettlement impacts.
- iii. In the event of no land acquisition/resettlement, this will be reported in the subproject report along with a due diligence report confirming that there is no need to prepare the RP. The Due Diligence Report will include:

- A brief description of the site including a location map and pictures;
- A description of proposed works and type of activities;
- Confirmation of land status, ownership, and usage (supported by land records);
- Findings of the field visit and observations on the subproject site;
- Process and outcome of consultations with stakeholders. Records of meetings (attendance, minutes, etc.); and
- Confirmation that there are no land issues and an RP is not needed.

51. The subproject report, including the Subproject Screening Form and all other relevant information about land acquisition/resettlement, will be submitted to ADB.



## **B. Preparation of Resettlement Plan for Subprojects**

52. The RP will be prepared for subprojects involving land acquisition/resettlement impacts. The Appendix 2 provides the outline of the RP. The IA will prepare the RP with assistance from Island Councils and other local government authorities in the subproject area, and with close consultation with village leaders and APs. The RP must be submitted to and approved by ADB prior to awarding a contract for civil works.

53. The preparation of the RP will include the following steps and activities:

i. The IA will organize consultations with APs. The purpose of the consultations is to inform the APs about the scope of works to construct the solar power plant; and, the land acquisition/resettlement requirements. In the presence of village leaders, landowners/APs and other stakeholders, IA will identify the affected land and assets on the ground.

ii. The IA will conduct a detailed measurement survey (DMS) based on detailed engineering design and demarcation of land to be acquired. The DMS will include a) a census and socio-economic survey of APs, and b) measurement and inventory of affected land and other assets. The census and inventory of losses survey will count all APs and a detailed list of affected land and other assets will be prepared. It will be conducted in a participatory manner to estimate impacts and losses. The socio-economic survey may cover all APs if their number is small, but it will cover at least 10% of APs and 20% of severely affected APs. The surveys will document existing socio-economic conditions of APs, including (i) demographic, education, and occupational profiles; (ii) livelihoods and income; (iii) type of land, use of land and other resources; and, (iv) other relevant social aspects. The data will be disaggregated by gender and other relevant aspects such as number of APs belonging to vulnerable groups.

iii. A draft RP will document the types and amounts of land that will be required. It will also summarize numbers of APs; how they are affected by the losses; compensation and other assistance to which they are entitled to; and, amounts of compensation. The details will vary depending on the magnitude of land acquisition/resettlement. The RP will also identify gender concerns and special measures for vulnerable APs (if any) through consultations with affected communities. The RP will include sufficient budget and specify source of funds, and confirm that compensation rates are at replacement costs based on market prices. There will be a cut-off date for the eligibility of compensation and/or rehabilitation assistance. The RP will include an implementation schedule ensuring that civil works will not commence until compensation and/or assistance has been paid to APs.

iv. The draft RP will be presented to APs and other stakeholders in a public meeting. APs will be encouraged to express any concerns or suggestions. Copies of the draft RP and/or summary brochures will be available during these consultations. The subproject RP will be finalized, incorporating comments and suggestions of APs.

v. The RP will be submitted for approval to EA and ADB. It will be disclosed in accordance with ADB SPS to APs and posted on ADB's website. The RP will be coordinated with the government's land acquisition procedure.

## **V. CONSULTATION, PARTICIPATION AND DISCLOSURE**

54. In compliance with Cook Islands government and ADB policies, the project will ensure a transparent and participatory process for land acquisition/resettlement for subprojects. This section describes the procedures for consultation and disclosure.

55. The dissemination of information and consultation with stakeholders will occur at different points in the preparation and implementation of subprojects to ensure that APs and other stakeholders have received timely information about land acquisition/resettlement and compensation. The IA working in collaboration with the CIIC, Island Councils and other authorities will organize regular information and consultation activities. The RF and RP of the sub-projects will be published in the ADB website and relevant information properly disclosed to APs and stakeholders prior to the appraisal of subprojects. Community briefings and/or written materials such as a public information booklet shall be used as means for disclosure.

