

Resettlement Plan

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PNG: Sustainable Highlands Highway Investment Program (Tranche 2) Volume 2: Goroka to Kagamuga Section

Prepared by the Department of Works (Government of Papua New Guinea) for the Asian Development Bank



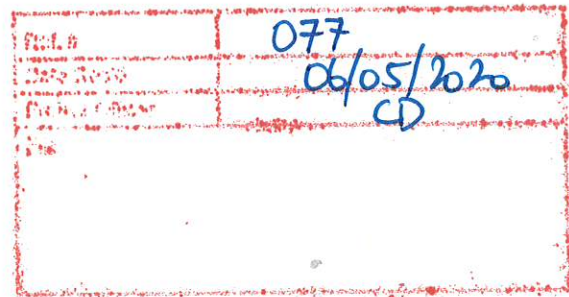
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Dear Country Director,

**SUBJECT: ADB L3547/3548 & GO538-PNG - SUSTAINABLE HIGHLANDS
HIGHWAY INVESTMENT PROGRAM (SHHIP) - TRANCHE 2 -
ENVIRONMENTAL AND SOCIAL SAFEGUARD, DOCUMENTS FOR
ADB DISCLOSURE**

We are pleased to enclose herewith the Environmental and Social Safeguard documents for their disclosure on the ADB website as is required for the SHHIP Tranche 2 purposes.

Appreciate your valuable cooperation as always.

Yours sincerely,


DAVID WEREH
Secretary

- Encl: (i) Initial Environmental Examination Reports (Volumes 1&2)
(ii) Resettlement Plans (Volumes 1&2)
(iii) Land Acquisition and Resettlement Framework (1)

CURRENCY EQUIVALENTS

Kina = PNG Kina (K)
(BPNG Mid-Rate, 30 Sep 2019)

K1.00 = \$02.940
\$1.00 = K3.4013

WEIGHTS AND MEASURES

ha = hectare
km = kilometer
km² = square kilometer
m = meter
m² = square meter
mm = millimeter

NOTES

- (i) In this report "\$" refers to US dollars.
- (ii) This Resettlement Plan 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.
- (iii) 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.

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ABBREVIATIONS

ADB	- Asian Development Bank
AP	- affected people/persons
CAP	- corrective action plan
CEPA	- Conservation and Environment Protection Authority (GoPNG)
CSO	- civil society organization
DDR	- due diligence report
DED	- detailed engineering design
DLO	- District Lands Officer/Office
DMS	- detailed measurement survey
DOF	- Department of Finance
DOLPP	- Department of Lands and Physical Planning
DOT	- Department of Transport
DOTR	- Department of Treasury
DOW	- Department of Works
EA	- executing agency
FAM	- Facility Administration Manual
GAD	- Gender and Development
GAP	- gender action plan
GESI	- Gender Equity/Equality and Social Inclusion
GOPNG	- Government of Papua New Guinea
GRC	- grievance redress committee
GRM	- grievance redress mechanism
HH	- Highlands Highway
IOL	- Inventory Of Loss
IP	- indigenous peoples
IPPF	- Indigenous Peoples Planning Framework
IR	- involuntary resettlement
LARF	- Land Acquisition And Resettlement Framework
LLG	- local level government
LSB	- Lands and Survey Branch
MFF	- multitranches financing facility
MOA	- memorandum of agreement
NGO	- nongovernment organization
OPA	- Office of Provincial Administration
PLO	- Provincial Lands Officer
PMO	- program/project management office
PNG	- Papua New Guinea
PPTA	- project preparatory technical assistance
PSC	- Program Steering Committee
RoW	- right of Way
RP	- resettlement plan
SCPP	- Stakeholder Consultation and Participation Plan
SES	- socioeconomic survey
SESSSB	- Safety, Environment and Social Safeguard Standards Branch (DOW)
SHEA	- Sexual Harassment, Exploitation and Abuse
SHHIP	- Sustainable Highlands Highway Investment Program
SPS	- Safeguard Policy Statement
STI	- sexually transmitted infection

GLOSSARY

Meaningful Consultation	A process that (i) begins early in the project preparatory technical assistance (PPTA) and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people (AP); (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people (AP) and other stakeholders into decision-making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation measures. This follows the principles of free, prior, and informed consent.
Affected Person	All persons living in the project impact zone whether they are land owning, land users, tenants or without title to land. In the context of involuntary resettlement (IR), affected persons (AP) are those who are physically affected (relocation, loss of residential land, or loss of shelter) and/or economically affected (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Indigenous Peoples	This is a generic term used to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by other groups; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. Almost all groups in Papua New Guinea (PNG) are indigenous peoples (IPs) and they remain the majority and do not suffer specific discrimination or disadvantage in comparison to other citizens.
Physical Displacement	This means relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Economic Displacement	Loss of land, assets, access to assets, income sources, or means of livelihoods as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Gender Mainstreaming	The process of ensuring that gender concerns and women's needs and perspectives are explicitly considered in projects and programs, and that women participate in the decision-making processes associated with development-based activities.

Country Safeguard System	This is the legal and institutional framework of PNG and it consists of its national, subnational, or sectoral implementing institutions and relevant laws, regulations, rules, and procedures that pertain to the policy areas of social safeguards (social and environmental).
Replacement Cost	Replacement cost involves replacing an asset at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. Depreciation of assets and structures should not be taken into account for replacement cost. Where there are no active market conditions, replacement cost is equivalent to delivered cost of all building materials, labor cost for construction, and any transaction or relocation costs.
Significant Impact	The loss of 10% or more of productive assets (income generation) or physical displacement or both.

EXECUTIVE SUMMARY

The Sustainable Highlands Highway Investment Program (SHHIP) aims to repair, rehabilitate or upgrade 71 bridges and one group of culverts along the Highlands Highway (Highlands Highway) in Papua New Guinea (PNG) under Tranche 2 of the 10-year multitranche financing facility (MFF). As all Tranche 2 bridges (72 structures altogether) are mostly limited to the existing 40 meter (m) wide road corridor highway cross section, and the two-lane alignment considered as state land, required bridge works are not likely to have significant adverse impacts or risks due to involuntary resettlement (IR). Further, wherever technically and financially feasible, engineering designs shall try to avoid or minimize the amount of land needed for all bridges, including for the ten bridges requiring relocations. However, though at limited levels, there will be some involuntary resettlement (IR) impacts due to implementation of Tranche 2 activities, undertaken within the applicable legislative provisions of the Government of Papua New Guinea (GoPNG) and those of the Asian Development Bank (ADB) Safeguard Policy Statement (2009). Accordingly, Tranche 2 of the program has been classified by ADB as Category B for involuntary resettlement (IR). The program is Category C for indigenous peoples (IP).

SHHIP Tranche 2 works are planned to be implemented with design and build (D&B) modality. Two volumes of resettlement plans (RPs) have been prepared as GoPNG intends to implement Tranche 2 works allocating the bridges in lots for the various sections. While Volume 1 of the resettlement plan (RP) covers bridges along Section 1 (i.e., Nadzab to Goroka), this RP Volume 2 has been prepared for bridges along the Section 2—that is, the Highway section from Goroka in Eastern Highlands Province to Kagamuga Airport junction in Western Highlands Province¹ (i.e., from Jogi River/Zokozoi River Bridge (Chainage 298+900) to Waghi River Bridge (Chainage 463+900)). A Feasibility Study (FS) has been completed for the entire SHHIP section. Social screening and impact assessment activities have been conducted, including site visits to each bridge during July to November 2019 for all 72 bridge sites along the entire 430 km SHHIP Highway section. The project preparatory team including social safeguard specialist, FS consultant, Tranche 1 project managers, supervision consultant representatives and other team members conducted the site-specific assessments and consultations with the AP during the process. Altogether 72 bridge structures (including one group of culverts at Tem Naike Creek and two Bridge Structures over the Bitjia River) are planned to be repaired/maintained/strengthened or replaced (newly constructed) during the Tranche 2 works.

Social impact assessments, data processing and analysis works have culminated into the development of the RPs Volume 1 for the Nadzab to Goroka Section and Volume 2 for Goroka to Kagamuga Section. Each RP shall be updated once DEDs are completed. The RP update works shall focus on updating/reconfirming the findings on the impacts, risks and their mitigation measures, and documenting any other changes as may be required in the situation that civil (engineering) works are changed. Such update works shall, primarily, be based on the conduct of the detailed measurement survey (DMS) and the census of affected households—which shall be conducted following the final engineering designs. The updated RPs will be submitted to the Government and ADB for their approval/clearance and required disclosures before their implementation.

¹ Each of the two RPs has been prepared adhering to the land acquisition and resettlement framework (LARF) that has been prepared for SHHIP, the MFF. The LARF has been disclosed as required. It will be updated in case if any relevant significant changes occur in the project area, and re-disclosed accordingly.

Section 2 works consist of construction of 23 new bridges—this includes construction of three new bridges with location changes triggering land acquisitions. Likewise, all 20 new bridge constructions in existing locations will also affect improvements and require land for temporary purposes. The government will involuntarily acquire land required for the new bridge constructions. Compensation at replacement cost shall be offered to the land/private asset owners for acquisitions adhering to the laws and policies of GoPNG and ADB. Land needed temporarily during the construction phase will be leased on a willing lessee, willing lessor basis resulting in no expropriation and the process duly documented.

SHHIP Tranche 2 affected people (AP) and other SHHIP stakeholders have been consulted during the project preparatory stage including during preparation of the RPs (both Volume 1 and Volume 2). The consultations conducted during preparation of the RP Volume 2 included those with the public administrators involving all three (local, district, and provincial) levels of governance, public hearing meetings (9) with the affected communities living along the SHHIP Highway Section 2 (Goroka - Kagamuga), meetings with affected clan leaders (10), focus group discussions (FGD) with women groups (7), key informant interviews (11) with the people from the affected communities, and informal conversations with residents and passers-by (numerous) near the subproject sites. Such consultations shall meaningfully continue throughout the project development cycle, including while updating the RP. All community and clan leaders and their family members, including women members, have expressed their full-fledged support for the project implementation during consultations undertaken as part of the RP preparation.

There are 27 bridges along this SHHIP Section 2 (i.e., the section covered under Volume 2 of the RP). The Chainage (Station) for the first (Jogi River/Zokozoi River) Bridge is at 298+900 whereas the last bridge for this Section is Bridge number 71 (Waghi River Bridge) at Chainage 463+900. Works under the Section 2 will involve construction of 23 new bridges and repair/maintenance/strengthening/reinforcement of four bridges.

Altogether 85 people have been found to be affected due to Section 2 works under SHHIP Tranche 2. This includes 23 affected customary land parcels² belonging to 19 clans. On these land parcels there are households/AP that will have land use access impacted as well as assets. Of these, three households (with a total of 14 people) will be impacted by acquisition of land (estimated at 2-3 hectares per bridge site³) and loss of trees, shrubs, and crops. This is for the three bridges requiring relocations (new constructions in new locations, as depicted in Table 1 below). There are also 20 households (with a total of 71 members) that will be impacted by temporary land acquisition, and loss of trees, shrubs and crops due to the 20 new bridge constructions at the existing locations (detailed in Table 2 below). All of the households will lose less than 10% of their productive assets. There are 12 vulnerable households (seven single women-headed families and five households headed by elderly members) along the Section 2. APs with other forms of vulnerability have not been found at this stage—however, they shall be documented in case if found during the RP update process (on completion of the final DEDs). No structures are found to be affected due to Section 2 works. The following tables present summarized information on the impacts triggered due to Section 2 works.

² Customary land is owned by clans/tribes. For the purposes of this draft RP, the customary land parcels have been identified, however further research is required to identify the specific clans/tribes and customary landowner groups that own the affected land parcels.

³ Figures are the project preparatory technical assistance team estimates for each site including for approach-road realignments. This, however, will be validated and confirmed after the final detailed engineering design is completed for each site.

