

Social Due Diligence Report

Project Number 48484-004
July 2018

TUV: Outer Island Maritime Infrastructure Project Additional Financing

Prepared by Ministry of Communications and Transport, Tuvalu Government for the Asian Development Bank.

This due diligence report is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section of this website. In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

CONTENTS

ABBREVIATIONS

EXECUTIVE SUMMARY

- I. INTRODUCTION
 - A. Project Background
 - B. Project Description
- II. METHODOLOGY
- III. PROJECT SCOPE AND LAND USE ON THE PROPOSED SITE
 - A. Project Scope
 - B. Land Requirement, Land Use and Status
- IV. SOCIOECONOMIC INFORMATION
 - A. People and Community within the Project Site
 - B. Project Impacts
 - C. Project Impacts on Communities and Vulnerable Groups
 - D. Gender
- V. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION
 - A. Project Stakeholders
 - B. Consultation and Participation Activities
- VI. PROCESS OF SECURING LONG TERM ACCESS TO THE SITE FOR ASSOCIATED WORKS AND ROAD ACCESS
- VII. GRIEVANCE REDRESS MECHANISM
- VIII. INSTITUTIONAL ARRANGEMENTS
 - A. Responsibilities to Monitor and Update the DDR
- X. BUDGET AND FINANCING

APPENDICES

- Appendix A Cadastre map, list of owners and Fale Kuapule members
- Appendix B Government Tree Compensation Approval Rates
- Appendix C Procedures for Leasing Land for Project Site by Government
- Appendix D Example Template for 3rd Party Verification Letter
- Appendix E Tuvalu Native Lands Act 51
- Appendix F Niutao Women's Meeting Minutes March 9 March 2018
- Appendix G Niutao Community Minutes 9 March 2018
- Appendix H Niutao Kaupule Meeting Minutes 9 March 2018
- Appendix I Record of Meeting with disabled man near project site
- Appendix J Photographs

CURRENCY EQUIVALENTS

(as of _____)

Currency Unit – Tuvalu ____

ABBREVIATIONS

ADB	-	Asian Development Bank
APs	-	affected persons
DDG	-	Due Diligence Report
DFAT	-	Department of Foreign Affairs and Trade (Australia)
GAP	-	Gender Action Plan
GRM	-	Grievance Redress Mechanism
PDA	-	Project Design Advance
PMU	-	project management unit
PSGA	-	Poverty Social and Gender Assessment
RP	-	Resettlement Plan
SPRSS	-	Summary Poverty Reduction and Social Strategy
SPS	-	Safeguard Policy Statement
TANGO	-	Tuvalu Association of Nongovernment Organization
TFHA	-	Tuvalu Family Health Association

EXECUTIVE SUMMARY

1. The Tuvalu Outer Island Maritime Infrastructure Project (Additional Financing) will assist the government's efforts to improve the maritime infrastructure in the Outer Island of Niutao in Tuvalu.
2. The project scope includes the detailed design and construction of a workboat harbor including new channel dredging, construction of a passenger terminal (including a canteen and first aid room with space for handicraft sales and water tank), male and female disability access toilets, solar lights and provision of a truck with crane. The Project Preparatory Technical Assistance has provided a feasibility study for the harbor. In addition the Stakeholder Consultation and Participation Plan has been developed (see separate document) in parallel with the social and gender assessment (see Poverty, Social and Gender Assessment and the Gender Action Plan).
3. The updating of the Due Diligence Report (DDR) will be based on the detailed design which is due for completion in August 2018. A Social Safeguards consultant will be engaged to assist the government to do consultation with the landowners once identified from the cadaster map, land survey, and tree count by the Department of Lands and Survey and the Niutao Lands Council and signing of lease agreements complete the lease agreement and compensation of affected crops and trees. These will all be documented as part of the updated/final DDR.

Indigenous Peoples Safeguard

4. The project does not trigger the indigenous peoples safeguard as the affected inhabitants identify as mainstream Tuvaluans.

Involuntary Resettlement Safeguard

5. The project site in Niutao does not trigger the involuntary resettlement policy as all affected lands and assets will be acquired through negotiated settlement. All affected persons will be consulted when the land survey and tree count is conducted. Initial discussions indicate landowners in the area will voluntarily agree to enter into leases which will not result in any government expropriation if the negotiation fails. One issue may be the presence of eight graves in the area. A member of the Kaupule has spoken to the owner of the bodies and the transfer will not be a problem but this needs to be coordinated with the owner of the land, who is a different person. Again, no difficulty is foreseen with this process by the Kaupule.

Land Requirement and Status

6. The sea side facilities will be constructed on Crown land¹ while the associated structures such as passenger terminal, warehouse, and access road will require private land acquired through negotiated settlement. These private lands are generally bush area containing a small number of quality productive trees including coconut and pandanus. The leases between the Kaupule and the landowners for the first 2 years of construction will be paid by the Government of Tuvalu, and the government will also be responsible for payments after the ADB project finishes. The leases will be based on the rate of \$3,000AUD per acre² as per government regulations, in line with Tuvalu law. The trees within these lease areas will be surveyed by the Department of Lands, and the

¹ Crown land, also known as royal domain or demesne, is a territorial area belonging to the monarch, who personifies the Crown. This is considered as government or public land, although the term still exists in Tuvalu which used to be a British Protectorate.

² Government rate issued between 2015-2019.

appropriately calculated compensation will be paid to each of the landowners for the trees that will need to be cleared in the work boat harbor lease area. The cost for the vegetation will be according to the Government Tree Compensation Approved Rates, in turn based on current market rates.

Conclusion

7. The project will comply with all ADB safeguards requirements. The Due Diligence Report will be finalized following completion of the lease agreement, payment of due compensation, and a third party verification required to confirm that negotiations openly address the risks of asymmetry of information and bargaining power of the parties involved and additional consultation with the landowners.

I. INTRODUCTION

A. Project Background

1. The proposed project will assist the government's efforts to develop a harbor to improve safety, efficiency, and sustainability of maritime transportation in Niutao, an outer island of Tuvalu.
2. By making marine transportation more efficient and safer, Tuvalu envisages achieving the following objectives: (i) economic development including fisheries, (ii) improved livelihoods and safety conditions in the outer islands, and (iii) reduced migration from the outer islands to Funafuti, which currently faces problems with overcrowding, pollution, and spread of diseases.
3. This Due Diligence Report (DDR) identifies that no involuntary resettlement will impact the project. This impact assessment was conducted through site visits, community consultations, and will be confirmed by the Lands Survey.

B. Project Description

4. The Project Design Advance (PDA) for the wider Outer Island Maritime Infrastructure Project was set up originally to prepare the detailed design and construction tender documents for four Tuvalu islands, Nukulaelae, Nanumaga, Nui, and Niutao. Substantial changes in the scope has changed the focus of the workboat harbor at Niutao. This will now move from being an upgraded jetty at the current site to a new harbor on the other side of the island, replicating the design for the ongoing harbor development at Nukulaelae. Hence, this document is based on the format and profile for the Social Safeguards Due Diligence Report for Nukulaelae, but has been specifically designed to reflect all the activities for the additional financing for the Niutao harbor.
5. The Asian Development Bank (ADB) and the Government of Tuvalu are funding the project, with an overall funding envelope of US\$ 12.3 million at approval. The total cost for physical improvements to be tendered is estimated at US\$ 11.3 million. ICF Consulting has been appointed to provide consulting services to project preparation.
6. The detailed design for the Niutao workboat harbor is almost complete, with initial consultation with landowners, however formal discussions will commence after the land survey and tree count have been conducted. DDR will be updated/finalized based on the detailed design and following completion of the lease agreement and other required activities to possess the site, led by the project management unit (PMU).

II. METHODOLOGY

7. This due diligence assessment was conducted utilizing primary and secondary data gathering from the following methods: a (i) review of relevant project reports; (ii) collection of primary data through individual interviews in Funafuti with government and nongovernment representatives, and (iii) interviews, community consultations, focus group discussions and a Fale Kaupule meeting in Niutao.
8. The Gender Equality and Social Inclusion (GESI) and Social Safeguards Specialist for ICF Consulting consulted the relevant islands and national government agencies during the project preparation. These included meeting with Department of Lands and Survey (DLS) in determining

land ownership status of the proposed sites, government policy on securing land for infrastructure projects including rates and procedures for leasing lands. See Appendix A for the identification of cadastres in the area and list of ownership of plots. Appendix B includes the Government Tree Compensation Approval Rates. Once the land survey and tree count has been conducted by the DLS and the Niutao Land Council, the formal discussion with landowners can begin.

9. In March 2018 a site visit was conducted in Niutao by the GESI and Social Safeguard Specialist for ICF Consulting, the Head of the PMU and a representative of the ADB. A member of the Kaupule took the team to the proposed site where eight graves were identified as well as a disused water tank (see photos in Appendix J). The rest of the land did not contain any buildings or structures, and was vegetated with trees. Only one of the participants in a key indepth interview indicated that these trees, were currently used, and they were enthusiastic to receive payment for the lease of the land and compensation for the trees.

10. The Team conducted a community consultation with focus group discussions with separate groups of women, elderly men, landowners, fisherfolk, youth, and pregnant women. Additional interviews and meetings were conducted with the Fale Kaupule, a man living with disabilities near the project site, the Niutao Women's Council, member of local Red Cross and the Niutao Handicrafts Centre staff. These meetings focused on the expected community benefits and potential impacts and community support for the project including the willingness by community and potential landowners to lease land for the project, if required. The minutes of meeting between the project team and the community on 9 March 2018 are contained in Appendices F-I.

11. In addition, the Team made an unscheduled visit to the Vaitupu harbor where several other interviews were conducted with the coordinator of the canteen at the passenger terminal and local residents who regularly use the passenger terminal as a recreational space.

12. The project preparatory team consulted 54 people which included 22 women. Stakeholder consultation and participation will be continued during the preparation of detailed design and construction. Key stakeholders include low-income households and individuals with disabilities, the elderly, youth, traditional leaders and women politician (especially pregnant), and affected people, especially landowners and local fisherfolk who use the site. In addition, the Niutao Women's Council, local Red Cross and Handicraft Centre staff will be consulted throughout the project including detailed design, implementation, and monitoring. Participatory approaches such as focus group discussions, and community meetings will continue to be undertaken as part of consultations with these groups.

