



Land Acquisition/Resettlement Plan

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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, Government of Cook Islands
for the Asian Development Bank.

CURRENCY EQUIVALENTS

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

ABBREVIATIONS

ADB	-	Asian Development Bank
IAC	-	island administration committees
RESP	-	Renewable Energy Sector Project
CIIC	-	Cook Islands Investment Corporation
DLR	-	Division of Land Resources
GDP	-	Gross Domestic Product
GRM	-	Grievance Redress Mechanism
GWh	-	Gigawatt per hour
MWp	-	Megawatt per hour
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
SPP	-	Solar Power Project
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., FY2013 ends on 30 June 2013.

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

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EXECUTIVE SUMMARY

1. The proposed Renewable Energy Sector Project (the project) will assist the Government of the Cook Island's (the government) efforts 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 three core subprojects with a total capacity of 0.78 MWp comprise Mangaia (0.42 MWp), Mauke (0.24 MWp), and Mitiaro (0.12 MWp). Three non-core subprojects to be developed are Aitutaki, Atiu, and Rarotonga. This Land Acquisition/Resettlement Plan (RP) has been prepared for the three core subprojects in Mangaia, Mauke, and Mitiaro.¹ The core subprojects will require about 40,000 m² (4 ha) of land area to install 0.78 MWp capacity over three solar power plant sites (below). The land is non-state land owned by about 72 landowning families and it will need to be acquired and compensated for.

Table E1. Land Requirement and Affected Persons in Core Subproject Sites²

	Core Subprojects			Total
	Mangaia	Mauke	Mitiaro	
Ownership/type of land	Private/ native land	Private/ native freehold land	Private/ native land	
Land requirement sq.m (ha)	20,000 (2 ha)	10,000 (1 ha)	10,000 (1 ha)	40,000 (4 ha)
Number of Identified Landowning Families/ Households	6	56	10	72
Estimated total subproject APs (based on a sample household size)	34	243	43	331
Number of Female- Headed Households	0	0	0	0
Affected households losing 10% or more land	0	0	0	0
Other Affected Assets	56 trees (21 coconuts)	40 trees (mango, nuts and invasive trees)	0	96

3. The core subprojects are not expected to have impacts of physical displacement and/or loss of major income source. The landowners or affected persons (APs) on three subproject sites will lose a total of 4 ha of bush or idle lands, some fruit and mainly invasive trees.³ Commonly all interviewed APs view the loss of their land as manageable since the site is idle and there are other available and more accessible plots that they may access for agriculture. The majority of interviewed landowners also view the possible development of the site as an

¹ RP for non-core subprojects will be prepared during implementation following the project's resettlement framework.

² Data on land are preliminary estimates based on PPTA. These are subject to confirmation or might change during the implementation. The updated RP will provide final data during implementation.

³ "Idle land" in this report means that the land is not currently used by APs for any purpose such as agriculture, housing, etc. Some fruit trees in a site were planted previously by the Ministry of Agriculture to encourage local people to plant trees. Other trees are naturally grown.

opportunity to stabilize power supply thus maximizing an otherwise unproductive or currently unused land. During interviews, all consulted APs expressed strong support to allow the national government to acquire the proposed sites for the project.

4. The project will follow ADB's Safeguard Policy Statement (SPS, 2009) and Cook Islands' applicable laws on land acquisition and compensation. The table below summarizes the entitlement for APs under the subprojects.

Table E2. 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 market price (most recent transaction of comparable value) 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 on affected land will be harvested by them before site clearance. If APs are not able to harvest crops, they will be paid compensation at replacement cost based on market prices. Fruit trees including any loss of production will be compensated at replacement cost or market/comparable price.
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 identified)	Vulnerable groups	Necessary special assistance (identified through consultations with affected communities) to be specified in the updated RP.
Stable power supply (project benefit)	All APs	APs (as regular customers) will get stable power supply. Any unconnected AP household 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 RP and ADB's SPS.

5. The RP has been prepared based on assessments and consultations undertaken during the PPTA. The RP will be endorsed by the EA, disclosed to APs, and posted on ADB website before the project appraisal. The RP will be updated after the detailed design during implementation.

6. The following is the implementation schedule for the project's land acquisition/resettlement activities:

Table E3. Implementation Schedule

S.N.	Activities	Schedule
1	Confirmation of land requirement and identification of land owners	Month 1

S.N.	Activities	Schedule
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 the Executive Council	Month 7-9
6	REDD in coordination with CIIC updates the RP including agreements on compensation rates with landowners, and discloses updated RP to APs.	Month 9
7	IA submits the updated 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 a land acquisition and compensation completion report	Month 14
12	IA submits safeguard monitoring report	Six-monthly

I. PROJECT DESCRIPTION

A. Background and Rationale

1. The Cook Islands is a Pacific island country divided into the two island groups with a total resident population of 18,600 people. The Northern Group consists of six low-lying, sparsely populated, coral atolls, while the Southern Group consists of nine⁴ fertile volcanic islands. About 74% of the population lives in Rarotonga, the capital city.

2. The Cook Islands is heavily dependent on imported fuels. The total fuel import bill of the Cook Islands in 2012 was \$58 million or about 28% of the country's gross domestic product (GDP). Diesel-powered generators constitute about 99% of the total electricity generating capacity. Electricity costs are currently among the highest in the Pacific, therefore substitution of conventional energy with renewable power generation sources will reduce the production cost of electricity, while reducing the import bill of diesel and allowing the government to invest in social infrastructure and environmental improvements.

3. The government has requested a loan from the Asian Development Bank (ADB) and a grant from the European Union, administered by ADB..

4. 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.

B. Project Outputs

5. The project will have following two outputs:

- (i) **Solar Photovoltaic Power System Development.** The project will construct three core solar photovoltaic power plants with a total installed capacity of 970 kilowatt peak (kWp), coupled with advanced secondary battery energy storage installation, rehabilitate the existing distribution network on Mangaia, Mauke, and Mitiaro in the Southern group islands; and construct three non-core solar photovoltaic power plants on Aitutaki, Atiu, and Rarotonga in the Southern group.
- (ii) **Institutional Strengthening and Project Management Support.** The project will provide institutional strengthening to Office of Energy Commissioner (OEC) and Renewable Energy Development Division (REDD). It will also provide project management support for implementing agencies to help implement core and non-core subprojects in the Southern group islands.

C. Location of Core Subprojects

6. The core subprojects for which this RP has been prepared are located on the three islands of the Cook Islands' Southern Group. These include the outer islands of Mangaia, Mauke, and Mitiaro. Figure 1 below provides a location map of the core subprojects. The next section provides the detailed description of each site.

⁴ Includes the main island of Rarotonga, Aitutaki, Mangaia, Atiu, Mauke, Mitiaro, Palmerston, Manuae, and Takutea..

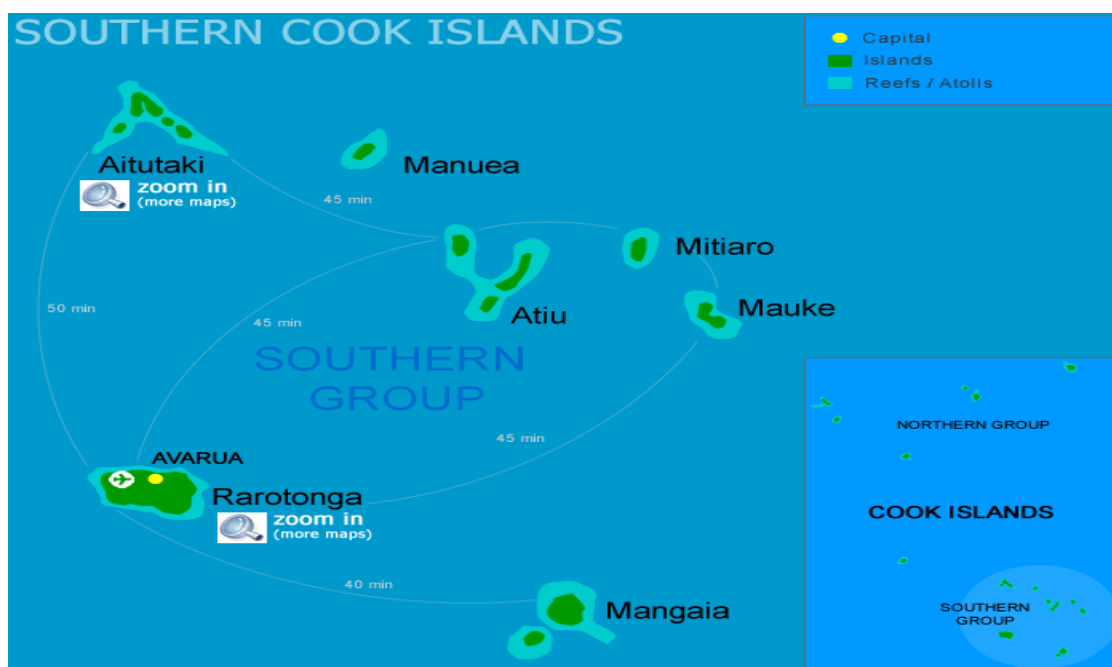


Figure 1. Location of Core Subproject Sites on Country Map⁵

D. Project Implementation Arrangements

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

E. Project Preparatory Technical Assistance

8. A project preparatory technical assistance (PPTA) was provided by ADB to the government to develop the project including three core subprojects on Mauke, Mitiaro and Mangaia. It included (i) solar resource assessment, (ii) screening and site selection for solar power plants, and (iii) preparation of feasibility studies for the selected subprojects. This RP is based on the findings of the social impact assessment carried out under the PPTA.