Table 1: Impacts Due to Section 2 Works Requiring Acquisitions

Bridge	Estimated Land Loss (Road Access) (ha)	Current Land Use	Customary Land Parcels	Approximate Number of Affected Persons Directly Losing Assets (Land Use/Access, Structures, Gardens and/or Trees)			Impacts
				<10% Loss	>= 10% Loss	Total	
Feonoku River	3	Cultivations/trees	RP II # 01	4	none	4	Annual crops and approximately 4 trees affected
Nurape River	3	Cultivations and natural vegetation	RP II # 02	5	none	5	Annual crops, approximately 5 trees
Kenangi River	2	Trees/shrubs	RP II # 03	5	none	5	Approximately 7 trees, and shrubs
Total	8			14	-	14	

Table 2: Impacts Due to Section 2 Works Requiring Temporary Land Leases (New Bridge Constructions at Existing Locations)

Bridge	Estimated Land Loss (Temporary) (ha)	Current Land use	Customary Land Units	Approximate Number of Affected Persons Directly Losing Assets (Land Use/Access, Gardens and/or Trees)			Impacts
				<10% Loss	>= 10% Loss	Total	
Jogi River (Zokozoi)	1	Cultivation/trees	RP II # 04	2	none	2	Temporary land uses; crops affected
Gouluka Culvert	1	Trees/shrubs	RP II # 05	5	none	5	Approximately 14 trees and two bamboo grooves affected; temporary land uses,
Baikabai River Bridge	1	Cultivation/grass	RP II # 06	3	none	3	Temporary land uses
Chimbu River Bridge	1	Mostly barren	RP II # 07	3	none	3	Temporary land uses
Koronigle River Bridge	1	Cultivation/trees/natural bushes/grass/trees	RP II # 08	3	none	3	Approximately 40 banana trees affected; temporary land uses,
3 at D2000 Culvert	1	Cultivation/trees	RP II # 09	4	none	4	Temporary land uses; 15 trees
Garniger River Bridge	1	Mostly barren, sparse vegetation	RP II # 10	4	none	4	Temporary land uses
Miunde River	1	Mostly barren, sparse vegetation	RP II # 11	4	none	4	Temporary land uses
Ahl River	1	Cultivation/trees/shrubs	RP II # 12	4	none	4	Crops near downstream abutment; temporary land uses

Bridge	Estimated Land Loss (Temporary) (ha)	Current Land use	Customary Land Units	Approximate Number of Affected Persons Directly Losing Assets (Land Use/Access, Gardens and/or Trees)			Impacts
				<10% Loss	>= 10% Loss	Total	
Wahgi River	1	Cultivation/ grass	RP II # 13	3	none	3	50 garden plants/ crops on both sides; Temporary land uses
Bilu River	1	Cultivation/ trees/ shrubs	RP II # 14	4	none	4	Approximately 10 trees upstream; banana plantation downstream
Darmena River	1	Natural bushes/ grass	RP II # 15	4	none	4	Temporary land uses
Ambeke River	1	Cultivation/ trees/ shrubs	RP II # 16	3	none	3	Approximately 5 trees, 50 coffee trees and flowers; 4 bamboo grooves; temporary land uses
Mildip River	1	Cultivation/ trees/ shrubs	RP II # 17	1	none	1	Approximately five trees affected; 25 coffee trees; temporary land uses,
Kurumula River	1	Cultivation/ trees/ shrubs	RP II # 18	3	none	3	One tree and crops affected; 25 coffee trees; temporary land uses
Waganil	1	Mostly barren, distant houses	RP II # 19	4	none	4	Temporary land uses
Tumam River	1	Mostly barren, distant crushers	RP II # 20	4		4	Temporary land uses
Pin River	1	Sparse cultivation/ trees	RP II # 21	4		4	25 coffee trees; Temporary land uses
Komun River	1	Mostly barren, distant crushers on Western-end	RP II # 22	4		4	Temporary land uses
Whagi River	1	Mostly barren, sparse vegetation	RP II # 23	5		5	Temporary land uses
Total	20					71	

Number of temporary land acquisition beyond the right of way (ROW) is required for any of the four repair/maintenance/reinforcement bridge works under Section 2. There are no known legacy issues pertaining to past land acquisition by the government within the project area for Section 2.

Based on the FS (project preparatory) stage findings, the total cost for implementation of the Section 2 or Volume 2 of RP II has been estimated as PGK3,264,261.00 (US\$ 959,693.00). This includes funds required for compensations for the acquisition of land and temporary land leases for new bridge construction sites, approach roads for re-alienated bridges, traffic diversions during the construction period (one year), allowances for the vulnerable individuals, and for losses to crops (both annual and perennial), and trees (hardwood timber trees of commercial value and non-commercial-value trees) found to be affected. However, the exact amount of budget for resettlement activities at each bridge site will be confirmed once DEDs are completed.

Costs for contractor's land lease requirements for Contractor's camps, storage yards, quarry sites, etc. are not included in the RP budget mentioned above—mainly to allow flexibility on part of the contractor in selecting the specific sites and reach to mutual agreements with the property owners for such purposes. Also, the costs for DMS, RP update activities, implementation monitoring and evaluation, and other administrative expenses for the RP implementation are excluded in the RP budget mentioned above. Costs for all such works have been, however, separately estimated and included in the overall project management/administration cost.

The RP shall be implemented adhering to SHHIP applicable provisions following GoPNG laws and ADB safeguard policies. Compliance assurance and monitoring of its implementation shall be conducted by the Program Management Office (PMO) supported by international and national social safeguards and resettlement personnel. Periodic progress reports shall include RP implementation progress. Semi-annual safeguards monitoring reports will be submitted to ADB and a compensation completion report prior to civil works commencement.

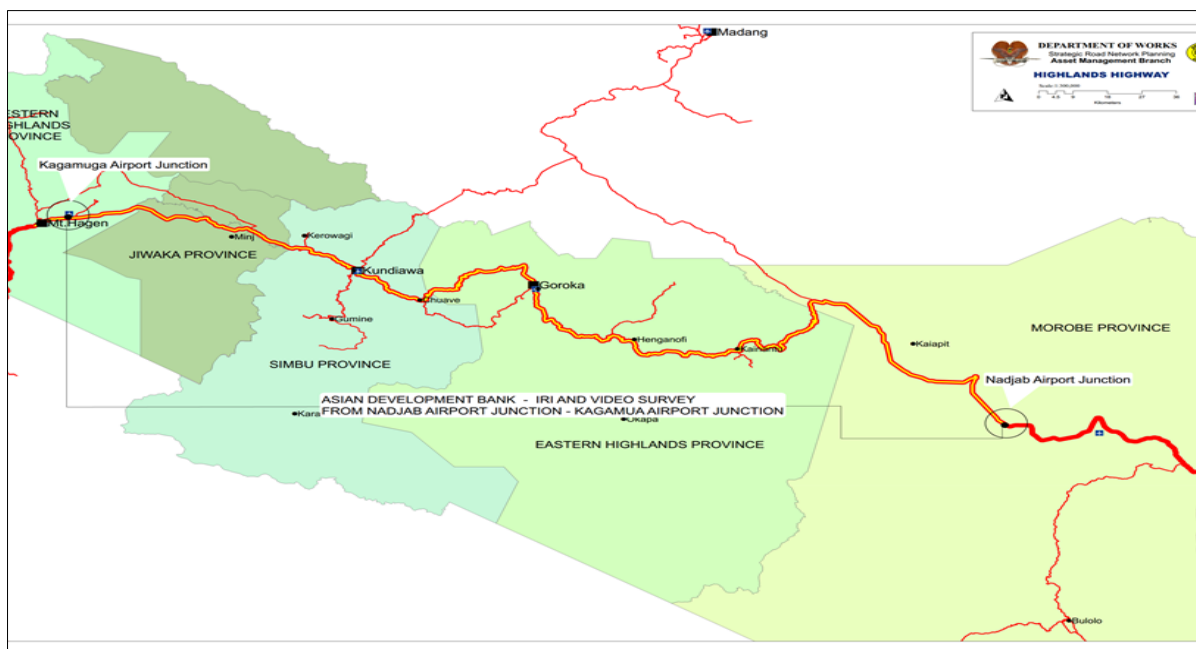
I. PROJECT DESCRIPTION

A. Background

1. The Sustainable Highlands Highway Investment Program (SHHIP) responds to the national development and transport strategies of the Government of Papua New Guinea (GoPNG) for promoting inclusive and sustainable development of the Highlands and Momase regions. The impacts of the program are aligned with national strategies^{4, 5, 6} where: (i) opportunity for equality/equity and prosperity in rural areas is increased; (ii) well integrated, safe and; socially, financially and environmentally sustainable transport systems are attained; and (iii) access to health, education, and other services and living standard of the people of Papua New Guinea (PNG) is improved. The expected outcome is efficient and safe increased movement of people, goods and services between the Highlands Region and the markets.

2. SHHIP Tranche 2 works are planned to be executed with “design and build (D&B)” modality of contracts. Accordingly, two resettlement plans (RPs) have been prepared. This RP has been designed to document and manage involuntary resettlement (IR) impacts triggered by works under Section 2 (i.e., from Goroka Town in Eastern Highlands Province to Kagamuga in Western Highlands Province).

Figure 1: SHHIP Highway Section



3. The 10-year multitranche financing facility (MFF) outputs will be (i) about 430 km of the two-lane national Highlands Highway (HH) including all 71 bridges and a group of culverts (altogether 72 crossing structures) from Lae Nadzab Airport to Kagamuga Airport rehabilitated, upgraded, and effectively maintained; (ii) road safety on the national Highlands Highway (HH)

⁴ Department of National Planning and Monitoring. 2010. Development Strategic Plan.

⁵ Department of Transportation. 2014. National Transport Strategy 2014 – 2030.

⁶ Department of National Planning and Monitoring. 2014. National Strategy for Responsible Sustainable Development for Papua New Guinea, 2014 StaRS, 2nd Edition.

increased; (iii) transport logistics and services in the Highlands Region improved; and (iv) institutional capacity of Department of Works (DOW) to deliver the investment program and sustain its benefits strengthened.

4. The SHHIP section of the Highlands Highway traverses five provinces in the Momase and Highlands regions, viz., Morobe, Eastern Highlands, Simbu, Jiwaka, and Western Highlands. Table 3 below presents the works under all three SHHIP Tranches.

Table 3: SHHIP Summary

Tranches	Major Works
T1 (implementation is currently ongoing)	<ul style="list-style-type: none"> • 2 x Civil Works (Highway/road repair, upgrade and maintenance works) • road investment Contract (RIC) – rehabilitation of Simbu section of Highway • maintenance works continue
T2	<ul style="list-style-type: none"> • upgrade 29 single lane bridges • repair/reconstruct 42 double lane bridges (including a culvert replacement) • road and bridge maintenance works continue
T3	<ul style="list-style-type: none"> • Goroka road bypass construction • 2x Climbing Lanes • 2x Trade and Logistics Platforms • 2 x Weighing Stations • road and bridge maintenance works continue

5. Asian Development Bank (ADB) Financing is provided through an MFF comprising discrete projects to be implemented sequentially over ten years under the three Tranches. The estimated total cost of the investment program is \$1 billion. The investment program includes physical components (i.e., road and bridge transport infrastructure development) some of which will involve some land acquisition impacts⁷ as well as non-physical works such as institutional strengthening and capacity building within the transport sector.

B. Tranche 2 Scope of Works

6. SHHIP Tranche 2 works are planned to be implemented in lots. RP Volume 1 covers Section 1 bridges from Nadzab (Lae Airport Junction) to near Goroka Town, i.e., Erap Bridge in Morobe Province to Kanalipi Bridge in Eastern Highlands Province. The RP Volume 2 (Highway Section 2) covers bridges from Goroka (Jogi/Zokozoi River Bridge in Eastern Highlands) to Kagamuga (Waghi River Bridge in Western Highlands). Bridge works in each section are planned to be implemented with a D&B modality of contract. Section 1 includes construction of 22 new bridge structures (bridges) and repair/maintenance/reinforcement of 23 bridge structures. Likewise, Section 2 is planned to have construction of 23 new bridge structures and repair/maintenance/reinforcement of four bridge structures.