III. PROJECT SCOPE AND LAND USE ON THE PROPOSED SITE

A. Project Scope

13. The scope of works of the Tuvalu Outer Island Maritime Infrastructure Project (Additional Financing) is to assist the government's efforts to rehabilitate and improve the maritime infrastructure in Niutao. The Project scope includes:

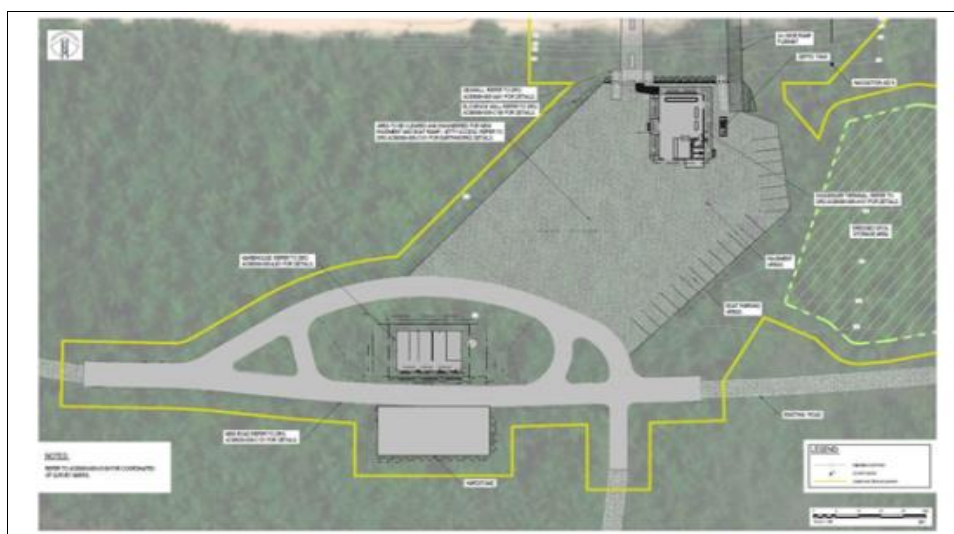
- (i) Detailed design and construction of workboat harbor/small-scale maritime facilities in Niutao including new channel dredging, construction of a passenger terminal with a canteen and first aid room, area of the sale of handicrafts, separate disability access toilets for men and women, 24-hour solar lighting, guard rails and signage on jetty, a separate warehouse, and provision of a truck with crane; and
- (ii) Assistance for a harbor safety plan with the Fale Kaupule to be rolled out with a security guard at the site, stevedores and first aid room equipped with bed, chair, first

aid kit, life rings and lifting litter. A training session on water safety and first aid will be run as a part of this plan with the Red Cross of Tuvalu, with Red Cross volunteers in Niutao staffing the first aid room when ships are at the harbour. Additionally, due to the risk of children jumping off the jetty, metal rails will be built on the sides of the jetty with warning signs to preventing jumping.

B. Land Requirement, Land Use and Status

14. Small-scale maritime facilities with associated structures, are proposed to be constructed on the southern side of its main island. The project will include construction of a passenger terminal with a canteen and first aid room, water tank, separate male and female disability toilets, 24-hour solar lighting and a sale area for handicrafts, as well as a separate warehouse and access road (Figure 1).

Figure 1: Land Use Plan



15. The workboat harbor will be built on Crown land³ while the associated structures such as access road, passenger terminal (with associated rooms), water tank, toilets and warehouse will be on private land⁴ that will require the establishment of a government lease. Failure to negotiate for the lease of the private lands will not result to government's compulsory acquisition. The scope of land requirement is shown in Table 1.

³ Crown land, also known as royal domain or demesne, is a territorial area belonging to the monarch, who personifies the Crown. This is considered as government or public land, although the term still exists in Tuvalu, which used to be a British Protectorate

⁴ Private land is wholly owned by a Tuvaluan or Tuvaluans.

Table 1: Summary of Land Requirement and Land Use

PROJECT COMPONENT	COMPONENT ACTIVITIES	CURRENT STATUS OF LAND OWNERSHIP OR USE	NEED FOR ADDITIONAL LAND AND/OR POTENTIAL ISSUES
1. Construction of small-scale maritime facilities in Niutao	These will include: Construction of a new flexmat boat ramp and wharf at new site on north east of the Island.	The foreshore area ⁵ is a Crown land. Passenger terminal, warehouse and access road will be on a total of six acres Kaitasi ⁶ private land.	Will require construction of access roads to link the wharf to the main road. This is private land and once the Land Survey has been conducted, the cadastres will be aligned as per Appendix A, which includes a list of owners. The trees will be counted by the Nuiatua Lands Court with compensation offered in line with the Government Tree Compensation Approval Rates as per Appendix B.
Associated Structures: 1. construction of a seawall 2. set back of abutment to assist with keeping some trees along the foreshore 3. navaid site onshore requirement. 4. boat ramp onshore. 5. construction of a parking lot. 6. construction of parking space for fishery boats. 7. construction of an access road from the coastal road to the parking lot and transit shed. 8. construction of a passenger terminal and a truck crane	The wharf lease area is six acres, located on the north east of the island. Generally, the sites are within bush land areas. The detailed cartographic survey has not yet commenced. Areas below the high tide level are crown land.	No land will be involuntarily acquired. The government will lease the site and the land-owners in the general area have indicated verbally that they are willing to lease their lands for this project to happen. This was confirmed during various stages for this design including the PPTA mission in March 2018. Minutes of these meetings with landowners, community members and the Fale Kaupule are contained in the appendices. Landowners welcome having a government lease as this provides regular cash income for landowning families (AUD 3,000 per acre annually) to otherwise bush or partially utilized lands.	

⁵ Foreshore and Land Reclamation Act (Section 2) defines 'foreshore' as the shore of the sea or of channels or creeks that are alternately covered and uncovered by the sea at the highest and lowest tides.

⁶ Kaitasi is a parcel or parcels of land that is owned by a clan of people.

PROJECT COMPONENT	COMPONENT ACTIVITIES	CURRENT STATUS OF LAND OWNERSHIP OR USE	NEED FOR ADDITIONAL LAND AND/OR POTENTIAL ISSUES
9. Construction of male and female disability access toilets, canteen (with fridge and freezer), water tank, first aid room, area for handicraft sale, water tank, warehouse, and other associated infrastructure (access road).			
10. Channel dredging	seabed; Crown land	As Crown land, no land acquisition nor leasing is required.	
11. Construction of a boat ramp	construction of a ramp establishment of a public access from ramp to main road using flexi mat	<p>The majority of the project will be built on the foreshore (crown land) for the site of the boat ramps and channels. There may be some small parts of private or community land affected, but this is yet to be determined depending on detailed design and associated detailed surveys.</p> <p>All land not covered by water is Kaitasi, owned through local clans and will be leased from these clans. This includes the passenger terminal, toilets, warehouse, canteen, first aid room and craft store.</p>	None identified.

IV. SOCIOECONOMIC INFORMATION

A. People and Community Within the Project Sites

16. The government expects that improving marine transportation to become more efficient and safer will (i) support economic development including fisheries and other livelihood programs, (ii) improve safety conditions in the outer islands, and (iii) reduce migration from the outer islands to Funafuti, which currently faces problems with overcrowding, pollution, and spread of diseases. The poor and vulnerable groups such as women and children, persons with disabilities, people requiring medical attention, elderly, and small business owners stand to benefit the most from the project. Improved marine infrastructure in the outer islands enables safe and efficient movement of people and cargoes to and from these remote communities.

17. The island of Niutao had a population of 642 people comprising 317 males (49%) and 325 females (51%) during the 2012 Census. The island population lives in two villages (Kulia and Teava), with 430 and 212 people, respectively. The records from the health centre in 2017 stated

the population of Niutao was 581, with 307 females, and 274 males. As this is not a census document it is hard to have an accurate comparison, but anecdotal evidence concurs that there has been a decrease in population due to more people travelling to Funafuti for jobs. This is emphasized in the case of the lower number of males. The Fale Kaupule estimate approximately 20 people are living with disabilities.

18. The island also has a preparatory and a primary school, an under resourced medical facility (see photo of maternity ward in Appendix J), 24-hour supply mainly from solar power and relies primarily on rainwater for drinking. Secondary students leave for Vaitupu Island to complete their secondary education. The island also has a Telecom center, a bank, and retail shops. The island has an unpaved road along the coastal part of the island leading to the current loading/unloading site to the central part of the island.

19. From the 2012 Island Profile, only 98 people (23%) of the population over 15 years old is employed mainly through government work as nurses, teachers, and Island Kaupule employee providing over half of employment (77%). Around 335 of working age are not employed; others work as seafarers (10%). Self-employment is very low with other income sources for people on the island being the pension for those over 70 years old and landowners who receive land leases from the lease of government facilities. As is the case throughout Tuvalu, families with income are expected to share with their extended families and remittances from diasporic Tuvaluans greatly contribute to economic support. The site visit by the GESI specialist in March 2018 identified the supplementary income received by many local women from the sale of handicrafts to the local Kaupule-run Handicraft Centre. Women receive \$100 from the handicraft shop for a pandanus mat which takes 3-4 days to make. Women also make pandanus fans (\$10); coconut fans (\$30) and Brooms (\$7). Many of these are made to order from Funafuti. This work provides the main income for many local families and these women will gain additional access to the felled trees from the harbor site. The Head of the Niutao Handicraft shop suggested that a space be made available for the sale of handicrafts at the Niutao Harbour Passenger Terminal and this was supported by members of the Niutao Women's Council and the Kaupule during the community consultations.

20. In addition, since there will be an extensive number of privately owned Pandanus trees cleared for the Niutao Harbour, the Women's Council, Fale Kaupule and Handicraft Centre agreed that the removal of these trees (and coconuts) to an accessible area on the island would be used for handicrafts resulting in additional income for the community. In addition, the wood from trees could be used by men in building houses and pig pens and the repair of buildings.

21. There is a low level of sexual and reproductive health education and awareness on the island. Lack of access to condoms is also a major issue as they are only available from the health clinic or from the Red Cross. This does not allow any confidentiality. Teenage pregnancy is widespread throughout Tuvalu and access to condoms is an essential strategy to curb this pattern. For the birth of a first child women need to deliver at the Funafuti Hospital, leaving Niutao at six months into their pregnancy. Basic health care is provided at the health clinic staffed by a midwife, a registered nurse with diploma-level training, a nursing assistant, and a sanitation officer. Emergency services which require hospital attention rely on patrol boats to evaluate to the hospital in Funafuti. The presence of single male construction workers at the site will add to the potential for increased sexual relations. Although this will be addressed by the HIV/AIDS/SRH, gender and cultural training, it is suggested to install a condom vending machine at the harbor passenger terminal outside the first aid room. This was discussed at the FalaKaupule meeting in Niutao on 9 March 2018. There was initial resistance but agreement in the end through the

dialogue with Paupe Mtepaa, a member of the Kaupule and strong gender advocate who suggested free male and female condoms should be provided.

22. Decision making within clans varies between islands but according to the Department for Gender Affairs, women are considered to be relatively stronger in Niutao. There are three women as heads of Kaupule and one is the President. There are various women's groups in the island, including a church women's group, the island committee, and other informal groups. Men are also more open to talk about gender issues in Niutao, perhaps this is linked to the women's leadership. However, women often do not attend meetings as they are required to cook the food for meetings and this is a labor-intensive task.

C. Project Impacts

23. The proposed site to build a harbor is on the foreshore area considered as Crown land. The associated structures such as access road, passenger terminal (with associated rooms), water tank, toilets, and warehouse will be on private land that will require the establishment of a government lease. Land is held by the clan and the clan head is generally a man. Each clan is comprised of several families. The Convention on the Elimination of All Forms of Discrimination Against Women Committee has recommended that women have access to land rights. This would require an amendment of the law but this is seen as too controversial. To address this issue it is suggested in the Stakeholder Consultation and Participation Plan that both spouses of all clan members are invited to consultation meetings regarding land compensation to ensure women have equal access to information on these matters.

24. In addition the land is heavily vegetated with trees, including pandanus, which can be used for handicrafts, and coconuts which have multiple uses. The Niutao Lands Council will conduct a tree count and the appropriate compensation will be made according to the Government Tree Compensation Approved rates (Appendix B). The impacts are not considered significant on the livelihoods of families. Most of the owners are not currently using the trees productively, they are mostly left to waste and have become overgrown, crowded, and bear less fruits. One family indicated they use the coconuts for personal use and pandanus leaves for weaving mats from which they receive an income, but they are happy with the possibility to gain income from the lease of the land and tree compensation. In addition, they are very supportive of the initiative to move the felled trees to a community space where they can access additional pandanus leaves to create handicrafts for income.