F. Structure of the Land Acquisition/Resettlement Plan

9. The RP has been prepared following ADB's Safeguards Policy Statement (SPS) and applicable laws of Cook Islands. The RP follows the following outline as prescribed by SPS: (i) Executive Summary; (ii) Project Description; (iii) Scope of Land Acquisition/Resettlement; (iv) Socioeconomic Information and Profile; (v) Information Disclosure, Consultation, and Participation; (vi) Grievance Redress Mechanisms (GRM); (vii) Legal/Policy Framework; (viii) Entitlements, Assistance and Benefits; (ix) Income Restoration; (x) Budget and Financing; (xi) Institutional Arrangements; (xii) Implementation Schedule; and (xii) Monitoring and Reporting.

⁵ Source: <http://www.tourismcookislands.com/cook-islands-map.html>.

II. SCOPE OF LAND ACQUISITION/RESETTLEMENT

A. Location and Scope of Core Subprojects

10. The core subprojects will be located in the Southern Group of Cook Islands, which has eight high islands mainly of volcanic origin. The majority of the country's population lives in the Southern Group. Most of the larger islands include lagoons surrounded by small areas of fertile land above which rise volcanic hills.

11. The core subprojects will include construction of three solar power generation units with a total capacity of 0.78 MWp and it will include refurbishment of grid assets in three outer islands. The solar power generation units will consist of a set of solar photovoltaic (PV) modules, power inverters, switchgear, associated protection, control and monitoring equipment, and associated civil works. The electricity output will be directly fed into existing distribution grids in target islands for further distribution. As part of grid refurbishment, the project will replace existing grid equipment including cable, poles, distribution transformers and switchgears along the existing lines.

12. Mangaia subproject is located on the southern part of the Cook Islands about 177 km south of Rarotonga. It is one of the three islands remaining under native land ownership⁶ in the country. With an estimated land area of 51.8 sq.km, it is also the second largest island in the Cook Islands. It has a population of 572 comprised of 172 households. It has the distinction of being the oldest island in the Pacific. Roughly circular in shape, it rises 4,750 m above the ocean floor. It has a central volcanic plateau and, like many of the southern islands in the Cooks, surrounded by a 60 m high ring of cliffs of fossilized coral called 'makatea'.

13. Project interventions proposed for Mangaia include installation of 420 kWp solar PV power plant with Lithium-ion battery storage system. The proposed site is located on Aremauku road in Oneroa village. The site is approximately 200 m away from existing powerhouse. The terrain is mostly flat, with some minor rocks and makatea. The site is open land with overgrown invasive trees and bushes. About 56 trees (21 coconut) and bushes will have to be cleared from this site. There are no residential or other structures on the site. The site is classified as privately-owned native land.

Mangaia Island



Figure 5a: Map of Mangaia Island



Figure 5b: Photograph of the Proposed Site



Figure 5c: Location map of the proposed site on Island Map of Mangaia Island

⁶ Includes Mangaia and Mitiaro in the Southern Region and Pukapuka in the Northern Region. Terms "native land" and "customary land" are used interchangeably in this report, unless specified otherwise (e.g. "native freehold land").

14. Mauke subproject is located on one of the smallest islands lying at southeastern corner of Cook Islands about 270 km northeast of Rarotonga. It is a raised atoll encircled by the characteristic fossilized cliffs of "makatea". Mauke island is virtually flat with its center about 30 m above sea level. The island has a circumference of 18 km. The soil is fertile and supports agriculture. The total land area of Mauke island is 18.4 sq.km with a population of 307 persons and 95 households. The proposed site is on Airora Village and the existing diesel power plant is on Kimiangatau, the Island's administration center.

15. Project interventions proposed for Mauke include installation of 240 kWp solar PV power plant with Lithium-ion battery storage system. The proposed site is located on the center of the Island north of Public Works' machinery shed (Tengaru 6B block). The terrain is flat with part of the site a cleared area near the machinery shed, and an area covered with invasive trees to the north side and mango trees on the east. An existing road running through the site. About 40 trees (Mango, nuts and invasive trees) will have to be cleared from this site. The site has no residential or other structures. The site is classified as privately-owned native freehold land.

Mauke Island



Figure 4a: Map of Mauke Island



Figure 4b: Photograph of Proposed Sites



Figure 4c: Location map of the proposed site on Island Map of Mauke Island

16. Mitiaro subproject is located at 230 km northeast of Rarotonga, which is the smallest island in the Southern group and is of volcanic origin. Second of the two islands included in the project remaining under native land ownership. Standing in water 4500 m deep it is only 6.4 km wide. It is surrounded by 6 to 9 m high belt of fossilized coral 'makatea'. As per census 2011, it has a population of 189 people with 58 households, spread over a land area of 22.3 sq.km.

17. Project interventions proposed for Mitiaro include installation of 120 kWp solar PV power plant with Lithium-ion battery storage system. The proposed site is located on the center of the Island on Mitiaro Community Access Road. The terrain is flat covered with makatea and invasive bushes. The site has no residential or other buildings. The site is classified as privately-owned native land.

Mitiaro Island



Figure 3a: Map of Mitiaro Island



Figure 3b: Photograph of the Proposed Site



Figure 3c: Location map of the proposed sites on Island Map of Mitiaro Island

B. Scope of Land Acquisition

18. The core subprojects will require about 40,000 sq.m (4 hectares)⁷ of land area to install 0.97 MWp capacity over three solar power plant sites (below). About 72 landowning families will lose 4 hectares of idle and unproductive land to the subprojects.⁸

19. The proposed sites are open areas of flat topography and land use being mostly rural (non-residential). In Mangaia and Mitiaro the site has coral limestone rock deposits. There are no residential or other structures on the proposed sites. Sites for Mauke and Mitiaro are new sites approximately 1 km away from existing diesel power plant while the proposed site for Mangai is about 200 meters distance from existing diesel power plant. Tree cutting will be required in Mangaia and Mauke. All three proposed sites are non-state lands. Lands on Mangaia and Mitiaro are identified by respective customary leaders (Aronga Mana) as privately-owned native land, while land on Mauke is privately-owned native freehold land. The land for all three sites will be acquired by the government, for which this RP has been prepared.

20. Land acquisition is required for all three sites due to inadequate flat land available on location of existing diesel power stations.

C. Land Acquisition Impacts/Vulnerability of Affected Households

21. APs will not be vulnerable to loss of homes/incomes, unemployment or food insecurity resulting from the subprojects. Instead, they are expected to benefit from the subprojects through increased access to basic services particularly reliable power supply as well as potential benefits from income opportunities e.g. employment during subproject construction.

22. From site inspections and interviews with landowners, traditional leaders and Island Council members, it is estimated that no APs will lose 10 per cent or more of their land used for food production or income generation from the project. All sites are idle bush lands with some fruit trees and invasive trees. Interviews with landowners also confirmed availability of lands on other parts of the island that they have access to for food and income. In addition, de-population of the outer islands due to overseas migration of young Cook Islanders is contributing to

⁷ Land requirement is estimated based on assumption that 1 kWp solar power requires roughly about 40 sq.m. area.

⁸ "Idle land" means that the land is not currently used by APs for any purpose such as agriculture, housing, etc. Some fruit trees in a site were planted previously by the Ministry of Agriculture to encourage local people to plant trees. Other trees are naturally grown.

increasing number of idle lands in the subproject sites. APs expect to benefit from the subprojects through regular power supply using renewable energy and reduce dependency on imported diesel fuel for the outer islands.