7. The scope of Tranche 2 civil works is primarily maintenance and upgrading works executed for all 71 bridges and a group of three culvers (altogether 72 structures) along the SHHIP Highlands Highway section. As there are two independent single-lane bridges in a single location over the Bitjia River and one group of culverts at Temnaike Creek is also planned to be replaced by new double-lane bridge, the number of sites (rivers) for Tranche 2 works is 71 while the actual number of crossing structures (bridges) is 72 considering these variations.

⁷ According to ADB OM/F1 (March 2010), IR impacts are considered significant if 200 or more people will experience major impacts, which are defined as: (i) being physically affected from housing, or (ii) losing 10% or more of their productive assets.

8. SHHIP Tranche 2 (Bridge) works have been designed to utilize, where possible, the existing 40-meter wide road corridor highway cross section, and the two-lane alignment—considered as state land. However, there are new bridge construction works as well, with three of them requiring land outside from the existing right-of-way (RoW) (state land). The approach roads for such re-aligned new bridges will also require new land acquisition (alienation by the state). As GoPNG will compulsorily acquire the land required for the new bridge constructions, these activities will trigger IR national laws and ADB safeguard policies. There will be no physical displacement of households as a result of the and temporary acquisition of land but there will be impacts on improvements (trees/crops). Accordingly, Tranche 2 of the investment program has been classified by ADB as Category B for IR. The program is Category C for indigenous peoples (IP). Table 4 below provides further details on the Tranche 2 bridge works.

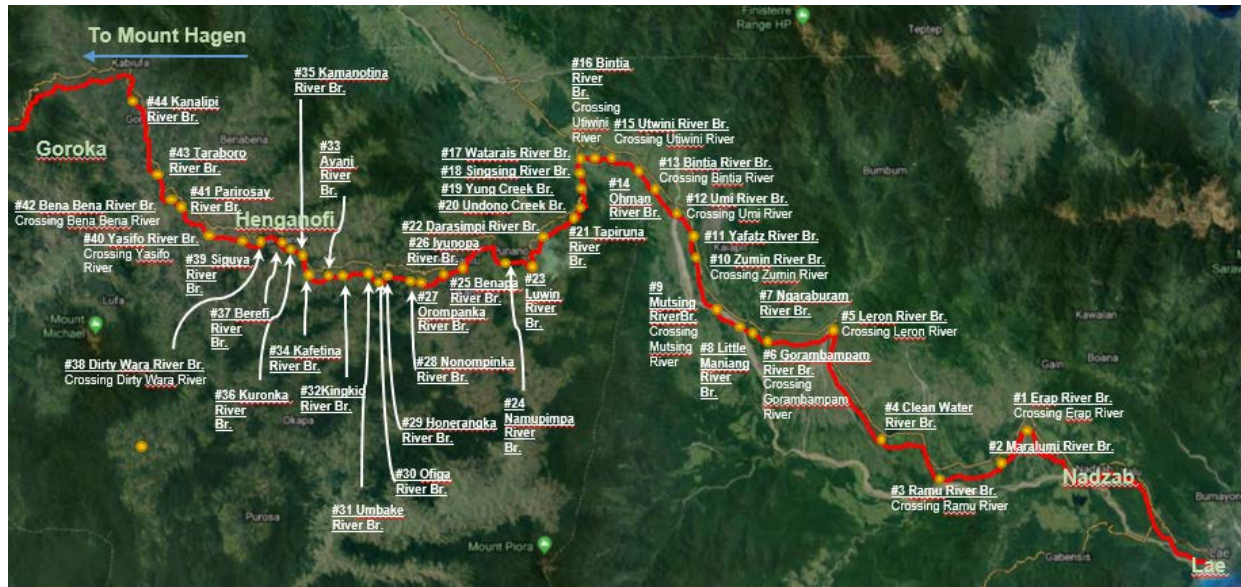
Table 4: SHHIP Tranche 2 Bridge Summary

No.	Type of Bridge Structures	Quantity	Grade ⁸	Remarks
Repair, Maintenance and/or Reinforcement Works				
1	Single-lane bridge	1	C	Bitjia Bridge–1 is newly completed in 2003 and parallels with other old bridge—the old bridge will be replaced by new one.
2	Double lane bridge	15	B	
		11	C	
Subtotal I				27
New Bridge Construction Works				
1	Single-lane bridge	14	C	
		16	D	
2	Double lane bridge	1	B	
		4	C	
		9	D	
3	Culvert	1		Culvert at Km 398+450
Subtotal II				45
Total no. of bridges (Bridge Structures)				72

⁸ The Grading is based on technical study of existing bridges—evaluating the current bridge health condition based on the “Health Rating Scale” which is a type of weighted average, on a scale of “E” (worst-Critical Condition) to “A” (best-Excellent Condition).

C. Section 2 Scope and Impacts

Figure 2: Section 2 Bridge Locations



9. Section 2 bridge works are mostly limited to the existing 40-m wide road corridor highway cross section (RoW). Three of the new bridges will require land acquisition (alienation by the state). The approach roads for each re-aligned new bridge will also require land acquisition. GoPNG will compulsorily acquire the additional land required for Section 2, triggering national laws and ADB policies regarding IR. To address these resettlement impacts, this Land Acquisition and Resettlement Plan (herein referred to as RP) has been formulated in conformity with GoPNG and ADB safeguard requirements on IR; adhering to the resettlement principles and procedures of GoPNG and ADB.

10. Section 2 of SHHIP Tranche 2 civil works (CW) will primarily be confined to repair, upgrade, construction and maintenance of 27 bridges along the SHHIP Highway section from Goroka Town (Eastern Highlands Province) to Kagamuga Airport junction (Western Highlands Province). This takes into consideration 26 existing bridge sites and replacing one group of three culverts at Tem Naike Creek. There are no known land acquisition legacy issues specific to bridge sites along the Section 2. The civil works for Section 2 will involve 12 single lane and 15 double lane bridge works. Table 5 below presents further details on Section 2 new construction bridges.

Table 5.1: Section 2 List of New Construction Bridges at Existing Locations

No.	Bridge/River	Drawing STA	Location	Lane	Grade Evaluation (current condition)
1	Jogi River (Zokozoi)	298+900	Asariufa/Goroka Town, Goroka District, Eastern Highlands Province	2	C
2	Gouluka Bailey Bridge	299+700	Funeral Home/Okiufa Village, Goroka District, Eastern Highlands Province	1	Bailey Bridge to be replaced (no grading)

No.	Bridge/River	Drawing STA	Location	Lane	Grade Evaluation (current condition)
3	Baikabai River	348+400	Mangiro Village, Daulo District, Eastern Highlands Province	2	D
4	Chimbu River	376+700	Kundiawa Town, Kundiawa Gembolg District, Chimbu Province	2	D
5	Koronigle River	397+300	Koronigle, Kerowaghi District, Chimbu Province	1	D
6	Garniger River	401+500	Ganige, Kerowaghi District, Chimbu Province	1	C
7	Miunde River	404+500	Miunde Village, North Waghi, Jiwaka Province	2	D
8	Ahl River	414+150	Ahl Village, North Waghi District, Jiwaka Province	1	C
9	Wahgi River	414+950	Ahl Village, North Waghi District, Jiwaka Province	1	D
10	Bilu River	422+500	Bilu Village, Aglimp South Wahgi District, Jiwaka Province	1	D
11	Darmena River	423+530	Damena Village, Aglimp South Wahgi District, Jiwaka Province	1	D
12	Ambeke River	425+000	Ambeke Village, Aglimp South Wahgi District, Jiwaka Province	1	D
13	Mildip River	425+250	Midip Village, Aglimp South Wahgi, Jiwaka Province	1	D
14	Kurumula River	427+800	Kurumul Village, Aglimp South Wahgi, Jiwaka Province	1	D
15	Waganil	432+300	Kudjip, Aglimp South Wahgi, Jiwaka Province	1	D
16	Tumam River	449+500	Tuman Village, Aglimp South Wahgi, Jiwaka Province	2	D
17	Pin River	455+400	Api Village, Aglimp South Wahgi District, Jiwaka Province	2	C
18	Komun River	462+100	Komun Village, Aglimp South Wahgi District, Jiwaka Province	2	D
19	Whagi River	463+900	Paga Village, Mt Hagen District, Western Highlands Province	2	D

Table 5.2: Section 2 List of New Construction Bridges at New Locations

No.	BR. Name	Drawing STA	Location	Lane	Grade Evaluation
1	Feonoku River	335+450	Fionoku Village, Daulo District, Eastern Highlands Province	1	C
2	Nurape River	342+850	Watabung, Daulo District, Eastern Highlands Province	2	C
3	Kenangi River	345+200	Kenangi Village, Daulo District, Eastern Highlands Province	2	D

11. Likewise, four Bridges are planned to be repaired/maintained/reinforced under Section 2 of SHHIP Tranche 2 work –all are double lane bridges. Table 6 below shows such bridge details.

Table 6: List of Section 2 Bridges to be Repaired/Maintained/Reinforced

No.	BR. Name	Drawing STA	Location	Lane	Grade Evaluation
1	Kafamo River (Kitamu)	302+800	Kefamo Village, Goroka District, Eastern Highlands Province	2	C
2	Mapemo River (Maniyata)	310+900	Maniyata Village, Goroka District, Eastern Highlands Province	2	C
3	Asaro River 2 (Getayaga)	314+600	Asaro Station, Daulo District, Eastern Highlands Province	2	C
4	Asaro River	315+100	Asaro Station, Daulo District, Eastern Highlands Province	2	C

D. Alternative Analysis

12. Alternative Analysis has been conducted for SHHIP Tranche 2 works. In view of Section 2 works mostly limited to the existing Highway corridor, such analysis focused on land acquisition minimization and limiting and/or mitigating the other adverse impacts while enhancing the beneficial ones.

13. Adhering to the Alternative Analysis principles, the number of bridges for the relocations has been kept to a minimum, whereas construction of new bridges at existing sites has been encouraged. Wherever technically suitable, repair and maintenance of the existing bridges has been considered, rather than upgrading or relocations. Likewise, preliminary designs have proposed approaches to minimize adverse social impacts, especially on the land, and other private asset requirement related aspects. Financial and other impacts have been also minimized by considering use of the currently constructed pier and other structures wherever feasible.

14. “No bridge” or “no implementation of Tranche 2” has been eliminated as an option due to the fact that the bridge works under the Tranche 2 are urgently required for ensuring access to transport services for the people of PNG, and for the overall development of the nation, among others.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

15. Based on FS stage social impact assessment findings for Section 2 under SHHIP Tranche 2 works, 85 people will be affected due to and temporary land and other asset acquisitions for the bridges to be relocated and newly constructed. The acquisition (approximately 3-4 ha per new bridge site) is required in three sites for the bridges requiring new constructions in changed locations—including areas required for approach road relocations. Likewise, 20 sites will have temporary land use impacts at the rate of one ha (i.e., 10,000 m²) under Section 2 of the bridge works for working area, vehicle movement, etc. The total land requirements for Section 2 will be approximately 28 ha, with eight ha requiring land acquisition, and approximately 20 ha requiring temporary land leases. This, however, shall be validated and confirmed while preparing the updated RP (i.e., once the detailed engineering designs are finalized). Following sections provide further details on such impacts.