25. It is suggested by the GESI specialist that these trees and productive vegetation be moved to an accessible area on the island to be recycled and used from productive activities: handicrafts for women, and building construction and repairs by the men. This creates a community resource which is currently been underutilized, and provides the possibility for poor women, including the landless, to access pandanus leaves for additional income. A space for the sale of handicrafts will also be created at the passenger terminal to increase the sale of items and facilitate transport to Funafuti. Fishing will be unaffected due to the infrequent ship visits.

D. Project Impacts on Communities and Vulnerable Groups

26. The project will have no adverse impacts on the poor or on other vulnerable groups. The project will improve access to safe maritime transport particularly by people with special needs, women, children, and elderly. Also, the project will support the development of alternative income sources and further promote economic development

for short-term employment during construction as well as long-term employment of stevedores, a security guard, canteen staff, first aid workers, and the handicraft shop.

E. Gender

27. The project will provide gender benefits to women particularly in promoting transportation safety, i.e., pregnant women, elderly, women with disabilities, and women with young children. Other gender benefits include participation in training and income opportunities from non-skilled labor and administrative support which could be required by the contractor. This could include meal preparation (especially lunches), washing, and the income from the canteen and handicraft store. Women and children will also benefit from the first aid and sea safety training and the presence of the first aid room in case of any accidents. Women will be actively engaged in consultative dialogue, through separate focus group discussion groups, as well as included as spouses in all land agreement and tree compensation discussions even if they are not the formal land owners. It is essential that they get first-hand information on these issues. A 24-hour solar lighting at the site, and the presence of a 24-hour security guard will also increase women's safety at the site. Separate toilets will be provided for men and women at the site with disability access. The Niutao Women's Council will be a key stakeholder as well as the Niutao Handicraft Centre.

F. Indigenous Peoples

28. The project does not trigger the ADB's Indigenous Peoples Policy (IPP) as the local people in the area do not meet the ADB criteria (distinctiveness and vulnerability) of Indigenous Peoples (IP). The local people in the project sites are part of the mainstream Tuvaluan Polynesian society and are not considered to have a distinct cultural heritage including a different language and are not discriminated by other local groups due to their language, skin color, and education level, etc. They will not require protection and special attention from the project.

V. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

A. Project Stakeholders

29. There are three general groupings of stakeholders for the project: (i) elected government officials including ministers, key officials from the government agencies; (ii) landowners and island communities; and (iii) nongovernment organizations including the Red Cross, Tuvalu Family Health Centre, Disability Association of Tuvalu National Council of Women, and the Tuvalu Association of Non-government Organizations (TANGO). The primary project stakeholders include the Office of the Prime Minister, cabinet members and Ministers, government ministries including Ministry of Communications and Transport (MCT). Others include the Ministry of Finance and Economic Planning (MFEP), Ministry of Home Affairs (including the Department for Gender Affairs) and Rural Development (MHARD) and Ministry of Natural Resources, Energy and Environment (MNREE).

30. Also, stakeholders at the community level include Island Councils (Fale Kaupule and Kaupule) and traveling public including elderly, women, children, and people with special needs. Various stakeholders at each island raised numerous issues for consideration. These are documented in the minutes of the meetings in the appendices. Key items raised by multiple participants during project preparatory phase consultation included the issues in Table 2 below:

Table 2: Issues Raised in Niutao Community Consultation

Issues	Project Responses
Community participants use the harbor site for activities such as fishing and consider they will still do so after the harbor is erected.	There will be no restriction on using the site for fishing with the exception of the times when the boats come to the harbor.
The major hazards in sea travel are identified as the big waves and this is seen as most dangerous for the women, children, elderly, and disabled, particularly as these people are the least likely to be able to swim.	The project addresses the safety of passengers and cargo from the work boat to the jetty in the new harbor, however these safety issues remain for the transfer from the ship to the workboat at the entrance to the reef. The inclusion of stevedores at this site will alleviate some levels of hazard however the handling of cargo and people from the ship to the workboat cannot be addressed by this project.
Erosion is a perceived threat by the group of fisherfolk and elderly men.	The sea walls will address erosion and this has been addressed in the environmental management plan.
The presence of men's and women's toilets was prioritized by several groups.	This is to be implemented by the project.
The need for a passenger terminal for people to sit, with a canteen was seen as an important aspect of the development and a space to sell handicrafts.	This is to be addressed by the project.
In terms of safety at the harbor, the pregnant women pointed to the dangers for children being injured on the jetty and the other women's group identified the need for a space for life jackets which should be used for the transit. The fisherfolk highlighted the need for jetty railings, a crane and life rings. The elderly men pointed to the need for fire extinguishers. The youth group want a fence around the area so it cannot be misused and emphasized the need for full time security.	<p>The railings on the jetty will address safety for the children, and this will be enhanced by the sea safety training.</p> <p>Lifejackets, a fire extinguisher. Life rings and life jackets will be housed in the first aid room.</p> <p>A crane is included in the design.</p> <p>A security guard will be paid for by the Kaupule. A fence has not been included in the design and is not seen as necessary given the presence of a security guard.</p>

Table 3: Key Stakeholder Meetings, March 2018 by International and National Social Specialists

Date	Key Indepth Interviews and Focus Group Discussions
4 March 2018	Mr Trevor Larkin, Shipping and Institutional Strengthening Specialist
5 March 2018	Dr Alison Mead, Commonwealth Secretariat Education Advisor
	Mr Faatasi Malaloga, Director of Department of Lands and Survey
	Ms Natalie Makhou, GESI Advisor and Ms Lanuola Keleta Acting Director Department of Gender Affairs
	Ms Pula Toafa, Coordinator, Tuvalu National Council of Women,
	Mr Melton Paka Tauetia, General Manager, Disability Association of Tuvalu
6 March 2018	Ms Eleni Tavao, Niutoa representative on National Council of Women
	Mr Sopoanga Saufatu, Secretary General, Red Cross, Tuvalu
	Mr Lono Leneuot, Executive Director, Tuvalu Family Health Association
7 March 2018	Mr Tassi Pitoi, Director, Marine and Ports Service
	Mr Tui Evi, Ship's Captain and Mr Alesana Teikale, crew member Tala Moana
9 March 2018	Mr Kapule Lopati, Disability Representative, Niutao
	Niutao Women's discussion group: Ms Tepakaina Talake, Women's Committee Niutao; Ms SalaKani, landowner; Prasma Maunua, fisherwoman; Ms Miriama Taukiei, Waste Mangement Officer in Funafuti but from Niutao; Ms Patioko Kapua, Committee Member Red Cross and Ms Pufi Mtepa, Member of Kaupule.
	Niutao focus group discussions: youth (2 women and 1 man); fishermen (3 women and 3 men); pregnant women and women with small children (3); landowners (5 all men). (for list of names see Annex ____)
	Fale Kaupule Meeting
	Ms Peteli Saalu, Head of the Handicraft shop and Ms Eliono Nememlasi, Member of the Women's Council,
10 March 2018	Ms Sao Aokuso, 38, Kiosk Staff, Vaitupu
	Mr Maloto Peteo 43, Seafarer, Vaitupu
13 March 2018	Follow up interview Ms Natalie Makhou, GESI Department of Gender Affairs

B. Consultation and Participation Activities

31. During the preparation for the first phase of the wider project, the Team conducted a site visit and a series information/consultations in Niutao from December 2015 to May 2016. This was followed by a national workshop, attended by five outer island representatives including women, was conducted in 15-16 and 18 April 2016. The preparation for this Additional Financing for the new design in Niutao was conducted in March 2018.

32. During the detailed design, further site visits were visited in October 2016. Social consultants accompanying the PMU, the Director of Marine, and technical coastal and marine consultants, undertook a site visit to and Niutao on 19 October 2016. Meetings were undertaken with the Kaupule, Women's group.

33. **Consultation outcomes.** The consulted community leaders (Fale Kaupule) and members were very supportive of the project in Niutao in all meetings. The Kaupule and possible landowner representatives also confirmed their willingness to lease the land for the project sites. This will need to be further discussed following the Land Survey and identification of specific cadastres. Once the land has been surveyed and trees have been counted, a townhall meeting with landowners, fisherfolk, and other economically active people in the harbor site will be held. This meeting will provide details on processes for compensation. Women must be encouraged to attend even if not legal landowners. Ongoing dialogue with Niutao Women's Council and Niutao Handicraft Centre to house canteen and handicraft sale area at the passenger terminal Dialogue with Fale Kaupule on stevedores, safety plan, training sessions, and relocation of felled trees into

central community space for local use will also proceed. Final DDR will be disclosed by the government and on ADB website.

VI. PROCESS OF SECURING LONG-TERM ACCESS TO THE SITE FOR ASSOCIATED WORKS AND ROAD ACCESS

34. The project will comply with both ADB's safeguard requirements and Tuvalu's laws and regulations applicable to leasing of lands. The process of securing long-term access to the site for the project will be conducted as per below once the Land Survey and tree count has been conducted.

35. **Conduct of meaningful consultations with landowners and disclosure arrangements.** The government policy is to appoint the island council (Kaupule) to lease the project site on its behalf. The government will carry out meaningful consultations with the landowners, host communities, and concerned community organizations including women's groups during PDA and implementation. The government, through the Kaupule, will inform all concerned landowners of compensation on lands affected by the project using the current market value. The PMU will also take a lead role in the distribution of this information. The government will ensure community and landowners' participation in planning, implementation, and monitoring and evaluation of the lease agreements, and the project team will contribute to this. Particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, and women, will be paid through engagement with nongovernmental organizations (NGOs) and working with the Kaupule, women's and youth groups. All female spouses will be invited to all meetings to ensure women have full access to information.

36. **Land lease.** Guided by the Tuvalu *Native Lands Act* (see Appendix E) and ADB's Safeguards Policy Statement 2009, the government will lease land through a negotiated settlement based on meaningful consultation with landowners. The detailed government's process on land lease is in Appendix C. A negotiated settlement facilitated by the Lands Department through the Island Council (Kaupule) and landowners will be paid adequate and fair price for land and/or other assets. The current government rate is AUD 3,000 per acre annually (schedule 2015-2019).⁷

37. The Department of Lands developed a lease for use by the Kaupule to lease the land from landowners for the construction of the workboat harbor on Nukulaelae. An identical model and process will be adopted in the case of the Niutao land lease, with support provided by the PMU. The PMU assist in documentation of the negotiation and settlement processes, with the support of an independent external party, if found necessary. Upon completion of construction, the PMU will facilitate the preparation of drawings for the long term operational lease agreements. The PMU and the Department of Lands will facilitate the preparation and sign-off of the long-term operational leases between the Kaupule and the landowners, for an initial period anticipated to be 25 years. Lease payments will be paid to landowners annually at the government rate, currently \$3,000/acre (subject to change) through the Department of Home Affairs' operational budget.

38. Affected landowners and their family members will be given priority for employment in civil works where appropriate and required, and this requirement will be formalized in the construction tender terms of reference.

⁷ Native Lands Act provide a standard lease Agreement format that is normally used by government/ Kaupule or private leases when a land is enter into a lease.