23. The exact extent of need for clearing of trees and vegetation on the proposed sites will be determined after the detailed design study. Table 1 below provides a summary of features of subprojects including estimated land requirements and numbers of APs in the subproject sites:

Table 1: Subproject Features and Land Requirements⁹

Feature	Core Subprojects			Total
	Mangaia	Mauke	Mitiaro	
Number of Total Households in Island Community	172	95	58	325
Geographical Location	Southern most island located at 177 km South of Rarotonga	One of smallest islands lies at about 270 km northeast of Rarotonga	Mitiaro is located at 230 km northeast of Rarotonga	All Southern Region
Proposed Interventions	Installation of 420 kWp solar power plant with lithium-ion storage battery connected to existing community managed mini-grid.	Installation of 240 kWp solar power plant with lithium-ion storage battery connected to existing community managed mini-grid.	Installation of 120 kWp solar power plant with lithium-ion storage battery connected to existing community managed mini-grid.	Installation of 780 kWp
Location of proposed sites for subprojects	Near existing powerhouse in Oneroa village	Public Works' machinery shed, Tengarū 6B block, Areora village	Center part of Mitiaro Island	
Ownership of proposed land	Privately owned native land ¹⁰	Privately owned native freehold land	Privately owned native land ¹¹	
Land requirement sq.m (ha)	20,000 (2 ha)	10,000 (1 ha)	10,000 (1 ha)	40,000 (4 ha)
Number of Identified Landowning Families/Affected households	6	56	10	72
Estimated total subproject APs (based on a	34	243	43	331

⁹ Data on land are preliminary estimates based on PPTA. These are subject to confirmation and might change during the implementation. The updated RP will provide final data during implementation.

¹⁰ Confirmed by Aronga Mana of Mangaia (the titular ruling group of the island) as privately owned land (Source: L. Miles, CIIC Legal Officer, 19 February 2014)

¹¹ Confirmed by Aronga Mana of Mitiaro (the titular ruling group of the island) as privately owned land (Source: L. Miles, CIIC Legal Officer, 19 February 2014)

Feature	Core Subprojects			Total
	Mangaia	Mauke	Mitiaro	
sample household size)				
Affected households losing 10% or more land	0	0	0	0
Other Affected Assets	56 trees (21 coconuts)	40 trees (Mango, nuts and invasive trees)	0	96

24. The subprojects have tried to minimize land requirements during PPTA design. The project will follow appropriate engineering designs during detailed design to further minimize land acquisition and resettlement impacts, wherever possible. The measures 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.

25. While no APs will be physically displaced or expected to lose 10% or more of their land, a total estimated number of 331 APs will lose part of their land and trees as results of land acquisition. Therefore, the project is classified as Category B on involuntary resettlement according to the ADB's Safeguard Policy Statement (SPS).

III. SOCIOECONOMIC INFORMATION AND PROFILE OF AFFECTED PERSONS AND SUBPROJECT COMMUNITIES

A. Affected Persons (APs)

26. Meetings with key leaders such as Island Councils, key respondent interviews of APs and site visits were conducted by PPTA Safeguards Team to collect socioeconomic data for sample APs on each of the three subproject sites during November- December 2013. Sample sizes ranged from three households in Mangaia to six households each in Mauke and Mitiaro representing 50%, 11% and 60% of households identified on each site during the PPTA.

27. The following section summarizes the findings of the socio-economic survey of APs on each site conducted under the PPTA.

Mangaia

28. The Aranga Manas of Mangaia or ruling traditional leaders have confirmed that the native land is privately-owned although it is under customary law.¹² From the consultation with Island Council and local traditional chiefs, three of six landowning families were initially identified and interviewed on the proposed site. Three other people, who were identified as co-owners of the proposed site after the PPTA Team's visit, will be interviewed during the detailed design while updating the RP and their relevant information included in the updated RP, if they are confirmed to be owners or users of the land. Interviewed households have an average family size of 6 persons and the total number of APs for this subproject is estimated at 34.

Livelihood and Loss of Idle Land

29. The 3 interviewed APs in Mangaia were between 52-62 years old. One of them was female. All of them have completed Year 10-11 education. Mrs. Teriamoana Poila, who is 62 years old, is a housewife while Mr. Andy Matapoo is a farmer and a fisherman who grows taro, fruits and vegetables for income. Mr. Parenia Pereina meanwhile is a local government employee who works for the Infrastructure Department.

30. From the PPTA Team's interviews with key island elected and traditional leaders, except for about 56 trees (21 coconuts) and bushes, none of the AP families will lose food gardens or income source on the proposed project site.

Mauke

31. There are 56 landowning families for the proposed site called Tengarū B. The land was partitioned and registered in 1907. Although there were notations of succession orders to register children after the death of parents until the 1950s, the record was incomplete and need to be further researched with the Ministry of Justice (Land Division) in Rarotonga. The total number of affected households and APs will be confirmed during the RP update. However, there were six landowners interviewed during the PPTA visit representing 26 APs including 8 children. APs are generally related to one another as cousins or siblings. Interviewed households have an average family size of 4 persons and the total number of APs for this subproject is estimated at 243.

¹² Source: CIIC Legal Officer, 15 February 2014.

Livelihood

32. Interviewed 6 APs are between 55-73 years old; One of six interviewed APs is female. Four of 6 interviewed APs in Mauke work for the government. These are the current elected Mayor of the island, Mr. George Samuela; the national Government Representative¹³ to Mauke, Mr. Tamaka Dyer; the manager of the local water supply body, Mr. Edwin Ngari; Island Administration Building security guard, Mr. Temakave Tua; and two retirees Mr. Arekaoati Urari and Mrs. Marita Tearikiarua who spent over 20 years working in New Zealand then came back to the island to retire. Other income sources for APs include fishing and food production for males and handicraft and other tourist-related household-based income activities for some female household members i.e. making leis and virgin oil sold on Mauke Island and Rarotonga. Reported average monthly income for APs is NZD 1,904 (USD 1,516). All six interviewed APs reported between NZD 1,000 – NZD 4,000 income except for one AP with a reported income of NZD 625 monthly from pension for a family of three. The average affected household size is four people.

Loss of Idle Land

33. From the PPTA Team site visit and interviews, none of the AP families have food gardens on the proposed project site. All have land nearer to the APs' place of residence. Also APs reported that the proposed site is idle bush land, although planted previously with some fruit trees (macademia and mango trees) by the Ministry of Agriculture to encourage local people to plant these trees. The agriculture project eventually had been abandoned and the land been left idle for at least 5 years. APs support the site to be used for the solar plant since other lands are available for food production and income activities. Depopulation of the island due to migration has resulted to abandoned homes and a number of idle lands.

Mitiaro

34. From PPTA Team consultation, 10 landowning families or APs were identified for the proposed site. The Aranga Mana of Mitiaro or ruling traditional leaders confirmed that the native land is privately-owned although it is under customary law.¹⁴ Similarly six in 10 APs, representing 26 APs including 9 children, were consulted during the PPTA Team's visit. The average family size is 4 persons and the total number of APs for this subproject is estimated at 43.

Livelihood

35. Interviewed APs are between 38-81 years old; Two of six interviewed APs are females. One who is 38 years old (Mrs. Areciaare Tokai), two who are in their 40s (Mr. Teremoana Patia and Mrs. Ngatokorima Patia), two in their 50s (Mr. Matatunoa Raeputa and Mr. Vaine Putiare) with one AP in his 80s (Mr. Raeputa Tangatapoto). Mrs. Tokai works in the Island Administration office and is also an Agriculture Officer. Both Mr. and Mrs Patia meanwhile work for the Police Department. Mr. Raeputa is a fisherman and a farmer while his wife works part-time. Mr. Putiare work as staff for the Infrastructure Department as well as being a fisherman and a farmer. The eldest AP, Mr. Tangatapoto lives on pension and from his son's income as staff of the Mitiaro's power house.

36. Reported average monthly income for APs is NZD 1,325 (USD 1,055). Four interviewed APs reported a monthly income over NZD 1,000 – NZD 2,000; two APs earning NZD 600 monthly from fishing, agriculture, and part time work (wife who sells food for income) for a family of three and four people. The average APs household size is four.

¹³ Acts as current Government representative to the island

¹⁴ Source: CIIC Legal Officer, 15 February 2014

Loss of Idle Land

37. From PPTA Team site visit and interviews, none of the AP families have food gardens on the proposed project site. All have land nearer to the APs' place of residence or other areas where they have land allocations. Depopulation of the island, due to migration, has resulted to abandoned homes and a number of idle and bush lands.