Table 7: Impacts Due to Section 2 Bridge Works Requiring Acquisitions

Bridge	Estimated Land Loss (Road Access) (ha)	Current Land Use	Customary Land Parcels ⁹	Approximate Number of Affected Persons Directly Losing Assets (Land Use/Access, Structures, Gardens and/or Trees)			Impacts
				<10% Loss	>= 10% Loss	Total	
Feonoku River	3	Cultivations/ Trees	RP II # 01	4	none	4	Annual crops and approximately 4 trees affected
Nurape River	3	Cultivations and natural vegetation	RP II # 02	5	none	5	Annual crops, approximately 5 trees
Kenangi River	2	Trees/shrubs	RP II # 03	5	none	5	Approximately 7 trees, and shrubs
Total	8			14	-	14	

16. There are also temporary land lease requirements due to implementation of SHHIP Tranche 2 Section 2 works in all 20 new construction bridges at existing locations under the scope of this plan (from Goroka to Kagamuga) based on the implementation approach for Tranche 2 works. Land is needed temporarily for traffic diversions, Contractor's working areas including for movement of equipment, stockpiling of construction materials, batching plants, bridge-construction-site-specific storage yards, etc. It is estimated that about one ha of land shall be required at each existing new bridge construction site for such purposes. The lease arrangements shall be mutually agreed (on a willing-lessee, willing-lessor basis) by the contractor and the landowner/s, documented in the form of a lease agreement. The landowner/s shall be paid directly by the contractor from the overall project cost (budget). The government (Department of Works) will conduct due diligence on the lease arrangements to ensure that the lease agreements made by the contractor will be at market rates (prevailing market rental rates in the area). If negotiations fail between the landowner/s and the contractor, the contractor will look for alternative land areas in the area or its vicinity. In case if the landowner/s have grievances concerning the lease arrangement, they can seek assistance within the grievance redress mechanism (GRM). The leased land shall be reinstated by the contractor to its previous condition or to an appropriately usable condition as may have been mutually agreed with the landowner/s and stated in the lease agreement. The leased land shall be returned to the landowner/s after completion of bridge works at each site. Table 8 below presents further details on the new bridges to be constructed in existing locations with temporary land lease requirements.

⁹ Customary land is owned by clans/tribes. For the purposes of this draft RP, the customary land parcels have been identified, however further research is required to identify the specific clans/tribes and customary landowner groups that own the affected land parcels.

Table 8: List of New Bridge Constructions Requiring Temporary Land Leases

Bridge	Estimated Land Loss (Temporary) (ha)	Current Land Use	Customary Land Parcels	Approximate Number of Affected Persons Directly Losing Assets (Land Use/Access, Gardens, Structures and/or Trees)			Impacts
				<10% Loss	>= 10% Loss	Total	
Jogi River (Zokozoi)	1	Cultivation/ Trees	RP II # 04	2	none	2	Temporary land uses, crops affected
Gouluka Culvert	1	Trees/shrubs	RP II # 05	5	none	5	Approximately 14 trees and two bamboo grooves affected; temporary land uses,
Baikabai River Bridge	1	Cultivation/ grass	RP II # 06	3	none	3	Temporary land uses
Chimbu River Bridge	1	Mostly barren	RP II # 07	3	none	3	Vegetable cultivation and pig-raising (Jerry Maya family) under the bridge; car wash under western end; temporary land uses
Koronigle River Bridge	1	Cultivation/ trees/natural bushes/grass/ Trees	RP II # 08	3	none	3	Approximately 40 banana trees affected; temporary land uses,
3@D2000 Culvert	1	Cultivation/ trees	RP II # 09	4	none	4	Temporary land uses; two nearby sheds used temporarily; 15 trees
Garniger River Bridge	1	Mostly barren, sparse vegetation	RP II # 10	4	none	4	Temporary land uses
Miunde River	1	Mostly barren, sparse vegetation	RP II # 11	4	none	4	Temporary land uses
Ahl River	1	Cultivation/ trees/shrubs	RP II # 12	4	none	4	Crops near downstream abutment; temporary land uses
Wahgi River	1	Cultivation/ grass	RP II # 13	3	none	3	50 garden plants/ crops on both sides; Temporary land uses
Bilu River	1	Cultivation/trees/ shrubs	RP II # 14	4	none	4	Approximately 10 trees upstream; banana plantation downstream
Darmena River	1	Natural bushes/ grass	RP II # 15	4	none	4	Temporary land uses
Ambeke River	1	Cultivation/trees/sh rubs	RP II # 16	3	none	3	Approximately 5 trees, 50 coffee trees and flowers;

							4 bamboo grooves; temporary land uses
Mildip River	1	Cultivation/trees/shrubs	RP II # 17	1	none	1	Approximately five trees affected; 25 coffee trees; temporary land uses,
Kurumula River	1	Cultivation/trees/shrubs	RP II # 18	3	none	3	One tree and crops affected; 25 coffee trees; temporary land uses
Waganil	1	Mostly barren, distant houses	RP II # 19	4	none	4	Temporary land uses
Tumam River	1	Mostly barren, distant crushers	RP II # 20	4		4	Temporary land uses
Pin River	1	Sparse cultivation/trees	RP II # 21	4		4	25 coffee trees; Temporary land uses
Komun River	1	Mostly barren, distant crushers on Western-end	RP II # 22	4		4	Temporary land uses
Whagi River	1	Mostly barren, sparse vegetation	RP II #23	5		5	Temporary land uses
Total	20					83	

17. There are various types of trees, crops, and other private assets affected due to implementation of the Section 2 works. This includes semi-annual, annual seasonal crops as well as perennial crops and trees. The trees affected have been found to include valuable hardwood trees, lesser known (lower value) trees, and coffee trees. Also, included under the perennial trees are the bamboo grooves impacted due to Section 2 bridge works. Table 9 below shows such impacts in summarized form.

Table 9: Summarized Information on Impacts on Private Assets

1. Trees and Crops		
	Type	Quantity (numbers)/Size
1.1	Hardwood Trees	75
1.2	Lesser known useful trees	250
1.3	Coffee trees (Arabica and Robusta)	350
1.4	Bamboo (building material)	250
1.5	Sweet Potato	425
1.6	Banana	350
1.7	Other Crops (mixed), altogether	1700 m ²
2.	Land for temporary leases for traffic diversions, and bridge-site-work areas (beyond the right-of-way)	20 hectares
3.	Land for acquisition (including for approach-road relocations)	8 hectares

Source: Project Preparatory Technical Assistance (PPTA) team estimate.

18. Based on FS stage findings, no land acquisition or temporary land leases are required for the remaining four repair/maintenance/reinforcement bridge works under Section 2 of SHHIP Tranche 2 works (Goroka to Kagamuga). There are no bridge-site-specific legacy issues in the Section 2 areas. There are also no impacts to common property resources as a result of Section 2 bridge works.

19. The precise risks and impacts, however, shall be assessed further and documented in the form of an updated RP after the DED stage (i.e., once the final designs are available for each bridge).

III. SOCIOECONOMIC INFORMATION AND PROFILE

20. Though SHHIP Tranche 2 is planned to be implemented as a D&B modality of project, and that the DED stage (final) designs may vary as compared to the preliminary designs prepared during the FS stage, initial social impact assessments, SES and key data collections have been conducted at this stage for preparation of the RP. Following sections provide further details in this regard.

A. Demographic Information

21. The Section 2 of the Highlands Highway under SHHIP Tranche 2 provides transport access to the people of Eastern Highlands, Simbu, Jiwaka, and Western Highlands Provinces in particular, and to those living in the entire Highlands Regions in general. The 2011 national census estimates that the Eastern Highlands has the highest population (579,825), followed by Simbu (376,473), Western Highlands (362,850), and Jiwaka (343,987).¹⁰

22. The social impact assessment findings show that altogether 85 people are directly affected due to IR impacts triggered by bridge works implemented under the Section 2 (in addition to the customary landowner groups/clans). Such APs belong to 23 households affiliated to 19 clans. The survey included approximately 43% of affected households who were selected using a systematic random sampling technique. Additional consultations were conducted with other APs. Through these approaches, it has been ensured that all affected communities were consulted as required for information dissemination and collection of the relevant data—among others—during the social impact assessment and RP preparation process. Moreover, the census planned to be conducted while preparing the updated RP (i.e., once the final designs are available) shall include complete enumeration of every person (i.e. 100% of AP).

23. The average household size of the affected families has been found to be about 4.5, and ranges from one to five family members per household. The number of female members (30) has been found to be slightly higher (54.55 %) than that of the male members - which is 25 (45.45 %). The demographic composition of the surveyed affected households has been found to be as follows:

(i)	17 years and below	-	40.0%
(ii)	18-40 years	-	38.2%
(iii)	41-65 years	-	12.7%
(iv)	Above 65 years	-	9.1%

24. It is evident from the above figures that majority of the population are young people, with 38.2% of them within the active working age group (18-40 years).

25. Education level in the affected surveyed households reveals that 38 (i.e., 69%) of the total family members are literate while 17 (i.e., about 31%) are illiterate. Male literacy rate has been found to be higher (almost 74%) while female literacy is lower (about 69%) in the surveyed households. Table 10 below shows further details in this regard.

¹⁰ National Statistics Office, 2011, National Population and Housing Census of Papua New Guinea—Final Figures

Table 10: Education Status of the Surveyed Affected Persons

Literate		Illiterate		Graduates		High School Pass		Below High School Pass	
No.	%	No.	%	No.	%	No.	%	No.	%
38	69.09	17	30.90	8	21.05	16	42.11	14	36.84

26. Household heads of the APs have been found to be all male, except for the seven female-headed households along Section 2. The household membership is usually comprised of extended members from both paternal and maternal kinship.

B. Impacts of Land and Assets Acquisition on Affected Persons

27. **Income and Expenditures.** APs at the bridge sites generate cash income from a variety of sources, primarily from the sale of garden foods, betel nuts, and remittance from relatives who work in formal jobs in urban centers like Moresby, Hagen, Kundiawa, Goroka, etc. Annual household income ranges from Kina 14,335 to 32,892. Income levels of the APs are expected to grow once the SHHIP Tranche 2 works commence. It has been found that the culture of saving money for future purposes is minimal in the project areas. Most (almost 84%) of the annual income was reported to be spent on purchases of clothes, food, and drinks. The remaining amounts were reported to be spent on school fees, religious functions, cultural festivals, etc.

28. Under the Section 2 works, compensation payments shall be made to the eligible land/asset owners and customary landowner groups. Also, a separate memorandum of agreement (MOA) will be signed to formalize the compensation payments and to undertake not to make further demand from the state for compensation payments in the future. These compensation payments are considered as benefits in lieu of foregoing their assets to pave way for the bridge construction works for public purposes.

29. **Land Ownership.** Landownership rights in the subproject region are usually transferred from generation to generation through the patrilineal lineage system. Through time and age, that ownership is transferred mostly through the customary process.

30. **Livestock.** Pig raising is the common livestock farming practice along the entire section under Section 2. Majority (seven) of the 10 surveyed households practiced poultry raising whereas four households reported sheep farming.

31. **Common Property Resources.** River resources (especially sand and gravel) is considered as one of the potential income generating resources for the affected households as they are owned by the clans/customary owners. The owners were found inquisitive of the possibility of the project buying/using such materials from their rivers. Fish and other aquatic species are the other resources commonly used by the communities living along the section. As has been applicable to the currently ongoing SHHIP Tranche 1 works, the project (Tranche 2 works) will source the required sand, gravel and/or other aggregates from the rivers and/or quarry sites in the locality. These resources in PNG are privately owned, suggesting that the contractor will have to finalize the sources and specific locations for such materials, and enter into agreement(s) with the customary landowner(s)—on willing-lessee, willing-lessor basis. The government (Department of Works) will conduct due diligence on the arrangements to ensure that the agreements made by the Contractor will be at market rates—as is being practiced in the ongoing Tranche 1 works and ensure there are no additional social impacts. The findings and mitigation actions will be included in the update RP.

32. **Occupational Structure:** Most AP households are engaged in subsistence agriculture, primarily in their garden patches to provide for their daily food consumptions. Large scale commercial agriculture was not evident in the affected villages. Small-scale farming in coffee, tea, banana, *kaukau*, and vegetables are practiced in the Eastern Highlands, Jiwaka, Simbu, and Western Highlands Provinces. Coffee beans are reported to be mostly sold to the processors whereas banana, vegetables, and *kaukau* are mainly for household consumption with surplus production sold at mini-markets for cash. Some members (64% females and 36% males) from the AP households are involved in other income-generating activities like selling betel nuts, *kaukau*, fruits, and vegetables. Such income-earning opportunities are envisaged to increase once SHHIP works commence.