39. **Compensation for affected assets, trees, crops.** The landowners who own trees and other productive assets on the leased lands which need to be cleared are entitled to compensation to replace these assets. The compensation rates and amounts will be valued based on latest government valuation and are based on full replacement cost at existing market prices (see Attached Tree Compensation Report in Appendix B). In addition, the contractor will be required to move these productive felled trees to an area designed by the Kaupule for community use.

40. **Third Party Validation.** The Lease process and negotiated settlement will be verified by an independent party, knowledgeable and widely respected in the community who is not related to the landowners or the government agency responsible for the project. A sample template, used as the basis for a third party validation during the Nukulaelae Project, is attached in Appendix D.

41. **Government approach.** The government has no intention of obtaining the sites through compulsory acquisition process. It will not invoke its right to compulsory acquire privately-owned sites but instead it will obtain land through lease or negotiated settlement. Failure of negotiation would not result in compulsory acquisition. No construction will take place prior to finalizing the lease arrangement and compensation paid. Any other unforeseen or unintended impacts will be determined as per the ADB's SPS and Tuvalu government policy.

VII. GRIEVANCE REDRESS MECHANISM

42. The community will be informed of the Grievance Redress Mechanism (GRM) through a public awareness campaign and discussion with the Kaupule when the successful contractor has been appointed. The process of lodging a concern or complaint and contact details of the construction contractor (CC) and Project Supervision Contractor (PSC) will be posted on a public notice board. The community is encouraged to voice any concerns or complaints, and these are to be duly investigated and reported through to the CC. All grievances, complaints or issues raised will be lodged in a register maintained at the contractor's site office. These will be included in the monthly progress reports from the contractor to PSC and PMU and are subject to checking by the PSC and monitoring by PMU.

**Table 4: Procedures for Resolving Community Grievances
(overseen by PMU safeguards officer)**

Sequence	Activity	Timing
1	Affected Person (AP)/ takes grievance to the Project Supervision Contractor (PSC) PMU, Construction Contractor (CC), or the Kaupule.	Any time
2	Kaupule (Lands Court) reviews the issue, and in consultation with the PSC and CC (if appropriate) through the PMU, then records a solution to the problem.	24-48 hours
3	Kaupule reports back to AP and gets clearance from the complainant.	48 hours
If unresolved		
4	Kaupule takes grievance to the Ministry of Communications and Transport (MCT) for resolution (Director of MCT)	24 hours decision within two weeks
and / or		
5	AP refers matter to the Office of the People's Lawyer(OPL)	2 weeks
6	OPL investigates and submits recommendation	4 weeks
7	OPL reports back to relevant government agency/AP	2 weeks
8	If unresolved or if at any stage and AP is not satisfied with progress, AP can take the matter to appropriate national court.	
	As per judicial system	

43. The above process, developed in conjunction with the PMU, will be used to address the issues and concerns that an affected party (AP) may have. The key point of contact for the AP will be the Kaupule, who will liaise directly through the PMU safeguards officer who liaise with both the CC and the PSC as necessary. The CC will receive and document all matters and issues of social concern from the local community and forward copies of all grievances to the PSC and PMU, which will operate under the Executing Agency (MCT).

44. Given the remote location, the small number of construction workers and the small size of the communities involved, it will be expected that there will be full and free access to the site based Project Supervision Contractor and Liaison Officer (PSC) to raise any issues of social concern as a result of the construction works. All efforts will be made to address any community or individual concerns in a timely and transparent manner and without retribution to the affected person to minimise any impacts that may affect project implementation.

45. For concerns such as damage to trees or food gardens (i.e., taro plots without permission or compensation), the AP will discuss this with the Kaupule, who will then raise the matter immediately with both the contractor and the PSC, if unresolved at the project site. If the concern can be addressed without delay, and the outcome is satisfactory to the AP, the matter is closed. The contractor will provide a Corrective Action Report to the PSC as soon as the complaint has been resolved.

46. For more extensive complaints such as damage to land issues such project/contractor's encroachment on someone's land, the AP will make a formal written statement to be delivered to the Kaupule, who will forward this to the CC. The CC will document the complaint and forward a copy to the PSC and PMU. The complaint must be attended to within 24 hours of the complaint being lodged. The timing and manner in which it will be resolved will be conveyed to the AP by the Kaupule within 48 hours. The contractor will provide a corrective action report to the PSC as soon as the action has been taken.

47. If the complaint is not resolved by the contractor or PSC to the satisfaction of the AP, then the Kaupule will forward the complaint directly to MCT, and with a copy to the Ministry of Home Affairs. The matter will be addressed with due consideration to the seriousness of the complaint and be carried out promptly. The MCT will attend to the complaint within 24 hours and advise the Kaupule how it will be addressed. MCT will make a decision within 2 weeks. The AP may, if so desired, discuss the complaint directly with PMU or its representative at a mutually convenient time and location. If the complaint of the AP is dismissed, the AP will be informed of his/her rights in taking the complaint to the next step. However, every effort will be made to resolve the issue to the mutual satisfaction of both the parties.

48. Should this process not resolve the matter, then the AP or the OPL can take the grievance to the Tuvalu Judicial System. The filing of the grievance will be at the AP's cost, but if the court shows that PMU has been negligent in making their determination, the AP may seek costs.

VIII. INSTITUTIONAL ARRANGEMENTS

A. Responsibilities to Monitor and Update the DDR

49. MCT is the executing agency responsible for overall guidance and project implementation. The PMU, headed by a project director, implements the project and is responsible for overall planning, management, coordination, supervision, and progress monitoring of the subproject including the updating of the DDR and its implementation. Any unanticipated issues will be dealt

with in accordance with ADB's SPS (2009) and Tuvalu applicable laws and policy. The PMU ensures compliance with assurances, including safeguards and updating and submitting the DDR updates. An intermittent international and national social safeguards specialist will be recruited to assist the PMU in updating this DDR. Construction on private-owned lands will not commence prior to the payment of compensation for the lease of land and other assets. The updated DDR will document the final identified landowners and cadastral survey, lease agreement, completion of payment for all required compensation, additional consultation undertaken with key stakeholders and other key activities undertaken to possess the site. The project progress report will include safeguards monitoring and reporting if required.

IX. IMPLEMENTATION SCHEDULE

Table 3: Implementation Schedule

	Activity	Timeline	Responsibility/In-charge
1	Confirmation of land requirement based on detailed design	Month 1-2	Social Safeguards Consultant (funded by PDA)
3	MCT informs DOL/DOL informs Kaupule of project and scope	Month 2	Project Steering Committee, MCT Department of Lands
4	Land survey and draft Lands Survey initial findings/report. Review by Social Team to enable summary for presentation of main findings to communities during site visit.	Month 2	MCT (delegated to Dept of Lands and Survey) / Kaupule PDA Team Social and preparation for presentation of findings to community.
5	Submission of Lands Survey report to government for approval	Month 3	Department of Lands and Survey (with support from Social Safeguards Consultant)
6	Community engagement to inform and consult community of project progress and identify social impacts. Presentation to landowners and community of land survey draft report, document questions and concerns with deadline for responses.	Month 4	MCT/PMU Lands Tribunal Social Safeguards Consultant
7	Negotiation between Kaupule and landowners on compensation for land, crops and other non-land assets Documentation of (free, prior, informed) consent.	Month 4	Department of Lands on behalf of MCT and GoT / Kaupule Social Safeguards Consultant
8	Lease Agreement preparation	Month 5	Department of Lands
9	Signing of land lease	Month 5	Kaupule / Landowners
10	Payment of land lease and compensation to crops and other non-land assets	Month 6	PMU/Ministry of Home Affairs
11	Update of DDR and submission to ADB	Month 6	Social Safeguards Consultant
12	Handover of site to contractor	Month 8	MCT

ADB = Asian Development Bank; DDR = Due Diligence Report; DOL = Department of Lands; GOT = Government of Tuvalu; MCT = Ministry of Communications and Transport; PDA = Project Design Advance; PMU = project management unit.

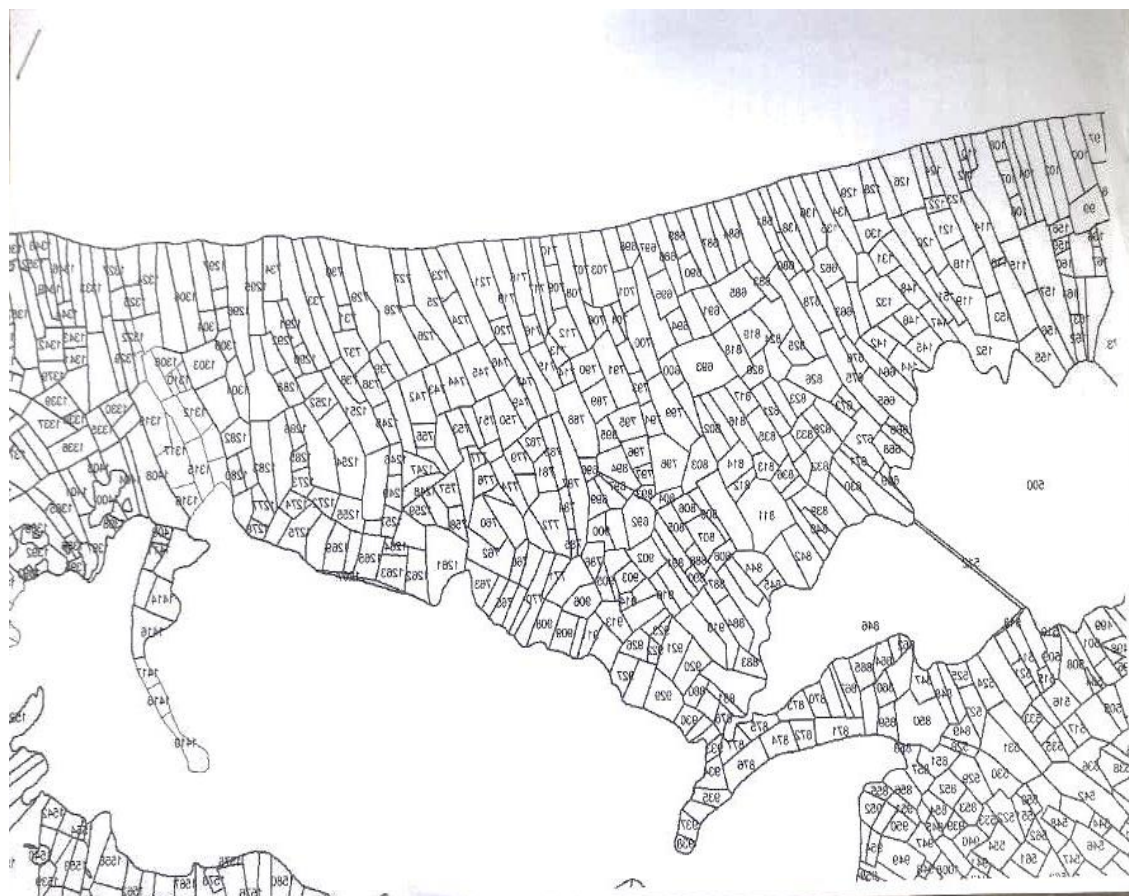
X. BUDGET AND FINANCING

50. The GoT, through the Lands Department, will secure required budget to continue to service the leases on the Niutao project site from its annual budget allocation or other sources for the subsequent operational leases on Niutao. No other ongoing or non-land asset payments are required to be paid.