### **A. Consultations during Preparation of the Project and Core- Subprojects**

56. During preparation of the overall project and subprojects, consultations were held in Mangaia, Mauke and Mitiaro as well as in Atiu, Aitutaki and Rarotonga. Meetings were held with Island Councils, elected and traditional leaders, representatives from local women's organizations, relevant national government agencies such as Women's Division under the Ministry of Internal Affairs, National Environment Services, Statistics Office, private sector representatives, NGOs and community organizations. Key respondent interviews, community consultations and women's focus group discussions were conducted in subproject sites. Sample socio-economic surveys and interviews of landowners/APs were conducted on core- subproject sites.

57. The landowners/APs and village/island leaders consulted have expressed support for the project. Interviewed APs are willing to allow the government to acquire their land to construct solar power plants. Consulted women representatives support the project; they expect to benefit from regular power supply and stable tariff (as regular customers) as well as potential access to skills training for young people.

58. Some stakeholders were concerned about pollution from batteries and how these are to be managed by the Project. PPTA team explained that an environmental assessment report has been prepared including a plan on procedures on disposal of used solar power batteries during project implementation. As to safety, the project will incorporate an appropriate typhoon resistant design to the solar power plant.

59. Another concern raised was of potential intrusion to land boundaries. The project will ensure that clear demarcations and appropriate grievance mechanisms are in place and these will be communicated to the project communities prior and during project implementation.

### **B. Further Consultations with Affected People and Communities during Implementation**

60. Further consultations will be carried out with Island Councils, APs, NGOs, women's groups and other stakeholders during preparation/finalization of the subproject design. During these consultations, IAs will disclose information regarding the scope and objectives of the project and its subprojects; the policies, principles and procedures for land acquisition/resettlement; and, preliminary estimates of land acquisition/resettlement requirements.

61. Throughout the project cycle, IA will continue dissemination of project information to Island Councils, landowners/APs and communities subproject sites. The information dissemination activities will be organized in coordination with Island Councils authorities and traditional leaders. IA will ensure involvement of all relevant stakeholders in such activities.

62. Community consultations will be conducted to prepare/update the RP as well. Following the finalization of engineering design for subprojects, IA will organize consultations with APs and communities. Participants will include leaders of respective Island Councils, traditional leaders in the village, APs and all other interested members of the community. Village leaders will encourage all community members to attend including women, elderly people and young people. As relevant, separate meetings may be held with women to understand and discuss their preferences and concerns. IA may be joined by the CIIC representatives.

### **C. Disclosure of the RP**

63. A draft RP will be disclosed to APs and local stakeholders in the subproject sites. IA with the help of Islands Councils will organize disclosure meetings at subproject sites and will explain relevant information from the draft RP to APs and stakeholders at each project site. The full RP document will be made available in accessible public locations such as Island Council's offices. The draft RP will be posted on ADB website as well.

## **VI. COMPENSATION PAYMENT AND INCOME RESTORATION**

### **A. Payment of Compensation**

64. Compensation for affected land and assets will be paid before the start of civil works in respective sites. IA will coordinate with Island Councils and relevant authorities for efficient implementation of compensation payment. The RP for subprojects will describe the schedule on implementation.

65. All land acquisition activities will be coordinated with the civil works schedule. Civil works contractors will not be issued a notice of possession of the site until (i) compensation for APs has been satisfactorily completed; (ii) necessary assistance is in place; and, (iii) the site is free of encumbrances.

### **B. Income Generation**

66. While the loss of land is not expected to impact APs' livelihoods or residential structures, the RP will include the following assistance for APs: (i) skills training for APs interested to work in project construction; and (ii) priority employment in project works such as vegetation clearance and maintenance works.

67. Any vulnerable APs identified during the preparation of the RP will be given special support (identified through consultations with affected communities) by the project. Such APs including female-headed households will be provided priority employment in project activities.

## **VII. GRIEVANCE REDRESS MECHANISM**

68. A Grievance Redress Mechanism (GRM) will be developed for the project to be established in each subproject site. This mechanism will be used for addressing any complaints that may arise during the implementation and operation of the project. The GRM will address

APs' concerns and complaints promptly and transparently through the process outline in this RF. The GRM will be gender responsive and readily accessible to all APs at no costs. The GRM will not however impede APs' access to the Cook Islands' judicial or administrative remedies.