33. **Access to Public Services:** Educational facilities from elementary to lower secondary level are within walking distance from the villages. University of Goroka, Don Bosco Secondary School in Simbu, Wesley Bible College in Jiwaka are the main academic institutions accessed by the APs. Health Centers and Hospitals are mostly within the reach of the affected APs. Goroka Base Hospital in Eastern Highland Province (EHP), Kundiawa General Hospital in Simbu, and Mount Hagen Hospital in Western Highland Province (WHP) are the major facilities accessed by the people living along the Section 2 of the Highway. Together with other rural health centers, they provide services for immunization, awareness on communicable diseases and HIV/AIDs, etc. They also provide treatments for malaria, cough, water-borne diseases, such as diarrhea and dysentery and associated skin diseases. Cases of typhoid, TB, and other chronic diseases are normally referred to the bigger hospitals in Kundiawa, Port Moresby, or to the recently upgraded Goroka Base Hospital. Lack of proper crossing structures (bridges and culverts) and bad road conditions have been reported to be cumbersome by all APs consulted during the survey.

C. Project Impacts on Poor, Different Ethnic Groups, and Other Vulnerable Groups

34. Though poverty in general is quite common in the communities living along the Section 2, no extremely poor APs ((those with purchasing power parity (PPP) of less than US\$ 1.90/day)) have been identified during the survey. Scarcities of processed food, clothes, shoes, and other items have been reported by the APs. However, the sociocultural and religious practices have been found to be helpful, as communities help each other in difficult times.

35. The APs living along the Section 2 have been part of the main societies of PNG. Ethnic communities or IPs likely to be affected differently have not been found during the social assessments and surveys conducted.

36. The vulnerable groups, including the currently identified seven women-headed households and five households headed by elderly APs, will benefit mainly from the additional assistance and livelihood initiatives planned to be implemented under the Tranche 2. Within the communities, it is quite normal for the APs communities to support persons with disabilities, the elderly, the single women, and the sick. Again, the extended family culture has been found to be helpful in minimizing vulnerability. The surveyed APs were reluctant to talk about persons living with HIV/AIDs. However, it is evident from the overall surveys conducted for SHHIP that such cases do exist along the Highway sections.

D. Gender and Resettlement Impacts

37. As detailed in the Tranche 2 Gender Action Plan (GAP) and other relevant sections in the RP, affected female members of the families shall be part of the compensation payments which

shall be made in joint account operated by the male and female members together. Though surveyed households have reported that males play the dominant role in deciding and managing money matters, six of the households reported that joint decisions are made for major expenses like social functions and other daily expenditures on food and clothes. These have been the households in which the female members take the lead in marketing of their farm produce or work as small vendors.

38. Traditions and cultural practices in the AP communities are patriarchic. However, participation of women in consultation and other SHHIP activities will have to be the norm as guided by the GAP and other relevant provisions. It is the view of male APs that employment of construction workers be provided to men. However, female members also proposed that they can perform such jobs and should be given the opportunity. At least 20% female employment provisions in SHHIP works has been informed to the APs, and shall be implemented accordingly—ensuring opportunities for female members of the societies too.

39. Gender-based violence (GBV) has been reported by seven of the 10 women members consulted during the survey. Lack of money with the male members, alcohol, multiple marriages, etc. have been reported as the major causes of such violence. GBV prevention awareness, awareness on health and safety, enhanced employment and other income-generating activities under SHHIP are appreciated by the APs, and expected to be helpful in minimizing the GBV.

40. Key data have been collected at this stage for the preparation of the RP. Further identification of APs and affected assets will occur following DED, and prior to the initiation of civil works. There will be additional consultation and disclosure of requirements for land. Once affected households and communities have been further consulted, and all affected assets are assessed, there will be a cut-off date for eligibility for compensation and rehabilitation assistance as may be applicable. The cut-off date will be the date of completion of the census of Tranche 2 APs for each bridge site. Landowners and users that have documented claims to affected land, crops, trees, or structures at the cut-off date will be eligible for compensation. Others who occupy or use land required for upgrading or rehabilitation of the bridges, after the cut-off date, will not be eligible for any compensation or assistance, and they will be required to vacate the land, as per the provisions of the PNG land act and other legislative provisions applicable to SHHIP.

41. As outlined in the Land Acquisition and Resettlement Framework (LARF) prepared for SHHIP MFF, and based on D&B modality of Tranche 2 works, a census, detailed SES, inventory of losses (IOL) and DMS shall be conducted following the completion of DED, i.e., when the precise scope of works (footprint) is known. Terms of reference for the design and build contractors feature provisions to ensure that in-depth SES and DMS are appropriately conducted by social safeguard specialist/s as required for the updated RPs. The updated RP/s shall be disclosed to APs and submitted and cleared by ADB prior to land acquisition, payment of compensation and commencement of civil works.

42. Following paragraphs provide details on overall socioeconomic aspects along the Section 2 of the Highlands Highway¹¹.

E. Geography

43. The investment program area for Section 2 covers a physically and culturally diverse environment, beginning in the undulating highland valleys of WHP and Jiwaka, through to rugged

¹¹ This section has been taken from the due diligence report for SHHIP, updated Jul 2019.

mountains in Simbu. Much of the terrain is rugged with very high mountain ranges, steep valleys and fast flowing rivers, which, together with fragile geological conditions, high rainfall and a highly dispersed population, makes the road network difficult to develop and maintain.

44. **WHP** includes the Hagen Range, Mt. Giluwe (second highest in PNG), and the mountains of the Sepik-Wahgi Divide. Altitude varies from 600 m to over 4,000 m. Most people live within an altitude range of 1,400-2,200m. Average annual rainfall varies between 2,300 millimeter (mm) and 4,000 mm. The province has some of the most productive small holder agriculture and coffee plantations in PNG, and there are also some large-scale capital-intensive farming and plantations. People in the Wahgi, Baiyer, Lai, and Nebilyer Valleys earn high incomes from sale of fresh produce and coffee. English potatoes, onions and garlic are grown at higher altitudes above 2,100 m, where Arabica coffee cannot be grown. The Highlands Highway runs through the Wahgi Valley, but only a short distance of about 2.9 kilometer (km) is within the scope of the project—from the Kagamuga Airport turn off to the Jiwaka Border where the road crosses the large Wahgi River. Population density is high in the Wahgi Valley with 163 person per km². There is a lot of in-migration with people seeking better access to services, more productive environments, and wage employment.

45. **Jiwaka** is a new province recently carved out of WHP, includes the Kubor Range, the plains and swamps of the Wahgi Valley, the Minj Valley, the Jimi Valley, and the northern side of the Sepik-Wahgi Divide. It shares a long northern border with Madang Province and a southern border with both Simbu and Southern Highlands provinces. The Wahgi and Minj valleys have over 155 persons/km² and people near Minj especially are constrained by land pressure. Average annual rainfall ranges between 2300mm and 4000 mm, increasing from north to south. Most people live between 1400m and 2000m, though the highest point in the province is over 4000m (Mt Kabangama and Mt Kegeraga). People in the central area of the province along the Highlands Highway have relatively high incomes from the sale of coffee and fresh food. Agriculture is dominated by moderate intensity sweet potato production, using peanut rotations, drainage, tillage, mounding, and bedding. Small businesses along the Highlands Highway are an important source of non-agricultural income.

46. **Simbu Province** includes the highest mountain in PNG, Mt Wilhelm, the densely settled Wahgi Valley in the west of the province, and to the south, the lowlands south of Karimui and the Purari Valley. The Chimbu and Koronigl rivers flow south from the slopes of Mt. Wilhelm into the Wahgi Valley. Altitude varies from 300 m in the Purari Valley in the south to over 4,500 m on the summit of Mt. Wilhelm. Average annual rainfall varies from 2,200 mm to 4,000 mm, and increases from north to south. Agricultural incomes are relatively low in the higher mountainous terrain due to steep slopes and weather conditions. Cash income comes from coffee, root crops, fresh vegetables, and firewood. In contrast to WHP and EHP there are no large coffee plantations. The population density overall is 43 per km², but this masks the fact that for occupied areas, the population per km² is 2,575 people, and there is increasing pressure on agricultural land. Incomes are constrained by the difficult terrain, high altitude frosts, and lack of market access to many areas.

47. **EHP** includes the Bismark Range (3,500 m), and the Upper Ramu Valley in the north of the province, but the Highlands Highway runs through the valleys of Asaro, Benabena, and Dunantina—all of which are in the agriculturally very productive and relatively well-off northern region of the province which supports high intensity gardening. The population density is relatively high averaging of 38.8 per km², while in Goroka District it is very high at 243 per km². There is high potential for agriculture, but this is complicated by the population pressures, and high rates of in-migration. The province divides into two on the basis of the physical environment and level

of development. The northern valleys are economically vibrant with intensive smallholder coffee production and good road access to markets in Goroka and Lae. The Asaro Valley is an example of this, with fertile soils, low slope gradients, mild temperatures, optimum rainfall, and ample sunlight. The south of the province is mountainous, remote and poor. To the east, the Highlands Highway drops sharply over the Kassem Pass down to the plains of the Markham Valley in Morobe Province. Average annual rainfall is between 1800mm and 2800 mm with a moderate to long dry season in the eastern half.

F. Population

48. PNG has a population of 7.2 million, of whom 88% live in rural areas; 39% of the population lives in the Highlands Region (2,854,874), followed by Momase Region with 26% (19,03,250). The annual population growth is high, currently estimated at 3.1%.¹² The ratio of men to women is 108:100, and the population is very young: 40% under the age of 15 years; 60% under the age of 24 years; and 68% is under the age of 30 years. Administratively, the country has 22 provinces and 89 districts. The Highlands Highway section, which is being upgraded under the SHHIP, traverses five provinces and 14 districts. Table 11 below shows the population within the scope of the Investment Program:

Table 11: Population by Districts and Local Level Governments Served by Highlands Highway Section 2: 2011 Census

Provinces and Districts	Households	Persons	Males	Females	% of Province	Average Household
Western Highlands	85,101	362,850	183,791	179,059	100.0	4.3
Mt. Hagen	25,822	123,299	62,787	60,512	34.0	4.8
Jiwaka	65,155	343,987	178,418	165,569	100.0	5.3
Anglimp / South Waghi	35,086	194,109	101,002	93,107	5.4	5.5
North Waghi Rural	15,892	78,499	40,035	38,464	22.8	4.9
Simbu/Chimbu	76,198	376,473	197,307	179,166	100.0	4.9
Kerowagi	16,616	93,107	48,728	44,379	24.7	5.6
Kundiawa / Gembogl	14,327	78,521	41,394	37,127	20.9	5.5
Sina Sina / Yonggomugl	11,790	56,805	29,539	27,266	15.1	4.8
Chuave	10,461	39,021	20,151	18,870	10.4	3.7
Eastern Highlands	136,992	579,825	301,048	278,777	100.0	4.2
Daulo	14,378	45,783	24,029	21,754	7.9	3.2
Goroka	23,565	103,396	53,292	50,104	17.8	4.4

49. All the communities along the Highlands Highway are indigenous, most living on their own customary land, (apart from those in urban areas or those who married into the local clans). Some of the settlements were developed as a direct result of the highway, with residents

¹² National Statistics Office, 2011, *National Population and Housing Census of Papua New Guinea—Final Figures*.

gravitating from more distant hinterland to the roadside so that they have better access to services and can conduct business with those travelling. Government services like health centers, aid posts, and schools, as well as churches are also commonly located along the highway.