APPENDICES

- Appendix A: Cadastre map, list of owners and Fale Kaupule members
- Appendix B: Government Tree Compensation Approval Rates
- Appendix C: Procedures for Leasing Land for Project Site by Government
- Appendix D: Example Template for 3rd Party Verification Letter
- Appendix E: Tuvalu Native Lands Act 51
- Appendix F: Niutao Women's Meeting Minutes March 9 March 2018
- Appendix G: Niutao Community Minutes 9 March 2018
- Appendix H: Niutao Kaupule Meeting Minutes 9 March 2018
- Appendix I: Record of Meeting with disabled man near project site
- Appendix J: Photographs

Cadastral Map and landowners



LANDOWNERS AS PER CADASTRE MAP

AREA STATEMENT

ISLAND : NIUTAO

CADASTRAL MAP : SHEET No 2

PRESENT			ORIGINAL			
Plot No	Land Owner	Plot No	Land Owner	Sq Metre	Acre	Remark
77. SINAVE & TALAFATI & POMUTIE						
662	Lusia	226(p)	Posala	1,266	0.31	
663	Neita	226(l)	Pani	1,600	0.40	Ailini
664	Lekasa	221(p)	Lekasa	1,860	0.46	
665	Talake	221(ac +)	Tavau	1,935	0.48	
666	Teuati(Talia)	226(ao)	Tele	365	0.09	
667	Taliu (Salu)	221(m)	Mani	630	0.16	
668	Teafiula	226(aa)	Enele	1,160	0.29	
669	Malufenua(Vave)	-	-	220	0.05	
670	Faleoulaki	226(u)	Kapili	570	0.14	
671	Suitai	226(s)	Fakamilo	527	0.13	
672	Taliu (Salu)	226(ae + ai)	Tele	2,046	0.51	
673	Pukiet	226A.(a)	-	353	0.09	Inaki
674	Teikauca	221(t)	Malia	452	0.11	
675	Teafiula	226(v)	Nui	2,650	0.65	
676	Kalapu	21(al)	Kaiea	715	0.18	
677	Paito(Neititi)	226(k)	Kuata	1160	0.29	
678	Kapili	226(a)	Kaiea	1730	0.65	
679	Sili	226(ng)	Levi	2628	0.65	
680	Kulu	226(r)	Lala	580	0.14	
681	Lua	226(t)	Lagafaoa	1,242	0.31	
682	Telua	226(c)	Sinoki	2680	0.66	
683	Pelenise	226(l)	Uliaia	750	0.19	
684	Siliva	226(n)	Iosefa	1720	0.42	
685	Lua	226(l)	Lagafaoa	2540	0.63	
78. SAVESAVEA						
686	Laine	225(af)	Ngaiti	1137	0.28	
687	Kalele	225(aa)	Saufatu	1770	0.44	
688	Sagalei	225(t)	Selepa	1692	0.41	
689	Kailasi	225(u)	Kaitupu	914	0.23	
690	Tanu	225(a)	Moiono	1040	0.26	
691	Teeve	225(al)	Iatu	1400	0.35	
692	Mavete	225(ai)	Iuaata	1285	0.32	
693	Tana(Elia)	225A(a)	Moiono	3840	0.95	
694	Kalapu	224(n)	Takamio	925	0.23	
695	Sakana	225(ae)	Safuga	1400	0.35	
696	Nuse	225(ang)	Tauseke	1720	0.42	
697	Telua	225(o)	Sinoki	1770	0.44	
698	Sakana	225(n)	Safuga	900	0.22	
699	Malaitia	225(p)	Uniumi	2550	0.63	
700	Sefusefu	225(m)	Satupa	2280	0.56	
701	Tepepe	225(v)	Papau	1228	0.30	
702	Kala	225(ao)	Fainaki	1070	0.26	
703	Luapese	225(as)	Fou	2800	0.69	
704	Tauamatua	225(am)	Falelasi	360	0.09	
705	Mailangi	225(l)	Osea	763	0.19	
706	Foeaki	225(an)	Paka	755	0.19	
707	Vaiui	225(e)	Lupeaga	1,185	0.29	
708	Tou	225(s)	Tekaile	2,730	0.67	

709	Matakua	225(f)	Kautonu	1,000	0.25
710	Taliu	225(r)	Tele	590	0.15
711	Kulu	225(l)	Enelise	1,270	0.31
712	Taliu	225(ng)	Mone	1,290	0.44
713	Savete	225(k)	Matangi	640	0.16
714	Luka	225(ap)	Veaki	437	0.11
715	Pole	225(at)	Paealili	1080	0.27
<i>79 AGATA</i>					
716	Kanofou	-	-	840	0.21
717	Vauu	204(eu)	Tailiki	1200	0.30
718	Teoti	204(ae)	Futnai	2212	0.55
719	Iupasi	204(an)	Kaisala	2570	0.64
720	Seloga	-	-	750	0.19
721	Teanu	204(au)	Teoliga	2920	0.72
722	Tealofi	204(at)	Temaolo	2980	0.74
723	Molisia	204(al)	Makua	1,370	0.34
724	Tepepe	204(r)	Samuelu	1,570	0.39
725	Panapa	204(v)	Makini	3,410	0.84
726	Tauia	204(p)	Kaleao	1,890	0.47
727	Keakea	204(af)	Solonaima	1,390	0.34
728	Meleka	204(n)	Putikangai	5,600	1.38
729	Ielulu	204(ng)	Tima	3,180	0.79
730	Ata	206(a)	Mileta	1,500	0.37
731	Savete	204(f)	Telu	560	0.14
732	Esela	204(u)	Saiali	2,045	0.51
733	Tepepe	204(o)	Papau	2,630	0.65
734	Tauia	197(ok)	Nautoka	1,687	0.42
735	Kaupeka	204(a)	Tefoc	3,550	0.88
736	Siliva	204(e)	Talotalo	960	0.24
737	Seluselu	205(u)	Satupa	1,472	0.36
738	Kalele	204(m)	Positongo	1,180	0.29
739	Insua	204(l)	Tavai	780	0.19
740	Vaimauli	204(ee)	Selua	870	0.21
741	Fatunga	204(am)	Ma'ike	1,600	0.40
742	Faite	204(s)	Teveve	1,990	0.49
743	Mafou	204(ea)	Manupua	1,148	0.28
744	Elia	204(ap)	Tupeli	2,080	0.51
745	Mafou	204(ei)	Manupua	2,370	0.59
746	Teipauli	204(ai)	Matakite	1,160	0.29
747	Kaupeka	204(l)	Laina	1,700	0.42
748	Seone	204(ao)	Lutelu	1,340	0.33
749	Lanikai	-	-	1,270	0.31
750	Puaee	204(k)	Telava	2,000	0.49
751	Kilisi	2180	-	1,180	0.29
752	Tanu	204(aa)	Moiono	722	0.18
753	Malolo	204(t)	Vaai	1,064	0.26
754	Tafaki	204(av)	Paua	1,560	0.39
755	Maluia	204(ang)	Tepae	816	0.20
756	Tepepe	204(as)	Popongi	552	0.14
<i>80- TAUMATA</i>					
757	Teititi	210(ng)	Niumalala	1,000	0.25
758	Tesati	210(z)	Kaulua	780	0.19
759	Tine	210(f)	Malota	1,300	0.32
760	Longona	210(a)	Tinilau	1,760	0.43
761	Tokolau	212(1)	Vaefanga	1,680	0.42
762	Galuega	210(o)	Tiniloko	2,140	0.53
763	Tepepe	210(l)	Papau	1,320	0.33
764	Tanga	210(e)	Faavae	680	0.17
765	Pelenise	210(m)	Kaulua	920	0.23
766	Kaureka	210(n)	Laina	700	0.17

767	Nantanaia	210(eu)	Kaleao	900	0.22
768	Malenale	210(f)	Managi	646	0.16
769	Lua	212(k)	Namoko	450	0.11
770	Lala	210(n)	Lagafao	1932	0.48
771	Pelenise	212(ng)	Kaulua	750	0.19
<i>TEFUTI 81.</i>					
772	Tui	218(a)	Soatagata	2425	0.60
773	Tepepe	218(n)	Papau	973	0.24
774	Maluafevua	218(p)	Toata	1400	0.35
775	Seono	218(o)	Tupa	450	0.11
776	Tuaga	-	-	970	0.24
777	Mono	212(eu)	Telape	440	0.11
778	Panapa	218(l)	Mukini	500	0.12
779	Lopati	218(m)	Papane	1000	0.25
780	Fualima	218(l)	Papane	740	0.18
781	I iaki	218(u)	Teveve	1000	0.25
782	Teoli	218(f)	Fomai	960	0.24
783	Matusi	218(ng)	Sepola	1430	0.35
784	Teuati	218(e)	Tealofa	640	0.16
785	Lopati	218(k)	Saufatu	310	0.08
786	Tauia	218(s)	Nautoka	844	0.21
787	Kanofou	218(v)	Satupa	3186	0.79
788	Telua	218(c)	Taufaiva	3055	0.75

NB; Compile only for Port Harbour purpose and not for any other reason. Misusing of information is prohibited.

LSD Staff- 090180/070318.

Current Government Tree Compensation Approval Rates

Tuvalu Government Ministry of Natural Resources and Lands Lands and Survey Department Government Tree Compensation Approved Rates			
No	Tree / Crop	Approved Rates	
1	Cocnut trees		
	(well spaced and managed)		
	~ Bearing trees	\$50.00	
	~ Non-Bearing trees with trunk	\$20.00	
	~ Seedling without trunk	\$10.00	
	Cocnut Trees		
	~ Bearing trees	\$40.00	
	~ Non-Bearing trees	\$10.00	
	~ Seedling without trunk (new)	\$1.00	
2	Bananas		
	~ Maximum of 5 shoot per mat	\$20.00	
	~ Per stem	\$12.00	
	~ Per shoot	\$5.00	
3	Breadfruit		
	~ Per bearing tree	\$40.00	
	~ Non-bearing tree & over 3m height	\$20.00	
	~ Seedling < 3m height	\$5.00	
4	Pandanus		
	~ Useful for timber and fruits	\$40.00	
	~ Useful for leaves, fruits & not big enough to provide valuable pole	\$20.00	
5	Puka, Kanava, Fetau		
	~ Per tree large enough for a canoe	\$40.00	
6	Puka, Kanava, Fetau, Fao, Pua, Milo, Gasu & Valovalo		
	~ Per tree with stem 15 cm or > in diameter at height of 1 meter but not suitable for a canoe construction	\$10.00	
7	Tausunu		
	~ Above 3 feet	\$5.00	
	~ Between 1 and 3 feet	\$1.00	
8	Felo and Tial'e		
	~ Per fruit or flowering bearing tree	\$10.00	
	~ Non-Bearing tree (new)	\$3.00	
9	Patete, Kumala, & Taamuu		
	~ Per plant or mount	\$1.00	

10	Pulaka		
	~ Per shoot over 4.3 feet	\$16.00	
	~ Per shoot up to 3 feet	\$8.00	
11	Dalo / Taro	\$8.00	
12	Pawpaw		
	~ Bearing tree	\$5.00	
	~ Non-bearing tree	\$2.00	
13	Laukatafa		
	~ Per plant over 3 feet high	\$2.00	
	~ Between 1 and 3 feet	\$1.00	
14	Gie		
	~ Per plant > 3 m height	\$2.00	
	~ Between 1 foot and 3 feet (new)	\$1.00	
15	Pumpkin		
	~ Bearing plant	\$2.00	
	~ Non-bearing plant	\$1.00	
16	Nonu		
	~ Bearing tree	\$2.00	
	~ Non-bearing tree	\$1.00	
17	Togo		
	~ Per tree	\$3.00	