38. Table 2 below summarizes the number of estimated affected people (APs) and impact or loss by affected landowning families on each site.

Table 2: Information on Affected People (APs)

	Core Subprojects			Total
	Mangaia	Mauke	Mitiaro	
Land requirement (sq.m/ha)	20,000 (2 ha)	10,000 (1 ha)	10,000 (1 ha)	40,000 (4 ha)
Number of Identified Landowning Families/Affected households	6 ¹⁵	56 ¹⁶	10 ¹⁷	72
Interviewed AP Household Heads	3	6	6	15
Number of APs in interviewed households	17 ¹⁸	26 ¹⁹	26 ²⁰	69
Age of AP Household Heads	52-62	55-73	38-81	
Family size of interviewed household	6	4	4	5
Estimated total subproject APs (based on a sample household size)	34	243	43	331
Number of Female-Headed Households	0	0	0	0
Number of Dependent Children	9	8	9	29
Affected households losing 10% or more land ²¹	none	none	none	none

¹⁵ Including 3 additional people who claimed ownership after PPTA team's site visit on 6-8 December 2014.

¹⁶ Based on land title with original 56 landowners and succession order records from some of these landowners from 1907-1953 from the Ministry of Justice records as of December 2013. Copy of succession records are incomplete thus unable to provide reliable estimate of current landowning families; it will be further investigated while updating the RP prior to project implementation with Lands Division.

¹⁷ PPTA team only able to interview 6 of 10 reported landowners on 12 December 2013; others were overseas or in Rarotonga.

¹⁸ Includes only the number of 3 initially identified landowners by the area's Sub-Chief during the PPTA team visit in December 2013; the socioeconomic information from three new claimants who came forward in January 2014 will be collected during the RP update.

¹⁹ There were 6 landowners interviewed during the PPTA team site visit on 9-10 December 2013 including the current Mayor and Government Representative; similar to other sites, the majority of landowners are living overseas or in Rarotonga.

²⁰ Similar to Mauke, there were 6 landowners interviewed during PPTA team visit in Mitiaro on 12 December 2013; 4 landowners are overseas or off-island during this period.

	Core Subprojects			Total
	Mangaia	Mauke	Mitiaro	
Other Affected Assets	56 trees (21 coconuts)	40 trees (Mango, nuts and invasive trees)	0	96

B. Profile of Subproject Communities

Mangaia

39. Background and Livelihood. The Mangaia's local population (572) is distributed in the villages of Oneroa, Ivirua and Tamarua. Oneroa is the main village and location of the government administration center and proposed site. The island is governed by the Island Council, headed by an elected Mayor with Deputy Mayor and Councilors as well as traditional chiefs (*Taariki and Kotunui*). Government employment is the most common source of income for the population followed by fisheries, agriculture, government pension, and handicrafts production. Mangaia is also known for its black coral necklace and colorful *tevaivai* (hand-made quilts) and is being promoted by government for eco-tourism. There are two guesthouses on the island to accommodate government visitors and tourists.

40. Access to Health and Education Services. The island similar to other outer islands has a small hospital and is staffed by a doctor and a nurse. All local population has access to this facility and those seriously sick either go to Rarotonga or New Zealand for treatment. The island has primary and secondary school and just recently opened in 2013 and a small campus of the University of the South Pacific offering selected courses for its population including tourism.

41. Energy Use and Communication Services. All 172 households on Mangaia are connected to the mini-grid (diesel power) for power. Reported average monthly power bill is NZD over 100 and above at NZD 0.45 or more per unit. Electricity in the outer islands are heavily subsidized by the government but community members highlighted increasing power cost. Wireless internet, similar to all outer islands in the Southern Region and remote Northern Region, is available on the island.

42. Access to Road and Transportation. The whole of Mangaia Island is accessible internally by a coastal road around the island and serviced by a regular 10-20 seater Air New Zealand flight at least two times-a-week direct flight from Rarotonga. Flight time to Mangaia from Rarotonga is about 40 minutes. Although there are regular flights connecting the island to the government center, community people highlighted high cost of airfares²² and irregular shipping schedule affecting mobility and limiting access to affordable basic goods including fuel.

43. Access to Market and Income. Mangaia residents rely mainly on air services to sell high value fisheries and agricultural produce such as fish and taro. A number of Mangaia women also sell popular tourist items such as leis and virgin coconut oil for income.

²¹ Although it was difficult to get exact amount of land and land loss from interviewed AP heads due to multiple land access rights in the Cook Islands, estimate of loss of land for food and income was based on interviews with key community leaders and landowners and PPTA team site visit.

²² Air fare to New Zealand is generally cheaper than cost of air fares to the outer islands due to low traffic volume and distance.

Mauke

44. Background and Livelihood. The island's population is divided into three coastal villages of Ariora, Makatea and Kimbiaugatau. Similarly on all outer islands, government employment is the most common source of income for the population (307 people) followed by fisheries, agriculture, government pension and private sector income through small retail shops and some tourism. A number of pensioners live on the island who used to live/work overseas particularly New Zealand.

45. Access to Health Services. The island has a small hospital with less than 10-bed capacity. It is staffed by a doctor and a nurse. There is also a dentist on the island. All local population has access to this facility and those seriously sick either go to Rarotonga or New Zealand for treatment.

46. Energy Use. All 95 households on Mauke are connected to the mini-grid (diesel power) for power. Reported average power bill monthly by landowners and other residents is NZD 100 and above at NZD 0.45 or more per unit. Electricity in the outer islands is heavily subsidized by the government but similar to other project sites, community members are increasingly concerned about high cost of power.

47. Access to Road and Transportation. The whole of Mauke Island is accessible internally by a coastal road around the island and serviced by a regular 10-20 seater Air New Zealand flight at least two times-a-week to Rarotonga via Mitiaro Island. Flight time is about 1.5 hours. Although there are regular flights connecting the island to the government center, community people reported high cost of airfares and irregular shipping schedule reduce mobility and travel.

48. Access to Market and Income. Mauke residents rely mainly on air and shipping services to send high value fisheries and agricultural products such as fish and taro to Rarotonga or overseas. The island residents used to sell leis to Hawaii but due to weather, quarantine and quality concerns, has stopped exporting this highly sought leis for income.

Mitiaro

49. Background and Livelihood. Government employment is the main source of income for its 189 population with fisheries, agriculture, government pension and private sector i.e. small retail shops and tourism-related activities. The island has its own medical facility staffed by medical professionals such as a doctor and a nurse each. All local population has access to this facility and those seriously sick either go to Rarotonga or New Zealand for treatment.

50. Energy Use. All 58 households on Mitiaro are connected to the mini-grid (diesel) for power. Reported average power bill monthly by landowners and other residents is NZD 100 or more at NZD 0.45 or higher per unit. Electricity in the outer islands are heavily subsidized by the government but community members are still concerned about increasing cost of power.²³

51. Access to Road and Transportation. Mitiaro Island is accessible internally by a coastal road around the island and serviced by a regular 10-20 seater Air New Zealand flight at least two times-a-week to Rarotonga via Mauke Island. Flight time is about 45 minutes. Although there are regular flights connecting the island to Rarotonga, community people highlighted high cost of airfares and irregular shipping schedule affecting their mobility and decision to travel.

²³ The Cook Islands is heavily dependent on imported fuels. The total fuel import bill of the Cook Islands in 2012 was \$58 million or about 28% of the country's gross domestic product (GDP). Diesel-powered generators constitute about 99% of the total electricity generating capacity. Electricity costs are currently among the highest in the Pacific.

52. Access to Market and Income. Mitiaro residents rely mainly on air and shipping services to sell high value fisheries and agricultural products such as fish and taro. Women also produce and send popular tourist items such as leis and virgin coconut oils to Rarotonga and overseas for income.

C. Potential Impacts and Views of APs

53. **Extent of loss.** There is no expected risk of landlessness, loss of home, and/or loss of major income source. The APs on three subproject sites will lose a total of unproductive 4 ha of bush or idle lands, some fruit and mainly invasive trees. Loss of land from the subproject sites is estimated to accounts for not more than 10 per cent of total land for food and income generation reported by APs. Initial calculation was done through interview and/or discussions with APs and key community leaders. APs or their representatives reported that although they are unable to provide exact amount of land they own, they said that they currently have access to adequate lands in other parts of the island for food production or income. The proposed sites are idle and left unused for a number of years.