69. The key functions of the GRM are to (i) record, categorize and prioritize the grievances; (ii) settle the grievances in consultation with complainant(s) and other stakeholders; (iii) inform the aggrieved parties about the solutions; and (iv) forward unresolved cases to higher authorities.

70. The Subproject Manager (PMU) supported by PMU staff and consultants will be the grievance focal point to receive, review and address project related concerns and to resolve land related disputes in coordination with the government authorities. Relevant staff for the subprojects will assist PMU to record and investigate grievances. PMU will coordinate with the EA/IA and relevant agencies in resolving complaints. PMU will maintain a complaints register which will show the details and nature of the complaint, the complainant, the date and actions taken as a result of the investigation. Relevant Cook Islands government agencies will be always available to review public complaints and advice the PMU.

71. IA in coordination with REDD, CIIC and Islands Councils will inform APs and stakeholders about the GRM. When subproject implementation starts, a sign will be erected at subproject sites providing the public with updated project information and summarizing the GRM process including contact details of relevant person at the PMU.

72. Any APs or village leader/chief can take a grievance to the PMU or the site office. On receipt of a complaint in any form (in person, telephone, written), the PMU focal officer for respective site/subproject will log the details in a complaints register. PMU will review and find a solution to the problem within two weeks in consultation with village or traditional chief and relevant local agencies. Then PMU will report back the outcome of the review to the village/traditional chief and affected persons within a week's time. If the complainant is dissatisfied with the outcome at the PMU level, or have received no advice in the allotted time period, he or she can take grievance through Island Council to relevant national agencies (CICC, REDD, etc.). The relevant national agency reviews and reports back to the Island Council/AP/village or traditional chief about outcome. If unresolved, or at any time complainants is not satisfied, he or she can take the matter to appropriate court. Both successfully addressed complaints and non-responsive issues will be reported to ADB by the PMU.

73. Table 6 summarizes the process to resolve any project related grievances.

**Table 6: Grievance Redress Process**

Stage	Process	Duration
1	Affected Person (AP)/village elected or traditional chief takes grievance to PMU	Any time
2	PMU reviews and finds solution to the problem in consultation with village or traditional chief and relevant agencies	2 weeks
3	PMU reports back an outcome to village/traditional chief/AP	1 week
If unresolved or not satisfied with the outcome at PMU level		
4	AP/village or traditional chief take grievance through Island Council to relevant national agency (CIIC, REED, etc.)	Within 2 weeks of receipt of decision in step 3

5	National agency reviews and find a solution	4 weeks
6	National agency reports back the solution/decision to AP/village or traditional chief	1 week
<b>If unresolved or at any stage if AP is not satisfied</b>		
AP/village or traditional chief can take the matter to appropriate court		As per judicial system

**VIII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION**

**A. Institutional Responsibilities**

74. Following are different agencies responsible for preparing, implementing and monitoring on the RP and related activities.

75. **MFEM:** As the executing agency (EA) of the project, MFEM will have an overall responsibility to ensure through IAs for implementation of the project, including land acquisition, implementation of mitigation measures and reporting on safeguards. MFEM will also be responsible to ensure (through relevant agencies) preparing/updating of the RP and obtaining necessary lands required for the project. It will submit required monitoring reports to ADB.

76. **OEC:** The OEC, as the cross sector coordinating agency, will coordinate the project implementation with REDD, CIIC and IAs and provide assistance in liaising with other government ministries and agencies as needed.

77. **CIIC:** As the government investment corporation and owner of power utilities, CIIC will lead with IAs the land acquisition process and compensation payment to landowners/APs. All costs for the project related land acquisition, compensation, surveys, implementation and monitoring will be financed by the Cook Islands government in coordination with CIIC.