Procedures for Leasing Land for Project Site by Government

Stage of Lease Process	Institution responsible for Process	Projected Cost	Frequency
Stage 1 Application to DOL to start the lease process. Government agency to send a request letter to DOL. Initial Meeting Parties interested in leasing meet and discuss their requirements.	Ministry of Civil Aviation and Transport (MCT) Department of Lands (DOL)	No costs involved.	Once
Stage 2 DOL informs Kaupule of project and scope.	Lands Court	The fee is \$10 administration cost.	Once
Stage 3 Survey & Mapping of Proposed Lease Area Leasing parties present a draft MoU or similar to the Lands Court Clerk in Niutato. The Lands Court will appoint time to visit the proposed lease site with the parties. After the visit, the Lands Court will allow sometime, normally a week, for any claims to the proposed lease. After expiry of that allowance the Court will invite the Dept of Lands and Survey to provide proper legal boundaries for the lease 'a lease plan'.	Lands Court Department of Lands	Fares and allowance for surveyors, claimable after completion.	
Stage 4 Lease Agreement preparation The 'lease plan' is forwarded by the Lands Court to a legal practitioner or government attorney to produce the lease agreement (normally a template exist in the Office of the attorney General).	Lands Court Attorney General's Office		
Stage 5 Signing of the Agreement The parties are summoned to sign the agreement, after having sighted the document before this signing.	Lands Court		
Stage 6 Payment of Lease	Department of Lands & Ministry of Finance	Annually	
Stage 7 Payment of Annual Land Rent by Lessee to Lessors	Payment by Lessee to Lessors.	AUD 3,000 per acre annual rent	Annually

Example Template for 3rd Party Verification Letter

We provide the independent verification of the Memorandum of Agreement (MOA)/Lease Agreement signed on _____ (date) between the Kaupule (on behalf of the Tuvalu Government) represented by the _____ and landowners of _____ (address of landowners) on the use of _____ acre of land for _____ under the _____ (the Project) that (i) the landowners support the Project and its activities and have agreed to provide affected land through lease; (ii) consultations and negotiations with landowners have been undertaken meaningfully, freely and in good faith and the landowners have made informed decisions on use of land, and (iii) terms and conditions of the MOA/Lease Agreement have been explained to and understood and agreed by the landowners. The verification is based on our independent:

- Validation that consultations with the landowners have been undertaken and that they were provided with relevant information as per the Due Diligence Report and other project documents;
- Validation that the agreement is voluntary and that the landowners have fully understood and agreed to the agreements' terms and conditions;
- Validation that the landowner representatives signing the agreement duly represent the landowners or the lawful owner/s of the land;
- Validation that landowners or any other users/occupants will not experience major adverse impacts from land use by the project;
- Validation that any minor impacts have been identified, sufficiently addressed and documented by the project;
- Validation that compensation (if required by MOA) represents a fair and reasonable replacement cost based on market prices; and
- Validation that the agreement is in compliance with applicable laws of Tuvalu as well as safeguard requirements stipulated in ADB SPS (2009).

Signature:

Date:

Name of Verifier:

Official Stamp (if applicable):

TUVALU NATIVE LANDS ACT 51



Tuvalu

NATIVE LANDS ACT

2008 Revised Edition

CAP. 46.20



Tuvalu

NATIVE LANDS ACT

Arrangement of Sections

Section

PART I - PRELIMINARY	7
1 Short title.....	7
2 Interpretation.....	7
3 Delegation of powers and duties by Lands Officer.....	8
3A Lands Officer to act with Minister's approval.....	8
PART II - TITLES TO NATIVE LAND	9
4 Indefeasibility of title.....	9
PART III - ALIENATION	9
5 Restriction of alienation of native land.....	9
PART IV - THE LANDS COURT	9
6 Constitution of lands court within each Kaupule's area.....	9
7 Registrar of lands court.....	10
8 Oath by members of lands court.....	10
9 Establishment of Appeals Panel.....	10
10 Appeals to Appeals Panel.....	11
11 Persons subject to lands court's jurisdiction.....	11
12 Certain powers of lands court relating to land.....	11
13 Dealings to be in accordance with Lands Code, etc.	11
14 Unregistered titles.....	12
15 Native wills.....	12
16 Native adoptions.....	12
17 Customary fishing rights.....	12
18 Native leases.....	12
19 Court registers.....	12
20 Paternity.....	13
21 Court records.....	14

57	Removal of or interference with boundary mark	25
58	Disturbance of court.....	25
59	Failure to answer summons	25
60	Proceedings where to be instituted	25

PART IX - GENERAL	25
--------------------------	-----------

61	Attestation.....	25
62	Interim injunctions.....	25
63	Regulations and fees	26
64	Regulations governing practice and procedure of Lands Court.....	26

SCHEDULE 1	27
-------------------	-----------

OATH	27
------	----

AFFIRMATION	27
-------------	----

SCHEDULE 2	28
-------------------	-----------

POWERS AND PROCEDURE OF LANDS COURT	28
-------------------------------------	----

Supporting Documents	
-----------------------------	--

ENDNOTES	30
-----------------	-----------

29 Amendment of Lands Code

- (1) The Minister at the request of a Kaupule within whose area of authority an island wholly or partly lies may by order amend the Lands Code in respect of its application to that island.
- (2) The Minister shall cause a copy of every order made under this section to be laid before the Parliament at its sitting next following the date on which the order comes into operation.

PART VI - LEASES

30 Leases and sub-leases invalid until approved and registered

No lease or sub-lease of any native land shall be valid until it has been approved and registered in accordance with the provisions hereinafter contained.

31 Approval and registration of certain leases and sub-leases

- (1) A lease or sub-lease of native land, other than a native lease, shall require the approval of the Minister.
- (2) Any native or non-native who desires to obtain a lease of native land, other than a native lease, shall submit such lease for the inspection of the court of the island in which the land the subject of the lease is situate.
- (3) A lease of native land shall not be approved by the Minister unless the court of the island in which the land is situate has confirmed –
 - (a) that the land is the property of the lessor;
 - (b) that the lessor is not prohibited under the Lands Code from alienating the land for the term proposed; and
 - (c) that the lessor will be left with sufficient land to support himself and his dependents:

Provided that paragraph (c) shall not apply to any island or place designated by notice by the Minister under this subsection.

- (4) The Minister shall also satisfy himself:
 - (a) that the terms of the lease or sub-lease are not manifestly to the disadvantage of either party;
 - (b) that the agreement conforms with the requirement of regulations made under section 63; and
 - (c) that the fees prescribed have been paid.
- (5) Upon these conditions being fulfilled the Minister shall cause a copy of such lease or sub-lease to be registered in a book to be kept for that purpose and

known as the Leases Register or Sub-Leases Register as the case may be and shall cause an endorsement to be made on the lease or sub-lease recording the approval, the registered number and the date of registration.

32 Approval of native leases

- (1) Any native desiring to obtain a native lease shall submit the proposed lease to the court of the island in which the land the subject of the native lease is situate.
- (2) On being satisfied that the land to be leased is the property of the lessor and that the terms and conditions of the lease are fair both to the lessor and the lessee and that if the lease takes effect there will be sufficient land left to the lessor to support himself and his family, the court shall approve the lease and thereupon the president shall cause the registrar to enter a copy of the lease in the court register of native leases and to make an endorsement upon the lease to the effect that it has been approved and registered.

33 Term and extent of lease and sub-lease

No lease or sub-lease shall be granted for a longer period than 99 years or of any parcel of land of greater extent than 10 acres without the approval of the Minister.

34 Transfer of lease and sub-lease

No lease or sub-lease granted under the provisions of this Act, other than a native lease, shall be assigned or transferred without the approval of the Minister in the case of leases or sub-leases granted under section 33; and any such assignment or transfer approved as aforesaid shall be registered in the Leases Register or Sub-Leases Register as the case may be.

35 Transfer of native leases

No native lease shall be assigned or transferred without the approval of the court of the island in which the land the subject of the lease is situate.

36 Implied covenants by lessee

In any lease or sub-lease there shall be implied unless expressly stated to the contrary the following covenants by the lessee, that is to say —

- (a) that he will pay the rent thereby agreed at the times therein mentioned and all rates and taxes which may be payable in respect of the property during the continuance of the lease or sub-lease;

Niutao Women's Meeting Minutes March 2018

Ms Tepakaina Talake, Women's Committee Niutao, 9/3/2018

The benefits for women after the new harbour is completed include easier access to food. It would be good to have a food serving facility at the harbour to lock up and serve food for fundraising for the community.

She believes the presence of the harbour will increase growth in the surrounding areas and it will become a hub for the community, possibly even stemming the migration to Funafuti.

Her main safety concerns are the big waves for the work boat, especially at high tide. A small boy almost died in 2017, the Red Cross administered first aid and he survived. He was on the work boat transferring to shore.

The safety on board is hard for the elderly and pregnant women, especially when the waves are big. The elderly people can often fall over. They do not have suitable shoes for the transfer, the coral and rocks are sharp and many have bare feet.

She believes the women would use the coconut trees, leaves and coconuts and the pandanus plants felled in the construction site for handicraft development, and fully supports this initiative. She also supports the idea of a community sea safety and first aid training. .

Ms Miriama Taukiei, works with the settlement of waste in Funafuti but from Niutao, 9/3/2018

She considers the ship to shore transfer very dangerous. She says that babies could fall. Many people have slipped and hurt themselves from the work boat to shore. This includes breaking hands and limbs and back pain from the cargo. A lot of cargo has been lost, especially rice and sugar which is a big economic loss.

Two people have died, one was in the 1990's when an 18 year old went to help transfer the cargo, he hit his head and died instantly. The other was from the 1980's and was an elderly man. She thinks the idea of a community sea safety and first aid training is critical.

Prasma Maunua, 67, fisherwoman

She has been fishing all her life and goes out in the big fishing boats. No other women come, they are not interested or scared of the waves. All the women would like to have water safety training. The Red Cross are all trained in water safety and she supports the idea of a community sea safety and first aid training.

Ms SalaKani, landowner

She is from the Kani clan and the Head of her clan is Mr Tavatava. There are 3 families in the clan comprising 10 people, with five adults including four women and the clan head who is the man.

She does not believe there would be any issues in leasing the land, but the agreement needs to be made with all the adult clan members. If it is equally divided there should not be an issue but if some men or families want to take more, then it can be referred to the Land Court on the

Islands. There have never been any land court decisions that have gone to the magistrates court so far and she does not believe this would happen.

Ms Patioko Kapua, Committee member Red Cross

She agrees that a water safety and first aid course is important to run for the whole community when the harbour opens and believes the Red Cross is the best group to do this. She also agreed that the nurse from the health clinic should be involved and the harbour should stock a first aid kit for emergencies. All Red Cross staff have been trained in first aid, as have the Scouts.

Ms Pufi Mtepaa, Member of Kaupule

She showed us the site of the new harbour and the graves. She checked that night with the owner of the bodies, who had no problem with relocating, but she and other Kaupule could not tell us immediately who owned the land that the graves were on, as she was just the caretaker. She mentioned that most of the decisions on the island were made by the men of the Kaupule, that this is changing, but the women still have very little power.