54. **Perceived Impact of Loss of Land.** Commonly all interviewed APs view the loss of their land as insignificant since the site is idle and there are other available and more accessible plots they have access for agriculture. The majority of interviewed landowners also view the development of the site for solar plants as an opportunity to stabilize power supply thus maximizing an otherwise unproductive or currently unused land. All APs expect stable power supply, reduced power bills, increased power security, reduced dependence on irregular shipping schedule, and cash compensation for affected land.

55. All consulted APs and Island Councils support the project and do not want to hold up the project by withholding access to land for the solar plants. Consistently APs and Island Councils expressed keen interest for the project to finally materialize following several consultations and local community meetings with them over the years.

56. **Willingness to sell land.** During interviews, all consulted APs express strong support to allow the national government to acquire the proposed sites for the project. Communities and APs are also aware that CIIC is the government agency that will facilitate this process.

57. Consulted women leaders in particular support the solar project and identified improved access to power, cheaper monthly power bills as well as access to skills training for the youth on solar power to increase income opportunities as expected benefits from the project. Commonly, majority of women in the three subproject sites are not formally employed and view the training opportunities on reliable energy if made available to the youth will help create income opportunities that may assist in discouraging immigration.

58. **Indigenous People or Cultural Heritage.** There is no expected negative impact on the social structure of the APs and the communities around the project sites since land acquisition will not involve physical or economic displacement. There are no expected adverse impacts on cultural identities or heritage of the APs resulting from land acquisition. During the course of the PPTA fieldwork, no sacred sites or similar areas were identified.

59. The local people in the project sites do not meet the ADB criteria (distinctiveness and vulnerability) of Indigenous Peoples. The APs in the project sites are part of mainstream Cook Island Maori society and are not considered to have a distinct culture including having separate language and are not discriminated upon by other groups due to their language, skin color and education level thus requiring protection and special attention from the project.

60. **Gender Impacts, Needs, Priorities of Women APs.** There are no prominent gender issues among APs identified in this project. There are no female-headed household APs identified during PPTA consultations. Instead the project will provide opportunities to improve women's situation through provision of reliable power supply and stable tariff to households, reducing uncertainties in managing households' energy supply and expenditures.

61. Key priorities identified by women APs include (i) stable and cheaper power supply and (ii) access to skills training on solar power for male and female youth to increase income opportunities in the outer islands to reduce out-migration.

IV. INFORMATION DISCLOSURE, CONSULTATIONS, AND PARTICIPATION

A. Stakeholders

62. There are two broad categories of project stakeholders: government and non-government. Landowners, traditional leaders, private sector, non-government organizations (NGOs) and communities groups including women and youth are non-government stakeholders. The Office of the Prime Minister, Cabinet, Executive Council, High Court/Land Court, MFEM, REDD, IAs, Island Councils, CIIC and National Environmental Services (NES) are relevant government agencies or stakeholders.

63. The government agencies are committed to providing support in achieving government's target of 50% renewable energy source for the country in 2015 and 100% in 2020 thus are willing to provide necessary legal, technical and financial support to acquire necessary lands.

64. The Cook Islands Government is committed to identify an alternative energy source to lessen dependence on imported oil and be able to sustain viability of its investment.

65. Key stakeholders' specific interests which are common across subprojects are:

- Island Councils- Supportive of the proposed solar subprojects. Would like to see the subprojects to start as soon as possible. Consultations have been going on for some time but subprojects are yet to be implemented.
- Affected landowners – Interested to benefit from reduced power bills, receive fair and just compensation.
- Women's groups – Inclusion in accessing additional income opportunities through training to reduce trend of young people leaving the outer islands in search of economic opportunities.
- Communities around the sites – Supportive of the national governments' project to develop alternative sources of reliable and affordable power supply to stabilize power tariffs.
- Youth groups – Access to information, additional skills and employment opportunities.
- Environmental groups/individuals – Ensure batteries are disposed properly.
- Business groups – Ensure that reduction of fuel consumption in the islands through use of solar power would not affect shipping schedules as well as having cheaper and reliable power supply.
- REDD, CIIC, Implementing Agencies- Ensure land acquisition procedures for government priority projects as well as gain support of community landowners/APs to secure land for public purposes such as power infrastructure.

B. Stakeholders and Community Consultations Held

66. The Government, through the Island Councils, had started identifying and conducting meetings with landowners in Mangaia, Mauke and Mitiaro in coordination with REDD in early 2013 during an earlier New Zealand Government-funded study. This was then followed by the ADB PPTA Technical Team site visit in October 2013. REDD together with the PPTA Technical Team conducted meetings with the Island Councils on each proposed site in October 2013. The PPTA Safeguards Team (social and environment) arrived two weeks later and conducted site inspections and consultations with Island Councils and landowners/APs in 16-20 November and 4-21 December 2013. This included interviews for APs' census and inventory of losses.

67. As part of social impact assessments during PPTA, stakeholders and community consultations were carried out during field visits in the month of November and December 2013. Stakeholder consultations were carried out through meetings with key officers at offices of different government and non-government agencies in Rarotonga as well as at island council offices. Key respondent interviews, focus group discussions and questionnaire surveys were also used for community/public consultations.

68. A total of 13 stakeholder consultation meetings were conducted during the PPTA involving at least 70 officials/participants from various agencies, i.e., REDD, Te Aponga Aira (TPA), NES, Island Environment Authorities, Statistics and Economics, utility offices from targeted islands, landowners/APs, women groups etc. The list of officials/stakeholders consulted is presented in Appendix 2. The consultations included both discussions with stakeholders and discussions with community/island level authorities including APs, traditional and elected leaders and women's groups from the Islands. A total of 64 APs/landowners/stakeholders (involving 26 women participants) and women groups (one group from each Island) were consulted during the field visits.

69. During PPTA Safeguards Team site visit, the Island Council has confirmed general awareness of the proposed solar project/subprojects and general site locations. Details of consultations carried out during PPTA field visits are presented in Table 3 below.

Table 3: Stakeholder/ Community Consultations Undertaken During Visits of Subproject Sites

Date / Venue / No. of participants	Activities/Issues discussed / remarks ²⁴
5 December 2013/ TAU Boardroom /06 participants	Together with environmental expert, discussions were held with Officials from the Office of the Energy Commissioner, REDD and TAU. Topics of discussions: Objectives and scope of project in each island, technical details of interventions being proposed, clarifications of status and land ownership of land being proposed for solar power plants.
5 December 2013/ MFAI Boardroom /05 participants	Together with environmental expert, discussions were held with Officials from National Environment Service (NES). Topics of discussions: Scope of proposed project, roles and responsibilities of NES, national environmental policies and regulatory framework as well as requirements for preparing EIA and permits, applicability of the Cook Islands' Environment Act 2003 to this project, EIA approval process and time frame.
5 December 2013/ MEFM Boardroom /04 participants	Together with environmental expert, discussions were held with Officials from Statistics and Economics Division. Topics of discussions: Socioeconomic and demographic data for target islands, major economic activities and development projects in the target islands, social/poverty issues etc.
5 December 2013/ CIIC Boardroom /03 participants	Together with environmental expert, discussions were held with CEO of CIIC. Topics of discussions: Scope of proposed project, roles and responsibilities of CIIC, ownership status of the land proposed for power plants, policies and regulatory framework and mode of land acquisition. CEO informed that CIIC and IAs will be responsible for acquiring the land on

²⁴ Queries raised by people were answered to their satisfaction and it was assured that their concerns would be addressed in the process of project design.

Date / Venue / No. of participants	Activities/Issues discussed / remarks ²⁴
	behalf of Government as per Cook Islands laws.
<p>6 December 2013/ Mangaia Island Council Chamber, Mangaia Island / 21 participants including Island council member, community leader, Landowners, women groups</p>	<p>Together with REDD representative and environmental expert, meetings were held with Mangaia Island Council including island chiefs, landowners and women groups.</p> <p>Topics of discussions: project background and scope, status of land proposed for power plant, landowners support for the project, assessment of social impact, and support, needs and priorities of women on project .</p> <p>The Island Council representative (sub-Chief of the area) said that the land proposed for solar power plant belonged privately to landowner families (although it was under the customary law). He informed that Landowners had agreed to give their land for solar PV plant and necessary discussions were held with landowners by Island Council. Local community leaders said that there are no residential or other structures on the site and land use is makatea (volcanic deposit with invasive trees and bushes). Mayor of Mangaia said that there is a need of capacity building in managing the solar plant plants. Necessary capacity building and training requirements are proposed in the project. The Mayor stated that local communities support the project.</p> <p>Landowners agreed to provide their land for the solar PV plant.</p> <p>The PPTA Social Safeguard Specialist interviewed Island Paramount Chief and sub-Chief of the proposed site.</p> <p>The PPTA team also met with key women leaders (Council of Women, Cultural group). They supported the project and also suggested for training and awareness program for local women groups on energy conservation and efficient use of appliances.</p>
<p>10 December 2013/ Island Council Court Room, Mauke/ 14 participants including Island Council Members, Coomunity Leader, women groups, and land owners</p>	<p>Discussions were held together with environmental team to inform communities about the proposed project and understand their concerns, if any. Communities were informed about the socio-economic and environmental benefits of the project. All the participants consulted fully support the project. Women groups recommended need for the support for women groups and other community facilities. The Mayor and Environmental Officer reported landowners' willingness to make land available for the project. The PPTA Social Safeguard Specialist interviewed 6 landowners.</p>
<p>12 December 2013/ Mitiaro/ 18 participants from these agencies including representatives from Island Council, Utility, Island Environment, Authority, landowners and</p>	<p>Discussions were held together with representative from REDD. Island council members were informed about the project and its objectives. Land use and ownership status were discussed with Dy. Mayor and he stated that the proposed land belonged privately to six families (although it was under customary law).</p> <p>Local communities and landowners were consulted to inform them about the proposed project and to understand their concerns, if any. Communities were informed about the benefits both socio-economic as well as environmental benefits of the project. All the participants consulted fully support the project.</p>