78. **REDD and TAU:** As Implementing Agencies (IA), TAU and REDD through the PMU and in coordination with CIIC, have the responsibility to implement day-to-day activities related to land acquisition and compensation. The responsibilities will include:

- (i) Collaborating with relevant government agencies in land acquisition and compensation;
- (ii) Providing resources to carry out surveys and investigation;
- (iii) Collaborating with the government agencies for negotiations and agreements with landowners;
- (iv) Carrying out consultations with APs ensuring that they are informed about the project, its policies and procedures; ensure that all requirements are carried out on public disclosure of the provisions for land acquisition and compensation; and, implement and monitor relevant issues;
- (v) Preparing/updating the RP, including confirmation of the cut-off date, compensation amount, and other details, and submit to ADB with necessary approvals;
- (vi) Facilitating the process of allocation and disbursement of funds, and ensure that funds are available and compensation is paid in a timely manner; and
- (vii) Carrying out all other activities including monitoring of land acquisition and compensation activities.

79. **PMU:** The project management unit (PMU), composed both of consultants and staff from IA, will be established for implementing the project. The PMU will have a Team Leader/Manager and other project implementation specialists including social safeguards specialists, to ensure project activities are implemented, monitored and reported to ADB.

## **B. Capacity Building and Support**

80. During initial stages of project implementation, a training program will be implemented for relevant staff from CIIC, IAs and other relevant agencies on: (i) government procedures for land acquisition; (ii) ADB policies on social safeguards; (iii) applying these in the project; and, (iv) requirements on preparing and implementing the RP, including consultations and information disclosure. A land acquisition officer will be assigned within the PMU to implement the RP. The project will also provide support including hiring of social safeguard specialists in building capacity within CIIC, IAs and the Island Councils to prepare, implement, and monitor the RP.

## **C. Implementation Schedule**

81. The following is an indicative implementation schedule for preparing the RP and implementation of land acquisition and compensation for subprojects. The RP will include detailed schedule.

**Table 7: Implementation Schedule**

<b>S.N.</b>	<b>Activities</b>	<b>Schedule</b>
1	Confirmation of land requirement and identification of land owners	Month 1
2	Land survey and valuation	Month 2
4	Submission to CIIC of land survey report and to prepare for formal negotiation with landowners and budget allocation for land acquisition	Month 3-4
3	Negotiation with landowners: consultation with affected landowners to negotiate for land acquisition/purchase.	Month 3-6
5	Agreement on land acquisition/purchase and necessary approvals by the Cabinet and Executive Council	Month 7-9
6	IA in coordination with CIIC prepares/updates the RP including agreements on compensation rates with landowners, and discloses updated RP to APs.	Month 9
7	IA submits the RP to ADB for approval and posting on ADB website	Month 10
8	Execution of land acquisition and payment of compensation	Month 11-13
11	IA submits to ADB an land acquisition and compensation completion report	Month 14

## IX. BUDGET AND FINANCING

### A. Sources of Funding for Land Acquisition and Compensation

82. Necessary costs for the project's land aspects will be financed by the government as counterpart funds. The costs of consultants and experts will be funded under ADB loan. These will include land acquisition costs, land survey, consultation costs, training and legal costs (see table below). Actual costs for such activities under each solar power subproject will be updated after the detailed design of relevant subproject and detailed assessments of land aspects. The government will release sufficient budget for implementation of land related activities in an appropriate and timely manner.

### B. Costs to Acquire Land for Subprojects

83. The estimated costs related to land acquisition for core and non-core subprojects are presented in Table 8.

**Table 8: Estimated Budget**

S.N.	Items	Details	Cost (NZD)	Cost (USD)
<b>A</b>	<b>Compensation costs</b>			
1	<b>Core subprojects</b> (See footnote)	40,000 sq m x NZD 19.76 per sq m	790,400	629,158.40
	<b>Non-core subprojects</b>	34,000 sq m x NZD 19.76 per sq m	671,840	534,784.64
	<b>Sub-Total (A)</b>	<b>74,000 sq m (7.4 ha)</b>	<b>1,462,240</b>	<b>1,163,943</b>
<b>B</b>	<b>Implementation</b>			
1	Land Survey (DMS)	6 sites x NZD 15,000	90,000	71,640
2	Consultations	6 sites x NZD 9,100	54,600	43,462
3	Legal Expenses, etc.	Lump Sum	<u>160,000</u>	<u>127,360</u>
	<b>Sub Total (B)</b>		<b>304,600</b>	<b>242,462</b>
<b>C</b>	<b>Skills Training &amp; Gender Support</b>	6 sites x NZD 3,000	<u>18,000</u>	<u>14,328</u>
	<b>A + B + C Total</b>		<b>1,784,840</b>	<b>1,420,733</b>
	Contingency (10%)		<u>178,484</u>	<u>142,073</u>
	<b>TOTAL NZD/USD</b>		<b>1,963,324</b>	<b>1,562,806</b>

Source: CIIC Legal Officer, February 2013.