Summary of discussion actions

	Discussion/issues	Agreement What/how/when	Responsible
1	Women would like to have a canteen at the Passenger terminal.	This is in the design	PMU/ Contractor
2	Cleared trees should be made available for women to use for handicrafts	Consult further with Kaupule on where to relocate the felled trees. Include in agreement for contractor to remove trees for recycling	PMU/ Kaupule/Contractor
3	Women believe it is important to instigate a sea safety and first aid training when the harbour has been completed. As all Red Cross volunteers on the island are trained in first aid they should facilitate this process and a first aid kit must be located on the site.	Liaise with Red Cross in Funafuti to run the training and link to Kaupule harbour safety plan.	PMU/ Red Cross/ Kaupule
4	The owner of the bodies of the 8 graves in the site has been located and she has given verbal agreement for relocation. The owner of the land on which the graves stand needs to be identified and consulted	Kaupule will identify land owner when Lands Survey has been completed and it is confirmed the graves are in the project site.	PMU/Kaupule

Niutao Community Minutes 9 March 2018

The people were split into the following groups: Youth (three, two women and one man); fishermen (three women and three men); pregnant women and women with small children (three); landowners (five all men).

One person stated that they wanted the harbour to be a full port. They stated that the diagram was not good for them to understand. The issue of jobs was discussed and everyone was in favour. A discussion was held whether women could do the unskilled construction work. The elders said not and the younger people said yes. The young women were confident that could do all the jobs.

In group discussion it was also posed whether there would be environmental destruction, both from erosion and well as endangering local sea animals. I asked if there were any endangered species and they said they did not think so, but we would need to check with fisheries.

One of the young men mentioned that the area of the proposed harbour is where the highest waves of the island are, so this needs to be checked as the Ship- shore is the most dangerous part of travel, with everyone considering the waves as the biggest problem.

Several groups asked for male and female and disabled toilets. One group requested a shower be there as well for all the women who get seasick and have been vomiting on the boats.

They wanted the proper protection of children on the jetty and believe the handrails as well as safety signs were essential. They also suggested building a play area specifically for kids, as well as one for disabled, mothers and the elderly.

They suggested themselves that there was a need for people to use life vests and they also wanted life rings to be stored in the warehouse.

They liked the idea of the kiosk and the women asked for a space for handicrafts to be sold as well. They also supported the idea of water safety and first aid training.

Focus Group Discussions Niutao 9/3/2018

GROUP	QUESTIONS
	1. How often will you use the harbour?
Landowners (all men)	Everyday
Fisherfolk	All the time
Women	Anytime when people travel to other islands
Pregnant women	5 times a year
Old men	All the time for fishing
Youth	Fishing and travelling
	2. What is your purpose of travel?
Landowners	Use not only limited but also for other uses for anyone to travel to the sea, fishing and other locations

Fisherfolk	Hoping to look for fish for the family and also maybe fishing for money
Women	Mostly hospital and visit relatives
Pregnant women	Hospital and sickness
Old men	Meetings, hospital and family
Youth	Travelling can happen if you are going to the hospital, attending workshop and others
	3. Where do you travel to?
Landowners	All islands
Fisherfolk	Funafuti and all islands
women	Children if they are working in Funafuti or other islands
Pregnant women	Mainly Funafuti
Old men	Capital, GoT and for abroad
Youth	Funafuti and all islands
	4. Who do you travel with
Landowners	Family
Fisherfolk	Family
Women	Family
Pregnant women	Family
Old men	Wife and children
Youth	Family
	5. What are the major hazards for you in travel?
Landowners	Waves and places where you get onto boat and from the boat to ship and the handling of cargo
Fisherfolk	Development is not an easy job and needs everyone to cooperate and work together for it to be accomplished easily. Need complete safety for everyone's needs.
Women	We dislike when the sea is rough and the weather bad, elderly, women and babies
Pregnant women	Dangers are waves and the passage is dangerous, channel
Old men	Wind, cyclone, big waves and rough seas
Youth	The waves on the island are most dangerous
	6. Can you swim? Can all the members of your family swim?
Landowners	All except small babies and the elderly
Fisherfolk	Everybody knows how to swim, except babies and old people and people with disabilities.
Women	Everyone
Pregnant women	All except children
Old men	They cannot, the old men and women and the women with babies and disabilities.
Youth	Only the small children and babies cannot swim
	7. How do you see that any hazards could be addressed within the current harbour design?
Landowners	They think it is well designed but needs more improvements if they can still more improvement
Fisherfolk	Improve health
Women	Don't know
Pregnant women	OK, but best if the ship berth right onto the wharf
Old men	It will improve the situation

Youth	He thinks it is not beautiful, not good. They were expecting a big breakwater they wanted a sea wall
8. Do you use the area for the harbour for fishing or any other purposes?	
Landowners	Yes, access to canoe fishing
Fisherfolk	Beautiful because it will be used for many things
Women	Yes useful for us and the island
Pregnant women	Yes I will use the development for fishing, feeding my pigs and some will be able to resting and some people will go there to eat fish, some people enjoy the view
Old men	Use for various purposes, fishing and anything that is worthwhile.
Youth	Fishing
9. Would you be interested in construction, maintenance or other work at the port? Why/ why not	
landowners	Yes and want to partake in safekeeping and safeguards of the wharf
fisherfolk	Yes, very very happy
Women	Yes
Pregnant women	Useful for the island and the next generation
Old men	Yes to simplify the cargo handling
Youth	Yes, as it is going to improve out people entering cargo.

GROUP DISCUSSION RESPONSES

Group	Question
A. What do you see as the major positive aspects of the harbour?	
Landowners	We understand the problems will come at the end of the construction, they don't know now
Fisherfolk	Development will improve cargo, people and everything
Women	To simplify our travel issues, to improve it
Pregnant women	They are hoping there is a big improvement for the development. Danger of existing one, new one to bring it much better.
Old men	Excellent for passengers, fishermen and cargo
Youth	Land owners will benefit and new things added to the islands things will come more easy and everyone increase accessibility
B. What do you see as the major negative aspects of the harbour	
Landowners	Nothing will happen in the long run. Something may happen at another stage in terms of environment and erosion of the shoreline.
Fisherfolk	We don't know whether there is a n impact or not but our hope is the not have anything, especially erosion.
Women	Do not like it when the weather is not good
Pregnant women	Don't know until it is built
Old men	Maybe the erosion of the island, foreshore and the loss of land.
Youth	He will use the area where he usually fishes and the danger in this area he says it has the greatest waves
C. Are there any issues for the harbour that are different for men and women, boys and girls? What are these?	
Landowners	All supported that people need to understand and work with other groups who are in control and responsible for the maintenance and the marine life

	and through that understanding will decrease the impact of this development.
Fisherfolk	Separate toilets for men and women.
Women	No comment.
Pregnant women	There should be a toilet and bathroom and at the transit shed for men and women.
Old men	Yes, they need toilets and the market to sell and places for people to eat.
Youth	Toilets should be used properly and taken care- need for men and women and those with disabilities.
D. What issues do you see for people with a disability, pregnant women, elderly and children?	
Landowners	This is the most important thing for any developed is the safety of life. The development should concentrate on the safety of people and the hardship we are facing.
Fisherfolk	Transportation we need an access for those with disability, the old people and children, needs special attention on how to transfer to make it as safe as possible.
Women	We should improve the house so they can sit specially the women with babies and the people with disabilities and elderly.
Pregnant women	Should be a winch on the wharf to take the disabled and elderly and strap them properly. Sick patients need to be strapped properly before lifting.
Old men	Wheelchair, ambulance and place to shelter them.
Youth	Place for the Red Cross and scouts so they can attend to emergencies.
E. Are there additional things in the current design that could be added to help the community and address issues of safety?	
Landowners	Ladies with children and people with disabilities these people they should have a special place so they are well secured, apart from other users.
Fisherfolk	We need railings, crane and life rings
Women	We should prepare a place where life jackets are ready for safety for the people.
Pregnant women	Fence to protect young people from injuries, on jetty.
Old men	Safety and fire extinguishers
Youth	They want a fenced area so no one can misuse the area and there needs to be a security person to take care of the compound.

Summary of discussion actions

	Discussion/issues	Agreement What/how/when	Responsible
1	Sea safety and first aid training should be conducted once the harbour has been finalized. A first aid room should be constructed at the Passenger Terminal with a fire extinguisher, life rings and safety vests.	Further discussion to finalise plans with Red Cross, Kaupule and PMU	PMU, Red Cross, Kaupule
2	Security guard to be present 24/7, guard rails on jetty		
3	Stevedores employed with lifting crane to ensure safety of people and cargo in transit, lifting litter available for the disabled	Lifting crane in design, stevedores needs	PMU, Kaupule

		to be finalized with Kaupule. Lifting litter to be included.	
4	Both men and women indicated interest in accessing skilled and unskilled work made available from the construction work.	Needs to be included in agreement with contractor	PMU and contractor
5	Space for women with children and disabled to sit and disability access toilets for men and women	In design for passenger terminal	Contractor
6	There was concern about environmental destruction, both from erosion and well as endangering local sea animals.	The results of the environmental assessment need to be shared with the community.	PMU

Community meeting attendance record 9 March 2018

MEETING COMMUNITY NIUTAO 9/3/2018		
NAME	MALE/FEMALE	POSITION
① HANARI KAOFA	✓	T/Man.
② Katoto Teponga	✓	Tocaino.
③ Pucasia, Mamiu	F	Tairua.
④ Sala, Sigavzo.	F	Tairua.
⑤ Fagata, Teaukai.	M	Tairua.
⑥ Teuliga Tepepe	F	
⑦ TACAMONI, P.	M	Fisherfolk (Tairua)
⑧ Silima, Kemi	F	FISHER FOLK.
⑨ Kopolala, T	M	Talarua, Youth.
⑩ Tauga, Maupai.	F	Youth
⑪ Peleti, T	F	Youth
⑫ Tepakaina	F	Fafine
⑬ Huapeia	F	"
⑭ Pahioko	F	"
⑮ Hualeia, S.	F	"
⑯ Jane William.		T/Fafine. (President)
⑰ Naitale, Linaalea.		F/Faitama
⑱ ALUSEI, Leola		"
⑲ SALIHI TAGTA		Land owner
		Land owner

Name	Male/Female	Position
⑳ Maupai Teponga	male	Island Chief.
㉑ Lufaka, Pocofa	male	✓ ✓
㉒ Tia Tupou	M	✓ ✓
㉓ Katoto Teponga	Male	✓ ✓
㉔ Vefala, Moku	✓	Fairautasi, etc
㉕ KADUA, Saku	✓	Falekaupule
㉖		TUKUMUNA.
㉗		

Niutao Fale Kaupule Meeting Minutes 9 March 2018

They reiterated the issues of ship to shore transfer and the unsafe practices when boat comes out over the reef in rough weather. They claim several people have injured their backs carrying heavy cargo, especially rice and sugar. There have been broken legs and back damage. There are also scratches and cuts to the feet due to the reef and these are treated by the nurse at the health center. They state there is a capsizing of a work boat once a month. The government ship that arrived in this morning almost capsized and there was significant damage to the work boat at the reef.

They claim the population is currently over 500, but stated the health clinic would have the exact number but they only had until the end of 2017. The claim there are about 20 people living with disabilities on the island; mostly it is people who can't walk, have birth defects or have trouble seeing. There are no wheelchairs on the island, however we saw one at the health clinic.