50. Section 2 under SHHIP Tranche 2 has the following main linguistic and tribal groups (though there are many other smaller groups):

- (i) **WHP:** Melpa (Mt. Hagen), Kuman (Hagen and Wahgi); Nii (Wahgi);
- (ii) **Jiwaka:** Wahgi (Minj and Kerowagi);
- (iii) **Simbu:** Dom (Kundiawa), Gimi (border of EHP), Kuman (Kundiawa, Daulo and Unggai Bena), Kakondo (Kundiawa) Tabari (Gero to Duman), Siane (Magiro, Daulo, Watabung), Sinasina (Sinasina-Yonggamugl); and
- (iv) **EHP:** Gahuku-Asaro (Goroka), Dano (Goroka), Yagarua (Goroka), Benabena (Goroka).

51. Following the ADB definition of IP “as those with a social or cultural identity distinct from the dominant or mainstream society which makes them vulnerable to being disadvantaged in the processes of development”, these local tribal and clan groups will not need special provisions for the SHHIP. They are all considered part of the mainstream society living in highland areas. PNG is made up of over 800 language and ethnic groups, all with a similar status. Assessment and field visits confirm that the people in the proposed project sites experience the same social problems and opportunities as other tribes and linguistic groups in PNG. Social divides are more pronounced between those living in urban or rural areas, between those along the main highway and other groups in more remote locations, and in some cases between gender, rather than being particularly socially disadvantaged because of their tribal identity or linguistic group.

G. Economic Situation

52. PNG has a small export-oriented economy heavily reliant on commodity products: minerals constitute 75% of total exports, agriculture products 20%, and forestry products 5%. The GDP economic forecast for PNG almost halved for 2016 because of cuts to public spending. The economy also suffered from the effects of El Niño weather in 2015, and the weakness in global prices for export commodities. The dramatic drop in global oil and LNG prices in 2015 has highlighted the need to buffer the economy against the volatility associated with exports of natural resources. Economic growth has not been inclusive and is skewed towards the urban population, leaving the majority of rural dwellers in poverty.¹³

53. The Highlands Highway is the transport backbone of PNG’s economy, linking core economic regions that produce much of the country’s major exports (minerals, petroleum, coffee, sugar, tea and other commodities) to the country’s major port at Lae. It also links major domestic markets along the way, particularly for fresh food produce, which is critical to rural livelihoods. As well as servicing the five provinces within this investment program, the Highlands Highway is the major route to the port of Lae for three others: Enga, Southern Highlands, and Hela provinces.

54. Agriculture accounts for approximately a third of GDP: approximately 85% of PNG population’s lives in rural areas and works in agricultural and other rural industries. However, the distribution of natural resources is very unequal, and much of the land is of low quality. Population density is highest in areas with high quality land, which includes much of the large highlands valleys, such as the Wahgi and Asaro basins.¹⁴ Many of the highlands areas adjacent to the

¹³ ADB 2015, Country Partnership Strategy, 2016-2020.

¹⁴ Allen, B., R.M. Bourke and J. Gibson, 2005, *Poor Rural Places in Papua New Guinea*. Asia Pacific Viewpoint.

Highlands Highway are highly productive farming areas, with better access to markets than those more distant from main roads.

55. Most of the land through which the Highlands Highway passes is customary land, which, in the Highlands, is inherited through patrilineal descent. Customary land, (also known as unalienated land), makes up about 97% of the total land area in PNG, and most of it, is managed by male leaders (even in matrilineal societies). Planting annual food crops does not secure long-term use rights over land, unlike the planting of small plantations of perennial crops such as coffee and coconuts. Food gardens are generally transient, whereas plantation of tree crops are semi-permanent markers of property rights and confer status on the men who control them. When customary land is leased for plantations, logging or mining, women seldom take part in negotiations, nor are women usually considered to have the right to claim a direct share of leases, royalties or compensation payments. With high rates of population growth, land is increasingly scarce, exacerbating long-standing patterns of conflict over land. Women's access to land depends on male kin or spouse's kin, which makes women who live without male support, particularly vulnerable to exploitation or abuse of their rights.

56. The subsistence food production system, with smallholder farming dominated by root crops, small-scale animal husbandry, hunting, gathering and fishing, provides sufficient food supply on a year-round basis for most of the population, but people living in highly marginal environments suffer from periodic food shortages. Malnutrition resulting from inadequate diets is a serious problem in many parts of the country, and is associated with less developed areas, low monetary incomes, and poor delivery of health services. Malnutrition is less common along the Highlands Highway communities, which have more reliable cash incomes because of their proximity to the road. Vegetables and fruits are grown both for home consumption and sale of the surplus. Many families also keep a few pigs, and a small number of households have two to six goats or sheep.

57. Many women market their produce at the main Highlands Highway town markets, or at small roadside informal markets, but others sell to collectors who gather up produce from many growers and on-sell to larger companies, including the Goroka Fresh Produce Development Agency (FPDA). FPDA provides extension services to seven Highlands provinces, to try to improve the supply chain through seed multiplication, consistency of supply, quality, and marketing services for farmers. They provide information, seeds, training and do a market survey on a weekly basis to inform growers of current prices, covering 60 different crops.

58. It is estimated that highway improvements could at least double the amount of produce transported from the highlands to Port Moresby.¹⁵ Currently, the Bismarck Maritime Company sends 15-20 containers of highlands fresh produce from Lae to Port Moresby every week, while Consort Express Line Ltd. ships a similar amount twice weekly. There are cool storage sheds at the Mt. Hagen Airport, and at Kainantu, (run by NKW Holdings Ltd. formerly Waufresh), but these are insufficient and there is high wastage and damage to crops during transportation, partly because of poor grading, poor post-harvest processing, a lack of suitable packing materials, and because of the condition of the road. The Mapai Transport Company manager, who has 18-20 trucks travelling up the Highlands Highway daily, estimates that almost half of all fresh produce goes to waste and that cool storage, packing and logistic facilities and better road conditions are necessary to improve this situation. The main produce marketed is potatoes, bulb onions, spring onions, zucchini, English cabbage, purple cabbage, carrots, and broccoli.

¹⁵ Bonney L, M Warinu, and P. Muscat, 2012, *Yu Tokim Mi Long Planim Kaikai Na Maket We? Feasibility Study for a New Wholesale Fresh Produce Market in Port Moresby*, NZAid, MFAT.

59. Other economic activities dependent on the highway include the mining industry, particularly the Ramu Nickel and Cobalt Mine run by Chinese Metallurgical Construction Group in Madang Province, the LNG Exxon/Mobil and Oil Search gas and petroleum enclave in Hela Province, and Porgera gold and copper mine in Enga, (operated by Barrick Gold company), as well as large-scale agricultural enterprises.

60. Business activities along the Highland Highway include transport companies running passenger services (public motor vehicles [PMVs] or mini-buses), gravel extraction in river beds, liquor retailing, workshops for mechanical repairs, fuel, battery and tire shops, contractors involved in infrastructure projects (such as Kaia in Simbu province), and roadside markets with sugar cane, kaukau, carrots, cabbages, strawberries, mandarins, cooked meat, scones and donuts, soft drinks, and non-food items, such as bilums, hats, woven palm or bamboo building materials and matting, petrol, flowers, etc.

61. While women expect to be able to increase their production and marketing of fresh produce when the highway improves, the gender division of labor and women's traditional exclusion from the benefits derived from road rehabilitation and maintenance works have been identified as a problem during community discussions. Women want more access to jobs provided by during implementation of the Tranche 2 works (not just in traditionally female domain such as catering for construction workers, but also in construction and maintenance tasks). They say that civil works contractors need incentives to increase the percentage of women workers in the labor force, and to ensure they are paid equally to men for equal work. Women's groups were keen to be involved in organizing work groups, in order to increase their income. Relevant contract provisions are envisaged to be helpful in increasing the percentage of women workers in the project-related labor force, and in ensuring they are paid equally to men for equal work.

H. Household Incomes and Poverty

62. The economic and social benefits of SHHIP in general including the Tranche 2 bridge improvement works are crucial for poverty reduction. An average household in the Highlands Region consists of 6.8 persons which may have up to 5-7 hectares (ha) of productive land divided into five food gardens averaging 1.5 ha per garden, which are used to cultivate a range of food and cash crops, both for consumption and surplus for sale. In 2016, surveyed households in the Highlands Region suggested average income of K971 a month against average household expense of K652 a month. Non-income dimensions of poverty included a lack of access to (i) cash paying jobs, (ii) education and health services, (iii) potable water, and (iv) transport services and roads. The most pressing demands from these households were for safe drinking water, electric power, and usable roads. While available data are limited, the risks of rapidly rising poverty levels in PNG are clear. Salient issues included the following: (i) poor economic performance and rapid population growth (2.8%) have led to a sharp increase in the incidence of poverty. In 2011, it was estimated that about 40% of the PNG population lived on less than \$1 per day, while 70% were below the level of \$2 per day; and (ii) the highest poverty levels occur among households with little or no cash income in remote areas away from roads. The national poverty rate is 37%. The proportion of population living below the national poverty line is 37.5%.¹⁶ Farmers that grow and sell cash crops such as coffee and cocoa may also have high poverty levels due to the fluctuation in commodity prices. Overall, people involved in the agriculture sector account for 86% of the poor. Households headed by women are among the poorest in rural areas. With the Human

¹⁶ ADB. 2019. *Basic 2019 Statistics*. Manila, <https://www.adb.org/sites/default/files/publication/499221/basic-statistics-2019.pdf>.

Development Index (HDI) value as 0.544 (low human development category), PNG is rated 153rd of the 189 countries in the 2017 HDI.¹⁷

63. Women are concentrated in informal employment, unpaid domestic work, and low-paying less secure occupations. In the Highlands region, most women are engaged in small-scale animal husbandry (mainly pigs, goats, and chickens), fresh food production and marketing, along with some export cash crops such as coffee and, in the Markham Valley, cocoa, sugar cane, and coconuts. Women do most of the planting, weeding, harvesting, and make significant contributions to coffee gardens and other cash crops. Women's workloads are heavy: they walk long distances every day to gardens, markets, collecting firewood, fetching drinking water, and providing the cooking and childcare. Due to the absence of proper road shoulders, women and children walk along the roads, carrying heavy loads, taking produce from gardens to home, or for sale at a market. Traditionally most women in the Highlands do not have land ownership rights, and many are economically dependent on their husband's clan group. As the majority of market vendors and users of health services, women are disproportionately disadvantaged by poor transport networks. Recent studies show that markets, bus stops, and parking lots are spaces with high levels of violence against women, particularly by young men. Most women in the project areas are engaged in agricultural activities. They will be the main beneficiaries of improvements in roadside improvements, fresh vegetable marketing through logistical depots, safety provisions near schools and other built-up areas/section, local purchases by the contractors and other teams, among others. The highest incidences of poverty are among people with no income-generating activities, the self-employed in the semi-subsistence agricultural sector, as well as market vendors and others working in the informal economy.¹⁸

64. The majority of people's dependence on subsistence rainfed agriculture raises levels of vulnerability to natural disasters and changing environmental conditions. Insufficient income opportunities and high levels of crime and violence further exacerbate hardship and inequalities. In PNG, people's ongoing connections to land and food production mask poverty, and many prefer to talk of hardship. But income poverty, and poverty of opportunity are real challenges with almost 2.5 million people living in hardship. Income and poverty levels for Section 2 will be investigated through the socioeconomic surveys DED stage. The results will be detailed in the updated RP, which will be disclosed and cleared by ADB prior to compensation and civil works can commence.

I. Social Services

65. Physical isolation and poor transport networks pose major challenges to expanding access to basic social services, a situation compounded by underlying state fragility and weak bureaucracy. Rural health services and basic education facilities are often closed, are cut off from supplies, and lack access to reliable power, while teachers and health workers are forced to spend a lot of their time travelling to and from regional centers for salaries and supplies. Although the social services located on the Highlands Highway are better off than many more isolated facilities, many are still suffering from the same problems. Of particular concern for the SHHIP are the large number of children walking long distances to school, using the Highlands Highway who are often at risk from heavy traffic thundering by because of the lack of footpaths or other safety features.