Date / Venue / No. of participants	Activities/Issues discussed / remarks ²⁴
community leaders	<p>Women groups recommended need for the support for women groups and other community facilities. When asked about participation of women in the project, President of CICC informed that women are willing to participate at admin level. She also suggested training and awareness program for local women groups on energy conservation and efficient use of appliances. Training and awareness programs for women groups are recommended in the social report.</p> <p>Landowners also support the project and they are willing to give land for the project.</p>
12 December 2013/Rarotonga REDD and OEC/ Women's Affairs/Ministry of Culture	<p>PPTA Team updated REDD/OEC on results of site visits to subprojects. Clarifications were made on land status, required landownership documents and land acquisition procedures and compensation rates. REDD agreed to pursue additional information from relevant sites and land acquisition procedures and land valuation from CIIC.</p> <p>The PPTA team met with the Women's Affairs agency and discussed about project objectives and scope as well as possible gender input into the project design. They support the project.</p> <p>The PPTA team met with the Ministry of Culture and discussed project objectives and scope as well as land acquisition process. The Ministry is concerned only on disposal of batteries based on previous solar project experience. The Ministry supports the project.</p>

C. Summary of Consultation Results

70. Overall, the landowners/APs and village and island leaders have expressed support for the project during PPTA consultations. APs are willing to allow the Government to acquire their land to construct solar power plants. Their willingness is due to a desire to help the island communities and the government to manage power tariffs to a reasonable level so that communities may benefit collectively from stable power prices as well as an expectation to receive compensation for unproductive land.

71. On concerns, some stakeholders were concerned about pollution from batteries and how these are to be managed by the Project. PPTA Consultants 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.

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

D. Disclosure of the Resettlement Plan

73. The RP was prepared based on PPTA and a formal disclosure of the draft RP is yet to be undertaken. The draft RP will be disclosed to APs and local stakeholders in the subproject sites by IA in coordination with CIIC. The draft RP will be posted on ADB website as well.

74. For the local disclosure, IA in coordination with CIIC with the help 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.

E. Consultations and Information Disclosure during Project Implementation

75. Consultations will continue at next stages i.e. during the detailed design and updating of the RP before start of the civil works construction as well as at the implementation stage. IA with CIIC representative will continue consultations with leaders in the Island Councils, village leaders including traditional chiefs, affected landowners/APs and all other interested members of the community. Separate meetings will also be organized with women to continue to understand and discuss their preferences and concerns at that stage.

76. In the presence of the landowners, IA in coordination with CIIC will finalize the size of affected land; the boundaries of parcels will be marked and recorded. CIIC and IA will also inform affected landowners about the policies and procedures regarding land acquisition and compensation for land. Specific modes or terms of land acquisition and compensation rates will be negotiated by IA supported by Island Councils in coordination with CIIC. Procedures for grievance redress will also be discussed. In addition, CIIC and IAs will inform the landowners when and how compensation will be paid.

V. GRIEVANCE REDRESS MECHANISM

77. In order to receive and facilitate the resolution of APs' any concerns, complaints, or grievances about the project's social and environmental safeguards performance, a Grievance Redress Mechanism (GRM) is developed for the project to be established in each subproject site. When and where the need arises, 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 RP. 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. IA in coordination with CIIC and Islands Councils will inform APs about GRM.

78. 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 the unresolved cases to higher authorities.

79. 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. APs will be made fully aware of their rights during consultations about land requirements.

80. Any complaint will be recorded and investigated by the PMU working with relevant staff of the individual subproject. The IA will be immediately informed/updated of any complaints from APs by PMU. A complaints register will be maintained which will show the details and nature of the complaint, the complainant, the date and actions taken as a result of the investigation. It will also cross-reference any non-compliance report and/or corrective action report or other relevant documentation.

81. When subproject implementation starts, a sign will be erected at all sites providing the public with updated project information and summarizing the grievance redress mechanism process including contact details of relevant person at the PMU. All corrective actions and complaints responses carried out on site will be reported back to the PMU. The PMU will include the complaints register and corrective actions/responses in its progress reports to the ADB.

82. In the whole process, relevant Cook Islands national agencies will be always available to review public complaints and advice on the PMU's performance for grievance redress.

83. 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 the ADB by the PMU.

84. Table 4 below sets out the process to resolve any project related grievances.

Table 4: 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
If unresolved or at any stage if AP is not satisfied		
	AP/village or traditional chief can take the matter to appropriate court	As per judicial system

VI. LEGAL AND POLICY FRAMEWORK

A. Policy Framework on Land Acquisition

85. The policy framework for land acquisition/resettlement and entitlements for compensation are based on the laws and regulations of the Cook Islands government and the ADB's Safeguard Policy Statement (SPS). The principal Cook Islands laws governing land acquisition and compensation include (i) Cook Islands Constitution; and (ii) Cook Islands Act 1915 ("the Act").

B. Cook Island Laws on Land

86. There is a relatively comprehensive legal framework governing land ownership and transactions in the Cook Islands including but not limited to the Cook Islands Constitution, Cook Island Act 1915, Land Use Act 1969, Lease (Facilitation of Dealings) Act 1970, and Leases restriction Act 1976.

87. 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.

88. 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.

89. 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.

90. 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.

C. Laws Governing Land Acquisition in Cook Islands

91. **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.

92. **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.

93. 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.

94. 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.

D. Government Procedures for Land Acquisition

95. 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.

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

97. 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.

98. 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.

99. 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.

100. 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.

101. 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.

102. 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

103. 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.

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

Table 5. Procedures for Agreement for Sale and Purchase of Land

SN	Activities
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 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"> • IA meets with Island Council and visit the site • Island Council assists in identification of landowners and selects representative to start discussion with landowners • Landowners' representative informs Island Council of decision; Island Council prepares and signs Minutes of Meeting with landowners. • Island Council notifies the IA and submits the signed Minutes of Meeting stating agreement to acquisition of land
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

105. 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.

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

Table 6. Procedures for Compulsory Land Acquisition by Warrant

SN	Activities
<u>1</u>	<i>Land requirement.</i> IA identifies project and need to acquire land
<u>2</u>	IAs carries out survey of the parcel of land.
<u>3</u>	CIIC makes submission to Cabinet for approval to take the land by warrant
<u>4</u>	<i>Endorsement.</i> Cabinet endorses submission and instructs Crown Law to submit submission to the Executive Council to take land by warrant.
<u>5</u>	<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 gazetting in the Cook Island Gazette; and (b) High Court for registration against the relevant Land title in the Land Registry.
<u>7</u>	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.
<u>8.</u>	<i>Commencement of Work.</i> Work will commence once legal title is secured by the government which is at <u>5 above.</u>

E. ADB's Safeguard Policy Statement

107. 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.

108. 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.