The Kaupule want stevedores and they have mentioned this at their meetings. The main obstacle is money. They believe they would need 40 people and it would be AUD\$100 per day per person. They would be needed twice a month for the ships at their current ship arrivals.

Upon asking about ground water they said it is not salty. They claimed all the toilets are septic and that the waste may leak to the ground water but they don't know how to address this. They have a dump site where they separate the plastics from the tins and dangerous items like batteries.

They can burn the leaves, but bringing anything else is illegal.

The Kaupule employ 12 staff and 6 of these are paid from Funafuti this includes the treasurer, planner, women's committee member, clerk and secretary. The Kaupule employs a mechanic, carpenter, truck driver and WASH person from their own funds. There are 5 Kaupule on the island, three have women as heads and the Fale Kaupule has a gender balance. This is rare for Tuvalu.

There is a marine conservation site called a muli. This is on the opposite side of the island from the proposed harbour. It has recently been approved, it is running as a trial as the fish are decreasing in the area.

The pregnant women need to leave the island for the first child and per diem is paid from Funafuti. If they decide to have subsequent babies in Funafuti they need to pay themselves unless they have a report from the doctor in Funafuti. There has been a baby lost on board a ship due to the woman travelling too late in her labour (beyond 6 months). The baby was delivered in the ship and died before getting to the hospital.

The only NGOs active on the Island are the Red Cross and the Scouts. They believe both of these groups could run first aid and safety training for the new port.

The Kaupule stated they do not think there will be any problem in the landowners signing the leases for the land at the harbour. They said they all understand the benefits of it and they will

all have discussions. They reiterated that as long as the money is not divided unevenly it should be fine. Any disagreements would be sent to the land Court which consists of sex men.

They have requested the ships to come more often; every two weeks. They stated the main reason people travel from Niutao is for shopping, jobs, school and medical.

They approved the idea of the kiosk. One of the Kaupule head said the money could go the Kaupule and others said it could go directly to the women. The Women's Group would like to be able to manage this facility. At present apart from the government jobs, there is little way for the women to make money other than handicrafts (the men can sell fish).

The Kaupule said they will hire a security guard that will be required for the site. They also agreed they will consult the women's group to decide whether the lighting is safe for women at night. They would also like a separate covered area for women, the disabled and the elderly (this could possibly be priority seating (?))

They agree that life jackets should be worn from ship to shore and would like to take up the offer of the Red Cross in Funafuti to help them develop a safety Plan for the harbour.

The discussion on women's work at the harbour site confirmed that women can get money from washing and cooking for the consultation workers. When I asked if we could get 30% employed in non -skilled labour, some said no, but Ms Paufi Mtepaa considers women could do a lot of the work, and in the end others agreed. She said that women can use the wheelbarrows and more the coral and the soil.

At the present harbour people currently fish and travel in the canoes. They use the fetau plants for a skin oil traditional medicine and the roots can be used to make mortar and pestle s for cooking. The leaves can also be used for thatch for the roves.

In respect to the graves Ms Paufi spoke to the owner last night and she had no trouble in moving them (although a cost was not discussed). Although she is the caretaker of the bodies, she is not the owner of the land and we were not able to get confirmation of the owner before leaving the island. There are no superstitions or bad luck to transfer graves.

Upon asking if there were any scared sites, apparently there is one but it is not near the harbour site. It is called toigna (the place of the ligna). This space is only known by a few senior people on the island and big decisions of the community are made there. Even the female member of the Kaupule had never heard of this.

I asked if they expected any social disruption for the women at the construction site but they said they did not. I asked where condoms were available and they confirmed it was only through the health clinic. I asked it is would be possible to have a condom vending machine at the harbour. They agreed it could be there, but then asked if it should be taken away after the construction finished, I suggested it should stay and after a lot of laughing and intervention from Paufi, they agreed too.

MEETING KAUPULE NIUTAO 9/3/2018		
NAME	MALE/FEMALE	POSITION
Tau. Puh.	Male	Kaupule Member
Katoto. Tepoga.	Male	Falekaupule Member
Fialua. Lavaka.	Male	Kaupule Member
Paufo. M'epaa.	Female	Kaupule Member
Haulapi. Taga.	Male	Falekaupule Member
Milia.	Female	Falekaupule Member

Summary of discussion actions

	Discussion/issues	Agreement What/how/when	Responsible
1	The canteen at the Passenger terminal was highly supported.	This is in the design	PMU/ Contractor
2	Cleared trees should be made available for women to use for handicrafts	Consult further with Kaupule on where to relocate the felled trees. Include in agreement for contractor to remove trees for recycling	PMU/ Kaupule/Contractor
3	The Kaupules are in strong support of stevedores and have discussed this, but the cost is the question. This needs further discussion on responsibility for payment.	Further discussion between PMU, ADB and Kaupules on whether this can be costed into the initial phase of the program.	PMU/ Red Cross/ Kaupule
4	The Fale Kaupule responded positively to the idea of having assistance from the Red Cross in Funafuti to assist them to develop a harbour safety plan. This includes a sea safety and first aid course and mandated use of life jackets from ship to shore.	Liaise with Red Cross in Funafuti to and link to Kaupule.	PMU/ Red Cross/ Kaupule
4	The owner of the bodies of the 8 graves in the site has been located and she has given verbal agreement for relocation. The owner of the land on which the graves stand needs to be identified and consulted	Kaupule will identify land owner when Lands Survey has been completed and it is confirmed the	PMU/Kaupule

		graves are in the project site.	
5	Condom vending machine to be available at harbour site	Tentative agreement, but will require further discussion	PMU, Kaupule, Tuvalu Family Health Centre, UNFPA
6	They do not anticipate any problems with landowners signing lease agreements	Formal identification of cadastres has not been completed	Lands Council with Department of Land Survey, Kaupule, PMU
	They support the canteen at the Passenger terminal as an income generation project for women	This is in the design	PMU/ Contractor Niutao Women's Council
	Cleared trees should be made available for women to use for handicrafts	Consult further with Kaupule on where to relocate the felled trees. Include in agreement for contractor to remove trees for recycling	PMU/ Kaupule/Contractor
	Women believe it is important to instigate a sea safety and first aid training when the harbour has been completed. As all Red Cross volunteers on the island are trained in first aid they should facilitate this process and a first aid kit must be located on the site.	Liaise with Red Cross in Funafuti to run the training and link to Kaupule harbour safety plan.	PMU/ Red Cross/ Kaupule
	The Kaupules are eager for as much skilled and unskilled labour to be sourced from the island for both women and men, they agreed a 30% quota for women could be met.	Needs to be included in agreement with contractor and in TOR.	PMU, Kaupule, contractor

RECORD OF MEETING WITH DISABLED MAN NEAR THE PROJECT SITE

1. Name: Kapule Lopati
2. Sex male
3. How old are you? 55
4. Do you have any disabilities? Yes Can't walk to from birth, limited legs
5. Do you work in the formal economy? No

Makes money from radio repair, tires, mechanical fixing. He is the secondary source of income; the main source comes from his wife who weaves a lot of mats. She gets the leaves from the pandanus near the house. She uses Kie, type of pandanus indigenous to Niutau, for each mat she gets \$100, it takes her 4 days to make a mat. The main outlet is the women's handicraft shop in Niutao and they sell onto Funafuti. The market is open with a high demand.

His family of 3 lives here, the wife, 60, and their son over 30, he helps the family through fishing, working on their banana plantation and papaya they grow. All the garden work is done by the son, he also tends to about 50 chickens and 6 pigs. They have no motorbike or bicycle and the man does not have a wheelchair.

He can only move with a motorbike shared by other family members, so his wife and son just walk, but he can't walk. He hardly attends meetings, only if there is a need for him to attend and then they need time someone will bring a motorbike.

6. Do you currently use the land or water around the area of the proposed new harbour for any of the following reasons?
 - a) Own land or coconuts yes

Wife has land near the proposed harbour, she inherited it through the clan. He doesn't know the name of the clan. The plants on there are coconuts and pandanus but he doesn't know what else. The son currently collects coconuts from there. When asked what impact will there be when he can no longer access the coconuts, he said he doesn't know. They also have some around the house. They use about 50% from both places. They make up an important part of their diet.

- b) Fish in the waters yes

The son uses the harbour area for fishing, he fishes once every three days and sells the excess to their needs.

- c) Swim in the water No

7. How often do you use the boat to other islands

Rarely, only to other islands or Funafuti to Red cross, once a year. People lift to workboat while he is sitting in the work boat with the winch and he is carried from shore to workboat. This is done by local people in Niutao, usually young people, it takes three

of them. Depending on who they are they usually wear thongs (flip flops), or bare feet. He has confidence in the people who carry him.

8. What prevents you from traveling more often

His disability. He said if there were stevedores and the jetty he would travel more often, and would be free to go to hospital more often. He would go more if it is improved.

9. What do you travel for?

Workshops or hospital, teeth removal

10. Who do you travel with?

On his own.

11. Please rank the safety issues for the interisland travel at present

- a) safety on transit from ship to work boat unsafe
- b) safety on transit from work boat to shore unsafe
- c) inclusion of dangerous cargo unsafe
- d) lack of life jackets unsafe
- e) unsafe cargo nets unsafe
- f) unsafe objects in workboats unsafe

Has he never been offered a life jacket, ever. He knows they are available. He has never asked, the practice is that no one does. Does he think the idea of having regulation to wear life jacket is important? Yes it is a good practice and if he was offered one he would wear it.

12. Who do you see as most at risk in the transfer from ship to work boat and work boat to land?

- a) Pregnant women [] high
- b) Babies and children [] high
- c) Elderly [] high
- d) People with disability [] high
- e) People of heavy weight [] high
- f) Highest risk disabled and pregnant women

13. Can you swim? yes

14. Would you use a safety life jacket if offered one? [] yes

If no, why not?

[] people would laugh (he agrees he would be embarrassed if others don't because it is not the culture).

15. What do you see as the main benefits of the harbour as it is designed?

- a. Increased potential for economy [] high
- b. Increased safety for travel [] high
- c. Increased income for business [] high

16. Would you be interested in working in any of the following positions at the new harbour?

- ☐ construction
- ☐ cargo handling/ stevedore
- ☐ cleaning
- ☐ kiosk
- ☐ cooking for construction workers
- ☐ laundry for construction workers
- ☒ security. He would be interested to be a security guard.

17. Why would you not be interested in doing any of this work

His disability limits other options

18. Do you have any concerns about the construction workers coming to the island to build the harbour? He has concerns for young girls, and consensual sex. He said condoms are available at the health clinic and the Red Cross. He thinks there would be cultural opposition to condom vending. He believes there needs to be safe sex and awareness training for locals.

19. Have you ever received any training on safety at sea and or first aid?

no

20. If a harbour safety and first aid course was run when the harbour opens would you attend?

☐ yes

Would you encourage anyone else in your family or community to attend? ☐ yes

If yes, who are they? All of them

21. Do you see potential for new economic opportunities from the harbour construction and presence in any of the following areas?

a. Covered kiosk at harbour ☐ high

Passengers will use it, his wife and son could potentially use it.

b. Use leaves, wood or coconuts from trees cut for construction site ☐ high

His wife can use both trees and coconut, leaves, the difficulty is to use the tools, as it is hard wood. They need a saw and other materials they do not have.

22. What other issues regarding the proposed harbour would you like to comment on?

Please describe below

There will be more people who will build near the harbour.