66. Almost half of primary school-aged children are still out of school, with fewer girls going to school than boys. The country's net enrolment rate of 63% is the lowest in the Asian Pacific region,

¹⁷ UNDP. 2018. *Human Development Indices and Indicators: 2018 Statistical Update*. New York.

¹⁸ UNDP, 2014, *National Human Development Report: Papua New Guinea, From Wealth to Wellbeing: Translating Resource Revenue into Sustainable Human Development*,

and only one in three children complete basic education.¹⁹ Many schools have poor facilities, with some schools having no toilets at all and no piped water system. There is little road safety or health education in the curriculum. A large number of schools are situated along the Highlands Highway. Below is a preliminary list of educational facilities on the Highlands Highway within Section 2.

Table 12: Educational Facilities along the Highlands Highway Section 2

Jiwaka Province	Wesley Bible College	Tomba CHW Training School
	PMF Centre	St Marys Hanepa Primary School
	Good News Elementary School, Kindang	Ahl Primary School
	Melanesia Nazarene Teachers' College	EBC Timol Wahgi Training Centre
	Jiwaka Provincial High School	Urup Primary School
	Kudjip Nursing College	Mundiu Primary School
	Kudjip Training Institute	Bonong Lutheran Primary School
	Munde Primary School	Kumbai Primary School
Simbu Province	Barawagi Community School	Prenorkwa Community School
	Don Bosco Secondary School	Ku Community School
	Kumerau Primary School	Duman Community School
	Mingende Nursing School	Siri Koke Community School
	Numunma Primary School	Masul Community School
	Mingende Community School	Tidima Primary School
	Sumgau EBC High School	Keto Primary School
	Kodom Angaunde High School	Chuave Community School
	Wandi Community School	Chuave High School
	Gon Community School	Lutheran Day High School
Eastern Highlands Province	Avanmofi Community School	Agribusiness Training Institute
	Yagusa Community School	Ketarobo Primary School
	Komperi Community School	New Tribes Mission School
	Watabung Primary School	Kabiufa SDA Secondary School
	Mando Primary School	Lufalufa Primary School
	Ganarafo Primary School	Mt Sion Disabled School
	Asaro Primary School	Kamaliki Vocational School

67. There are also many health facilities situated along the Highlands Highway, with varying levels of service. Provincial hospitals act as the referral centers for district hospitals and health centers, while the health centers supervise and support smaller aid posts, which provide only preventative services and basic primary health care. While hospitals have the capability of dealing with road traffic accident victims, health centers located where there are many accidents, complain that their staff are not trained to deal with emergencies or trauma victims, and those suffering severe injuries often die before they reach larger hospitals. Many of the health facilities provide HIV/AIDS services. A partial list of health facilities along the Highlands Highway is below:

¹⁹ UNICEF PNG, <https://www.unicef.org/png/activities.html>

Table 13: Health Facilities along the SHHIP Highlands Highway Section 2 Scope

Western Highlands Province	Mt Hagen hospital
Jiwaka Province	Minj Health Centre
	Kudjip Nazarene Hospital
Simbu Province	Kaupena Health Centre
	Mingende District Hospital
	Kundiawa General Hospital
	Ku Aidpost
	Masul Aidpost
	Chuave District Hospital
Eastern Highlands Province	Goroka Base Hospital

J. Health Issues

68. PNG is characterized by a generalized HIV epidemic: the estimated prevalence rate of is 0.8% with 40,000 people living with HIV. Data also suggests that the PNG HIV epidemic is mostly concentrated in the Highlands Region (with an overall prevalence of 1.07%). As of mid-2016, there were 22,548 people living with HIV receiving antiretroviral therapy, which they must remain on for life. Key at-risk groups include truck drivers that work on HH; female sex workers, particularly at PMV stops along HH; and men who migrate to towns and development enclaves for work. These are highly mobile groups. Women are at higher levels of risk because the use of condoms is not widespread and there is a high degree of sexual violence within marriages. The Mutzing Health Centre in Markham Valley has 345 registered sex workers receiving regular preventative and treatment services, of whom six are children under 16 years. Twenty-five of the female sex workers are being treated with antiretroviral drugs, but because they move frequently, it is difficult to ensure regular follow-up. The exposure of roadside communities to higher levels of road traffic means that special attention must be paid to the risk of sexually transmitted infections (STIs). In light of women's greater exposure to the risks and impacts of HIV, culturally sensitive and gender-responsive awareness and behavior change initiatives need to be provided in the project's campsites and corridors of influence as part of broader health education programs.

69. Under the currently ongoing SHHIP Tranche 1 works, awareness activities are being implemented on HIV/AIDS and other STIs along the entire 430 km SHHIP section of HH. The target groups of the mandatory quarterly awareness events include the general public, people affected by HIV/AIDS, commercial sex workers, drivers, business vendors, schools and other communities living along the Highway. Each CW contractor has developed a dedicated awareness plan as part of GAP for the purpose and is being effectively implemented. Also, such requirements have been integrated into the GAP for Tranche 2—which shall be implemented and monitored as required.

70. **Alcohol.** There are a large number of liquor outlets along the Highlands Highway, and a lack of proper licensing.²⁰ This has contributed to the number of vehicle accidents, as well as to violence (particularly against women), fights between groups, loss of income for family needs, obesity, and ill health. Enga and Southern Highlands have both introduced liquor bans along the

²⁰ The PPTA assessment team counted 58 beer shops between Kagamuga and Kundiawa; 54 SP beer outlets between Wara Simbu (outside Kundiawa) and Goroka, and 29 between Akamore market at Yongki and Nadzab.

Highlands Highway sections within their provinces, which are strictly policed, but no such bans or policing exist for the Section 2 provinces.

71. **Accidents.** Road safety is a major issue in PNG, causing significant loss of life, injuries, and economic losses. Staff at Mutzing Health Centre in the Markham Valley report that there are very frequent serious accidents (at least one per week), which at Mutzing, they are ill-equipped to deal with. Many of the injured die being transported to the Lae Hospital. The steeper sections and many unmarked corners are also traffic accident black spots. While no accurate figures exist for the number of accidents or fatalities, rates are thought to be some of the highest in the world. There is a danger that improving the HH will allow higher traffic speeds but may also cause an increase in traffic accidents. Therefore, mitigation measures are planned through the road safety component of the Investment Program Section 2: road safety surveys, the removal of black spots, improved signage, crash barriers, and footpaths will be part of the engineering design; road safety awareness will be raised among road users and roadside communities; and efforts made to ensure traffic laws are enforced.

K. Gender

72. There are few countries in the world where men outnumber women, but PNG is one of them having 108 men for every 100 women. This phenomenon is only found in countries with profound gender inequalities. The country is ranked 133 out of 149 countries on the Gender Inequality Index. The PNG Country Gender Assessment, conducted in 2011, highlighted significant gender gaps limiting women's economic opportunities and access to health care, as well as educational attainment and literacy. Women in PNG are facing serious health issues: maternal mortality rates are high by world standards at 733 per thousand births. In 2009, there were only 92 girls for every 100 boys in primary school, and just 78 girls per hundred boys attending secondary school. In the Highlands, this disparity was worse, with only 85 girls in primary school to every 100 boys. Around 37% of females, compared with 26% of males have never attended school.²¹ In the Momase Region, over a quarter of girls between 15 and 17 never attended school, compared to only 5.6% of boys.²² Factors influencing enrolment in schools are distance from school, lack of sanitation, sexual harassment and violence towards girls by other students or male teachers, the expenses of education, and cultural factors relating to gender discrimination and exploitation of girls who are kept home to do household chores, look after children, or help plant and harvest food crops.

73. As noted above, the HIV/AIDS prevalence rate is 0.8% nationally, but higher in the Highland provinces. Women and girls are more vulnerable to HIV/AIDS and STIs, as they are less able to protect themselves, partly because of the widespread GBV. Many men feel they have the right to beat and sexually abuse wives, prostitutes, women from enemy groups, and strangers. Alcohol and drug use have accelerated the violence, which includes domestic violence, child abuse, rape, and gang rape. The high level of GBV, not only increases vulnerability to HIV/AIDS but also constrains women's and girls' mobility and opportunities. A study in four provinces found that nearly half of the women had experienced physical and/or sexual violence in their relationships, and women with physically or sexually abusive husbands were much more likely to have HIV/AIDS. Women are twice as likely to report that crime stops them from using public transport, walking to work or shopping, fetching water, walking to the gardens, and allowing children to walk to school.

²¹ World Bank, UN, AusAID, ADB, Government of Papua New Guinea, 2012, *Papua New Guinea Country Gender Assessment, 2011-2012*.

²² National Statistics Office, 2012

74. For SHHIP Tranche 2, a dedicated GAP has been prepared. It includes mandatory requirements for ensuring equitable sharing of the opportunities generated by the project—employment, skill building, participation in consultation activities and grievance redress committees (GRC), awareness programs, etc. especially for the female segments of the societies. It shall be implemented and monitored with the progress reported periodically.

IV. INFORMATION DISCLOSURE, CONSULTATION, AND PARTICIPATION

A. Stakeholders of the Investment Program

75. SHHIP Tranche 2 principal stakeholders are the owners whose lands, crops or other assets are affected due to implementation of the bridge works. People who live along the HH section from Goroka to Kagamuga form another key stakeholder group. This includes the communities as a whole, and groups within these: people who cultivate and market food cash crops, vendors at informal markets in villages and at PMV stops, as well as at larger formal markets, and those producing and transporting cash crops to the ports or airports for export elsewhere. These stakeholders will benefit directly from the improvements, which will make travel faster and more convenient, improve accessibility to services and markets, and ensure their produce reaches its destination undamaged by rough roads. They will also benefit from the opportunities for employment in road works and maintenance, and because they may be able to pay for increased public transport services.

76. The road transport sector constitutes another category of principal stakeholders. It includes the people and companies involved in the movement of passengers and freight along the HH, such as: PMV and mini-bus drivers, their passengers, transport companies, commercial truckers, including independent truckers, and the businesses and development enclaves in the Highlands region that rely on these transport services. The transporters are interested in lowering their vehicle operating costs, as well as increasing the services they can provide. Civil works contractors also benefit directly from their involvement in the upgrading, rehabilitation, and maintenance of roads, from profits for their core business.

77. Another category of stakeholder are the local, provincial and national government agencies that both benefit from and are instrumental in implementation of the road improvements. Their interests stem, on the one hand, from their mandates to provide services to people, businesses and communities in the program areas, and from their direct contributions of funds and/or technical expertise for the road maintenance. The DOW in particular will gain from both the funding, and the capacity building provided through the investment program. The investment program will assist GoPNG to achieve its objectives for Development Strategic Plan (2010-2030) and National Transport Development Plan (2011-2020), which identifies the Highlands Highway as the number one priority road for the country.

78. Civil society organizations (CSOs), national and international non-government organizations (NGOs), security agencies (police, defence force), academic institutions, women associations, professional associations, mass media, and other individuals and groups form yet another category of SHHIP stakeholders. As a dynamic process, the stakeholder analysis and documentation works shall be undertaken periodically as may be required throughout SHHIP implementation.

B. Consultation and Participation

79. A variety of consultation and participation mechanisms have been implemented during the preparation of this plan. Facilitated by the SHHIP Tranche 2 preparation team (TA Consultants) acting on behalf of the DOW, consultations with SHHIP Section 2 stakeholders and have been conducted involving both women and men. Key consultation participants included customary landowners and migrants from other regions of PNG; governments at local, district, and provincial levels; vehicle drivers and operators; representatives from transport associations, NGOs and CSOs, women groups, students, academia, church groups, Tranche 1 supervision consultants and contractors, security agencies, etc. The project was introduced to participants, the probable positive and possible negative impacts explained, and land acquisition and other resettlement-based issues introduced. Participants at the meeting were offered the opportunity to discuss among themselves and with the TA Consultants issues that concerned them. Feedback collection was undertaken during each consultation meeting.