F. Gap Analysis and Gap Filling Measures

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

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 project 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 RP 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 RP adopted measures to assess impacts and prepare mitigation measures.
Carry out meaningful consultations with APs, host communities, and	Cook Island Act provides for	No specific requirements on	The RP adopted measures on

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
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.	negotiation of compensation agreeable to both parties or hearing of compensation rates at the court in case of disagreement.	public disclosure of entitlements and resettlement options.	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 resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.	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 RP includes a grievance redress mechanism at project level to facilitate early identification and resolution of grievances.
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.	The Cook Islands Constitution, Section 40, states that no property will be taken compulsorily without compensation. Cook Island Act 1915 provides for compensation to affected persons.	Cook Islands laws do not specifically provide for livelihood improvement or restoration.	The project is not expected to impact livelihoods. However, the RP 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	Cook Island Act 1915 provides for compensation for displaced persons.	Cook Islands laws, except for compensation payment, do not	The project is not expected to involve physical or economic displacement. However,

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
<p>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.</p>		<p>specifically provide assistance for physically and economically displaced persons.</p>	<p>the RP includes provision of assistance to APs i.e. priority of employment if local personnel are required.</p>
<p>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.</p>	<p>Cook Island Act 1915 provides for compensation for displaced persons.</p>	<p>Cook Islands laws do not specifically state support for APs and other vulnerable groups to improve their living standards.</p>	<p>The RP provides for provision of assistance such as training particularly for women to help improve living standards.</p>
<p>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.</p>	<p>Cook Island Act 1915 provides for Agreement by Sale and Purchase pursuant to Section 362.</p>	<p>Failure of negotiation results in compulsory acquisition of land.</p>	<p>A RP has been prepared in the context of the possibility of compulsory land acquisition. However, the RP includes provisions of consultations, negotiations, and transparent process of land acquisition and compensation.</p>
<p>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</p>	<p>Laws recognize customary ownership of land.</p>	<p>Laws provide for compensation for customary land; they do not provide compensation for non-titled persons.</p>	<p>The project is not expected to involve non-titled persons. The RP provides for entitlements for all APs</p>

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
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 RP for the project provides for 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 RP 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 RP and project costs.
Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	Cook Island Act 1915 provides for payment of compensation to landowners. The Cook Islands Constitution, Section 40, states that no property will be taken compulsorily without compensation.	Cook Islands laws do not have specific provisions for other resettlement entitlements and supervision.	The RP includes provisions of the commencement of 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		Cook Islands laws do not have specific provision for monitoring of	The RP provides for monitoring and reporting on land acquisition/resettlement outcomes during project

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
achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.		land acquisition/resettlement outcomes.	implementation.

G. Principles on Land Acquisition/Resettlement for the Project

110. The project's principles on land acquisition/resettlement are guided by Cook Islands' laws and ADB SPS principles on land acquisition/resettlement and compensation. These principles include:

- (i) Land acquisition/ resettlement will be avoided/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 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.

H. Principles and Methodologies for Valuations

111. Since lands could not be sold in the Cook Islands, there is no active market for the same. There is no system of Government valuations. Attempts have been 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 by the government the matter is determined by the High Court with both parties entitled to give evidence as to value.

112. If the land is taken compulsorily by Warrant, compensation determined by Court is to be paid. If the land is obtained by Agreement through sale and purchase, the sale and purchase prices agreed with landowners are to be paid. 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 Eua. The government plans to apply this rate for the Southern Pa Eua project as well. For affected trees, the IA will coordinate with the Ministry of Agriculture to calculate compensation at replacement cost or market/comparable price.

113. The government will consult with landowners/APs and finalize the compensation rates based on current comparable prices or replacement costs. The updated RP will include the final rates.

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Eligibility for Compensation

114. The initial identification of APs and affected land and the ensuing negotiation for land acquisition has started at least six months prior to the PPTA. IA in coordination with CIIC will further consult with affected APs and undertake detailed land surveys and investigation to collect detailed information. The date of land survey and investigation will be the “cut-off date” for eligibility for compensation. Following are the procedures summarizing eligibility for compensation and other assistance to APs:

- (i) Landowners and/or users that have documented legitimate claims to the affected land, trees, etc. as of the cut-off date will be eligible for compensation and/or rehabilitation assistance as per the project policy.
- (ii) Any person or group that occupies or uses the land identified for the subproject construction after the cut-off date will not be eligible for any compensation and/or assistance.
- (iii) APs with legal rights or claims will receive compensation for land. If applicable, non-titled APs are not eligible for compensation for the land, but will receive compensation for assets attached to land and other assistance as required.

B. Entitlements

115. The table 7 summarizes presents the entitlement matrix.

Table 7: Entitlement Matrix

Type of Impact	Entitled Persons	Entitlements
Permanent 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.
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 identified)	Vulnerable groups	Necessary special assistance (identified through consultations with affected communities) to be specified in the updated 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).

Type of Impact	Entitled Persons	Entitlements
Unforeseen or unintended impacts	Concerned affected people	These will be determined as per the principles of this RP and ADB's SPS.

VIII. INCOME RESTORATION AND REHABILITATION

116. While the loss of land will not impact on APs' livelihoods and will not result to loss of 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 individual or group APs will be given special support by the project. There are no female-headed households out of the initial identified APs. However, if continued consultations will identify any such affected households, they will be provided priority employment in these activities. The project design will reflect this and the updated RP will describe its details including special assistance to vulnerable groups.

IX. LAND ACQUISITION/RESETTLEMENT BUDGET AND FINANCING SOURCE

117. Necessary costs for the project's land aspects will be financed by the project 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.

118. Although lands in the Cook Islands could not be sold except to the Crown, the project will adopt the principle that the compensation for affected land and other assets will be paid based on current comparable market prices/replacement costs as discussed in previous section.

119. The RP includes a budgetary envelope of USD **903,357** for the project's land acquisition and compensation requirements. This is based on available data and is considered adequate to cover land acquisition and compensation and other necessary items (e.g. surveys, consultations, skills training, etc.). The land compensation costs were estimated by PPTA based on current market prices/most recent transactions provided by CIIC on a similar project in the Northern Region. However, these will be reconfirmed and the cost-estimate with necessary details will be finalized while updating the RP once the detailed land investigation is completed, and final compensation rates are agreed through negotiation between the government and landowners.

120. IA will also inform affected landowners/APs about the policies and procedures regarding payment of compensation for land. In addition, the agency will also inform the landowners when and how compensation will be paid prior to project implementation.

121. The Table 8 presents a summary of the land acquisition/compensation budget estimate for the core subprojects.

Table 8: Estimated Budget

S.N.	Items	Details	Cost (NZD)	Cost (USD)
A	Compensation			
1	Compensation costs (See footnote)	40,000 sq m x NZD 19.76	790,400	629,158
	Sub-Total (A)		790,400	629,158
B	Implementation			
1	Land Survey (DMS)	3 sites x NZD 15,000	45,000	35,820
2	Consultations	3 sites x NZD 9,100	27,300	21,731
3	Legal Expenses, etc	Lump sum	<u>160,000</u>	<u>127,360.00</u>
	Sub Total (B)		232,300	184,911
C	Skills Training & Gender Support	3 sites x NZD 3,000	<u>9,000</u>	7,164
	A + B + C Total		1,031,700	821,233
	Contingency (10%)		103,170	82,123
	TOTAL NZD/USD		1,134,870	903,357

Note: The land rate is based on most recent payment of NZD 20,000 per 1/4 acre (or NZD 19.76 per sqm).
Source: CIIC Legal Officer, February 2014.

X. INSTITUTIONAL ARRANGEMENTS

A. Institutional Responsibilities

122. Following are relevant agencies responsible for updating, implementing, and monitoring of the RP.

123. **MFEM:** As the executing agency (EA) of the project, MFEM will have an overall responsibility to ensure through IA 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) updating of the RP and obtaining necessary lands required for the project. It will submit social safeguard monitoring reports to ADB.

124. **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.

125. **CIIC:** As the government investment corporation and owner of power utilities, CIIC will lead 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 through CIIC. The costs of consultants and experts will be funded under ADB loan.

126. **REDD:** As Implementing Agency (IA) for core subprojects, REDD through the Project Management Unit (PMU) and in coordination with CIIC, has the responsibility to implement day-to-day activities related to land acquisition and compensation. Its 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 the grievance redress process;
- (v) Updating the draft RP, including confirmation of the cut-off date, compensation amount, and other details, and submit to ADB with necessary approvals;
- (vi) Monitoring 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 internal monitoring of land acquisition and compensation activities.

127. **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 including on the RP.

B. Capacity Building

128. During initial stages of project implementation, a training program will be implemented for relevant staff from REDD, 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 updating 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 REDD, CIIC, IAs and the Island Councils to prepare, implement, and monitor the RP.

XI. IMPLEMENTATION SCHEDULE

129. The following is the implementation schedule for updating the RP and implementation of land acquisition and compensation.

Table 9: Implementation Schedule

S.N.	Activities	Schedule
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 updates the RP including agreements on compensation rates with landowners, and discloses updated RP to APs.	Month 9
7	IA submits the updated 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
12	IA submits safeguard monitoring report	Six-monthly

XII. MONITORING AND REPORTING

130. Based on the RP, 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.

131. 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.