84. The cost estimates for land are based on most recent compensation rates paid for comparable land taken in December 2013 for solar power plants in the Northern Pa Enua. The government plans to apply this rate for the proposed project as well. The total estimated costs for land compensation and other related costs for the core and non-core sub-projects under the project are NZD 1.96 Million or USD 1.56 Million equivalent. The final RP for subprojects will include updated costs.

## **X. MONITORING AND REPORTING**

85. The EA/IA will monitor all activities associated with land acquisition and payment of compensation to APs. Direct compensation payment will be through CIIC/IA. The scope of monitoring includes: (i) compliance with the agreed policies and procedures for land acquisition and compensation; (ii) prompt approval, allocation and disbursements of funds and payment of compensation to APs, including supplemental compensation for additional and/or unforeseen losses; and, (iii) remedial actions, as required. The monitoring will also cover whether APs are able to and restore, and preferably improve, their pre-project living standards, incomes, and productive capacity.

86. IA will maintain proper documentation of consultation process and keep relevant records of land acquisition and transaction. The social safeguard specialists at PMU will assist in documentation of the consultation, negotiation and transaction process.

87. IA will prepare and submit semi-annual progress reports to ADB as part of project performance monitoring. IA will also submit a subproject land acquisition and compensation completion report to ADB following compensation payment before start of the civil works.



## SUBPROJECT SCREENING FORM

<b>Project Title:</b> Renewable Energy Sector Project			
<b>Project No:</b>			
<b>Subproject Title:</b>			
<b>Short Subproject Description:</b>			
<b>Location and Impact Area:</b>			
<b>Possible Land Acquisition Impacts</b>	<b>Yes</b>	<b>No</b>	<b>Remarks</b> (If yes, provide details. E.g. who are affected, and how.)
Will the project include any physical construction work?			
Does the project include upgrading or rehabilitation of existing physical facilities?			
Is land acquisition likely to be necessary?			
Is the site for land acquisition known?			
Is the ownership status and current usage of the land known?			
Will easements be utilized within an existing right-of-way?			
Are there any non-titled people who live or earn their livelihood at the site or within the right-of-way?			
Will there be loss of housing?			
Will there be loss of agricultural plots?			
Will there be losses of crops, trees and fixed assets?			
Will there be loss of businesses or enterprises?			
Will there be loss of incomes and livelihood?			
Will people lose access to facilities, services or natural resources?			
Will any social or economic activities be affected by land use-related changes?			
<p>Information on Affected Persons (APs):</p> <p>Any estimate of the likely number of households that will be affected by the subproject?  <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how many?  _____</p> <p>_____</p> <p>Are any of them poor, female heads of households or vulnerable to poverty risks?  <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, briefly describe their situation</p>			

<hr/> <hr/> <hr/>
Are any APs from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, please explain: _____ _____ _____

## RESETTLEMENT PLAN OUTLINE

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

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

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

v. describes training programs.

K. **Resettlement Budget and Financial Plan:** This section:

- i. provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training loan implementation;
- ii. describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items);
- iii. includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs; and
- iv. includes information about the source of funding for the resettlement plan budget.

L. **Institutional Arrangements:** This section:

- i. describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- ii. includes institutional capacity building program, including technical assistance, if required;
- iii. describes roles of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and
- iv. describes how women's groups will be involved in resettlement planning and management.

M. **Implementation Schedule:** This section includes a detailed, time bound, implementation schedule for all keys resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

**Monitoring and Reporting:** This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of displaced persons in the monitoring process. This section will also describe reporting procedures.

Appendix 3. Government Procedures on Land Acquisition