132. 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.

APPENDIX 1

INTERVIEWS OF AFFECTED PERSONS (SAMPLES)

1. Mauke Proposed Site (9 December 2013)

LandownerNo.	Name of Household Head	Gender (M/F)	Age	Educational Level	Marital Status	No. of People in the household including landowner	School Age Children (no.)
01	George Samuela (Mayor)	M	56	Tertiary	M	5	2
02	Tamaka Dyer (Gov Rep)	M	61	High School/ Grade 8	M	6 (2 sons, 2 grandchildren, wife)	2
03	Temakave Tua (Security)	M	65	Secondary	M	7 (widower, son, daughter & 5 grandchildren)	4
04	Arekaoati Urari Retired/Former Power Plant Operator	M	73	Primary/Form 6	M	3 (wife and daughter)	0
05	Marita Tearikiaua (Housewife, Basilio's Mum)	F	68	Secondary	F	2 (husband & wife)	0
06	Edwyn Ngari (Manager, Water Supply with 2 staff)	M	55	Secondary	M	3 (wife, self and granddaughter)	0
					TOTAL	26 people	8 children

2. Mangaia Proposed Site (12 December 2013)

Land-owner No.	Name of Household Head	Age	Gender	Educational Level	Livelihood Source of Income (M/F)	Number of People in the household	School Age Children
01	Teriamoana Poila	62	F	Year 10 (Form 3) (Elementary) ²⁵		7 (H&W + 5 grandchildren)	(Grand children) 9-14 years old
02	Andy Matapoo	53	M	Year 10(Form 3)		4	none
03	Pareina Pareina	60	M	Year 11 (Form 4/5)		6	Grand children
04							
05							
06							

3. Mitiaro Subproject (12 December 2013)

LandownerNo.	Name of Household Head	Gender (M/F)	Age	Educational Level	Marital Status	No. of People in the household including landowner	School Age Children (no.)
01	Teremoana Patia	M	45	College	M	5	1
02	Ngatokorima Patia	F	42	Lower fifth	F	5	1
03	Raeputa Tangatapoto	M	81	Primary	M	3	1
04	Matatunoa Raeputa	M	53	Primary	M	3	1
05	Vaine Putiare	M	57	Secondary	M	4	1
06	Areciaare Tokai	F	38	Secondary	M	6	4
					Total	26 people	9 children

²⁵ Secondary was introduced in the 60s and goes to Year 10 only at that time.

LIST OF PERSONS CONSULTED
16 November- 21 December 2013

Sl. No.	Name	Designation and Organization	Contact Details
ATIU			
Meetings and Site Visits (18 November 2013)			
1.	Taro Brown	Mayor	
2.	Teariki Maurangi	Executive Officer	
3.	Tapuni Williams	Island Council Clerk	
4.		Manager, Power Plant	
5.	Piri Touna	President, Catholic Women's (Ngatiarua)	
6.	Rima Bob	President, Catholic Women's (Aeora)	
7.	Tini Tiuiini	Secretary, Catholic Church	
8.	Pasikeura Jim	Women, Community	
9.	Ngavaine Tei	Chairman (Tengatangi)	
10.	Tangs Vainepoto	Retired Women's Officer	tvpoto@hotmail.com
11.	Nooroa Teipo	Principal, Enuamana School & member of current power site landowner family	
12.	Dr. Roger Malcolm	Private sector, Owner of Atiu Villas	
AITUTAKE			
November 2013			
13.	Bobby Bishop	Councilor, Aitutake/Mayor's representative	
14.	Mr. Rimaroa Tuiravakai (Manager)	CEO, Aitutake Power Supplies	
15.	Mimau Tom	Director, ATE	Ph:31121
16.	Taraota Tom	Director, ATE	
17.	Matangaro Isamaela	President, Vainetini	Ph:31353
18.	Koi Bishop	Aitutaki DO	Ph:31353
19.	Josephine Lockingto		Ph: 31291
20.	Katrina Armstrong	Aitutake Conservation Trust help@aitutakeconservation.com	Ph: 31110
21.	Richard Story	MMR	fisheries@aitutake.net.ck
MANGAIA December 2013			
22.	Anthony Whyte	Energy Manager, Mangaia Power House, Mangaia Island, Cook Islands	
23.	Teremoana Atariki	Mayor, Mangaia Island Council, Mangaia Island, Cook Islands	
24.	Nena Ngametua	Executive Officer, Mangaia Island Council, Mangaia Island, Cook Islands	

Sl. No.	Name	Designation and Organization	Contact Details
25.	Allan Tuara	President, Mangaia Environment Society, Mangaia Island, Cook Islands	
26.	Taoi Noerom	Tourism Officer/Sub-Chief of Proposed Site	
27.	Mrs. Inangaro Papatua	Retired Teacher, Community Cultural Educator	
28.	Mrs. Moe Luke	Manager, Mangaia Women's Association	
29.	Mrs. Mirianuva Daniel	Pastor's Wife, Head of Women's Group, CICC	
30.	Daddy Miurirati	Chief, Island Chiefs Council	
31.	Mr. Ngamatua Papatua	Sub-Chief, sawmill owner/builder, Apostolic Pastor, Chairman, Religious Advisory Committee	
32.	Thaine Tuara	Member, Mangaia Environment Society, Mangaia Island, Cook Islands	
		Island council member and community leaders, Mangaia Island, Cook Islands	
		Women groups and affected landowners, Mangaia Island, Cook Islands	
MAUKE December 2013			
33.	George Samuela	Mayor, Mauke Island Council, Mauke Island, Cook Islands	
34.	Taukea Raui	Executive Officer, Mauke Island Council, Mauke Island, Cook Islands	
35.	Basilio Kaokao	Environment Officer, Island Environment Authority, Mauke Island, Cook Islands	
36.	Maara Kimiora	Manager, Mauke Power Plant, Mauke Island, Cook Islands	
37.	Ngatuaine Moetua	Mauke Power Plant	
38.	Arato Urani	Mauke Power Plant	
39.	Mrs. Metua Tararo Ngarriki	Gender Officer, Mauke Island Administration	
40.	Tamaka Dyer	Government Representative/ Landowner	
41.	Temakave Tua	Island Administration Office Security/Landowner	
42.	Arekaoati Urari	Retired/Former Power Plant Operator/Landowner	
43.	Mrs. Marita Tearikiaua	Retiree, Landowner	
44.	Edwyn Ngari	Manager, Water Supply Office	
45.	Policeman		
MITIARO 19 December 2013			

Sl. No.	Name	Designation and Organization	Contact Details
46.	Vaine Putiare	Dy. Mayor, Mitiaro Island Council, Mitiaro Island, Cook Islands	
47.	Nga Tama	Executive Officer, Mitiaro Island Council, Mitiaro Island, Cook Islands	
48.	Maara Kimiora	Manager, Mitiaro Power House, Mitiaro Island, Cook Islands	
48.	Nooroa Pouao	Environment Officer, Island Environment Authority, Mitiaro Island, Cook Islands	
49.		Island council member and community leaders, Mitiaro Island, Cook Islands	
50.		Women groups and affected landowners, Mitiaro Island, Cook Islands	
RAROTONGA December 2013			
51.	Tangi Tereapii	Director, Renewable Energy Development Division (REDD)	
52.	Ngateina Rani	PEC Fund Coordinator, REDD	
53.	Alex Henry	Project Officer, REDD	
54.	Roger de Bray	Energy Commissioner	
55.	Tamarii Tutangata	CEO, Cook Islands Investment Corporation (CIIC)	
56.	Enea Pakitoa	Senior Statistician/Acting Statistician	Enea.pakitoa@cookislands.gov.ck
57.	Tanga Morris	Senior Statistician	
58.	Apii Timoti	Chief Executive Officer (CEO), Te Apunga Uira (TAU)	atimoti@electricity.co.ck
59.	Otheniel Tangaiānu	Director, Pa Enea Division (Outer Islands)	otherniel.tangianau@cookislands.gov.ck
60.	Vavia Tangatataia Jr.	Manager, Advisory and Compliance Division, National Environmental Services (NES)	
61.	Celene Dyeoer	Climate Change Coordinator	
62.	Elizabeth Ponga	Policy Officer, Ministry of Culture	
63.	Ruth Pokura	Director for Gender and Development, Ministry of Internal Affairs	womendiv@intaff.gov.ck
64.	Noora Numanaga	Director, Disability Issues	nono@intaff.gov.ck