80. To ensure women could make their voices heard, the Social Safeguards and Gender Specialists facilitated focus group discussions (FGDs) with women groups in attendance at the community meetings. The SHHIP details (focused on Tranche 2 bridge works) were reiterated, beneficial and adverse impacts were briefed again—including opportunities for the women/female segments of the communities in bridge construction and maintenance works, HIV/AIDS awareness programs, market stalls, etc. Their feedback was solicited and documented—and relevant ones integrated in preparation of the RP and overall project design. The project preparatory team has ensured that an adequate number of women/female members were in attendance and separate FGD were facilitated with them to ensure they understood the nature of the investigations and their likely outcomes. It was ensured that consultations were undertaken at venues and times that would not disadvantage women and other core stakeholders relevant to Section 2 of the Highway section from Goroka in EHP to Kagamuga in WHP.

C. Information Dissemination Activities during Project Preparation

81. The project preparatory team has conducted consultations with APs and other stakeholders, consulting and informing them about SHHIP Tranche 2 works in particular and the MFF in general. During project preparation (FS) stage, the following relevant activities have been conducted:

- (i) consultations with 14 of the 23 households affected due to land acquisition or land lease,
- (ii) consultations with public administrations and civil society representatives in all four provinces along the Section 2,
- (iii) consultations with the affected communities along the Section 2 under SHHIP Tranche 2,
- (iv) meetings with APs and other larger segments of the communities in the form of public hearing meetings,
- (v) FGDs with women APs,
- (vi) initial socioeconomic survey (SES), and
- (vii) initial inventory of losses.

82. Meaningful multiple consultations conducted with the AP and other stakeholders during July to November 2019 as a key component of the SHHIP Tranche 2 preparation have adhered to applicable GoPNG and ADB policies, principles, and procedures. During the RP preparation process, especially organized consultations have been conducted with the affected households, clan/customary leaders, ward councilors and local level governments (LLG) presidents, among

others including the women, deprived groups, elderly people and youth. The approach taken for Tranche 2 preparatory stage consultations for RP Volume 2 preparation includes: public administration consultations (4), public hearing meetings (9) involving both women and men from the affected communities and other stakeholders, consultation meetings with affected clan leaders (10), FGD with women groups (7), key informant interviews (11) with APs and other stakeholders, and informal conversations with affected residents and passers-by (numerous) near the subproject sites. Consultations have been undertaken in local vernacular languages and in Tok Pisin. An especially prepared leaflet, SHHIP pamphlet and Protection of Transport Infrastructure Act pamphlet were also distributed to the participants during the consultations. Detailed information dissemination on the SHHIP in general and Tranche 2 works in particular were accomplished.

83. Likewise, stakeholder feedback collections on the SHHIP in general and Tranche 2 (bridge works) in particular have been undertaken aimed at their integration into the project design and implementation ensuring continued participation and support of the stakeholders. Separate consultations have been conducted with female groups. The consultations have been inclusive also in terms of participation of representatives from economically weaker and/or marginalized households, CSOs, customary landowners, church groups, students, transport entrepreneurs, drivers, teachers, shopkeepers, security agencies, Tranche 1 contractors and supervision consultant representatives and other segments of the societies. Explanation was made also on the scope of Tranche 2 components (upgrading, repair and/or maintenance of all bridges along the SHHIP Highway from Lae Nadzab to Mount Hagen Kagamuga), the funding sources and the environmental and social impacts and their indicative mitigating measures to be followed during the implementation of the program. Issues and concerns of the stakeholders were solicited, discussed and noted for further consideration in the investment program design. All LLGs, districts and provinces touching the Highway have been encompassed during Tranche 2 preparation consultations. The major venues for the stakeholder consultation and awareness for the Section 2 section (Goroka to Kagamuga) included the following:

- (i) Goroka Town, Asaro Village, Daulo Base, Daulo Middle Market, Daulo Peak Market, Tulait Market, Watabung Station, Kenegi Village Market, and Snake Village in Eastern Highlands;
- (ii) Chuave, Dumun, Kundiawa and Mingende in Simbu; and
- (iii) Minj, Kudjip, Kurumul, Orange Market, Kuli Gap and Kagamuga Airport Turnoff.

84. Altogether 7,124 participants, including an estimated 3,200 female participants, were consulted as part of Tranche 2 preparations for the Section 2—including consultations with indoor core groups and outdoor communities and the general public. Feedback, queries and responses received during the consultations were primarily related to resettlement and legacy issues, compensation for affected structures or other improvements, employment opportunities, use of local resources (sand, gravel, quarry areas, etc.), timely completion of bridge and road works, etc. While the participants heartily appreciated and thanked the government and other supporting agencies for designing the mega program for their region, emphasis was also made on completion of the works within the allocated time-period with proper quality and standard. Responses were made to the queries of the participants by the Tranche 2 preparatory teams.

85. Also highly appreciated by the consultation participants are the social infrastructure (pedestrian paths, safety railings, wash areas, market stalls, bus bays, etc.), awareness activities on health and safety including HIV/AIDS awareness programs, employment opportunities (mainly as construction and maintenance workers) and sanitation facilities under the program.

86. Consultations with stakeholders along the HH confirm that attitudes to the SHHIP Tranche 2 plans are very positive, especially from the local communities, PMV operators, freight and transport companies, drivers, and the general travelling public. Currently costs of wear and tear on machinery, breakdowns, delays from landslides, floods, and loss of cargo from highway robbery are high.

87. Consultations with, and encouraging participation of, the stakeholders during Tranche 2 preparations have been helpful in gaining insights into the expectations of the stakeholders and documenting their valuable feedback. This feedback has supported informed decision making processes while preparing Tranche 2 of the Program.

D. Further Consultations during Design and Implementation Stages

88. Further consultations with affected households, clans/tribes and other stakeholders shall be conducted throughout the project development cycle—including during Tranche 2 DED and implementation stages. Consultation will be ongoing and managed by the Project Management Office (PMO) safeguards staff. As part of the development of SHHIP works to ensure safeguards compliance, the PMO will implement the currently prepared SHHIP Tranche 2 stakeholder consultation and participation plan (SCPP) for the communities located along subproject sites. The SCPP activities will be organized with the collaboration of provincial, district and LLG authorities; and, following DED, the PMO will continue APs' participation in further investigating each subproject (bridge), undertaking the DMS, collecting data for the SES and in other activities related to enhancing benefits for communities and mitigating adverse impacts. Support from the Environmental and Social Safeguards Branch (ESSB), and other entities shall be taken wherever required throughout SHHIP Tranche 2 preparation and implementation.

89. The support from the clan/customary leaders, ward councilors and LLG presidents, as has been gained during the FS stage, shall be sought for enhanced participation of wider segments of the societies including that of the women, deprived groups, elderly people and youth also during the DED and implementation stages. Because women are often reluctant or unable to speak in general community meetings, separate meetings shall be held with them to understand and discuss their preferences and concerns. The PMO staff shall be also joined by the provincial and/or district lands officers or surveyors/valuers of the office of the Valuer-General when their services are necessary to produce the Land Investigation Report (LIR) and valuations during the DMS to be conducted on completion of DED studies.

90. Information disclosure, consultation, and informed participation of the relevant stakeholders shall be ensured throughout SHHIP implementation. This has been also integrated in the SCCP (Appendix 1) prepared for SHHIP Tranche 2. Appendix 2 to the RP shows consultation summary while Appendixes 3, 4, and 5 show some of the photographs, leaflet and pamphlet, respectively, for the consultations conducted during the Tranche 2 project preparation.

E. Results of Consultations with Affected Peoples

91. Most people consulted and surveyed at the bridge sites are strongly supportive of the project, due, mainly, to the fact that they are dissatisfied with the existing conditions of the road and bridges. They were generally appreciative of the government and other project partners for supporting the project. Also welcomed were the social infrastructure, road safety measures and awareness components.

92. There are a number of other concerns (main ones as follows) that were discussed and documented during the consultations.

- (i) One of the common points raised by the participants almost at each venue was the request to use the local river materials (sand, gravel, etc.) in the vicinity of the work sites to help the customary owners of such resources. The project preparatory team made it clear that it would be possible but the terms and conditions are to be mutually agreed between the customary owners and the contractor—also the fact that quality tests would need to be done for each potential quarry site to be compliant with the required standards. The details of the locations for the quarry sites will be included in the updated RPs.
- (ii) Employment opportunities with the project was raised as another major query, also by female participants, during many of the consultations. The project preparatory team made it clear that there would be some opportunities during construction and maintenance of bridges, and that they would be approached during the implementation period.
- (iii) Land acquisition requirements and impacts on crops and other improvements comprised another category of concerns common to almost all venues and discussed extensively, with appropriate responses from the preparatory team.
- (iv) Social infrastructure needs of the communities were raised and discussed (primarily market areas, bus parks, drinking water and public sanitary facilities). Most of these components are included under the social infrastructure plan currently in implementation. SHHIP Tranche 2 GAP also has such provisions.
- (v) Pollution (dust, spoil, noise, etc.) prevention plan, issues of non-payments to local businesses by the contractors in the past, worker-community interactions and transfer of HIV and other diseases, etc. formed yet another group of queries or remarks and suggestions during the consultations.
- (vi) Documentation of the consultation process, including the feedback received, has been done. Most of the relevant suggestions/remarks/propositions have been integrated into the project designs (including in the forms of a dedicated GAP, and stakeholder participation plan, among others). Further, concerns and feedback linked to land or other private asset impacts have been addressed in the RP.

F. Disclosure of the Draft Resettlement Plan

93. Project (SHHIP Tranche 2) affected people and other stakeholders have been provided with relevant information about the project, its land acquisition requirements, and policies on compensation and entitlements during preparation of the RP. This RP has been disclosed and discussed with the affected communities, and the revised (updated) draft Resettlement Plan will also be disclosed to APs and other stakeholders. The full plan, a summary plan and/or information booklet will be available in English and Tok Pisin, the official and most commonly used languages in the project area. Such information materials shall be widely distributed to the AP. The draft, /final and updated plan will also be uploaded to the ADB website upon submission by the DOW/GoPNG.

G. Planned Information Disclosure Measures during Project Implementation

94. People directly affected by SHHIP Tranche 2 activities, especially the landowners affected due to land acquisition or lease agreements, are the key stakeholders of the SHHIP Tranche 2. Communities living along the Tranche 2 section of the Highway, governments at all levels of governance, transport entrepreneurs and associations, school and church groups, media and

other stakeholders as detailed in the SCPP–Appendix 1 to the RP–form the other groups of stakeholders of SHHIP, including Tranche 2.

95. While consultations have been conducted during Tranche 2 preparation stage with the key stakeholders, they are also planned to be conducted as a regular process throughout the project stages ahead. Planned information disclosure measures and key communication channels for the purpose have been documented in detail in the SCPP (Appendix 1). The major communication channels shall include direct interactions with the affected households and other stakeholders during the RP update stage (DED) and throughout project implementation, regular community consultations, disclosure of the updated RPs through the public platforms (group discussions, government authorities, websites, etc.), leaflets/brochures and other media and grievance redress committees, among others as have been elaborated in the SCPP.

96. Further consultations with affected households, clans/tribes and other stakeholders shall be undertaken throughout the project cycle—including during Tranche 2 DED and implementation stages. Consultation will be ongoing and managed by the PMO safeguards staff. As part of the development of SHHIP works to ensure safeguards compliance, the PMO will implement the SCPP with communities located along subproject sites. The SCPP will be organized with the collaboration of provincial, district and LLG authorities; and, following DED by the design consultant (DC) for a subproject, the PMO will involve APs' participation in further investigating each subproject, undertaking the DMS, collecting data for the SES and in other activities related to enhancing benefits for communities and mitigating adverse environmental and social impacts. The Tranche 2 SCPP (Appendix 1) shall guide the process.

97. RP details have been disclosed and discussed with the affected landowners during Tranche 2 preparation stage. It will be updated during DED in consultation with the landowners and other key stakeholders. The updated RP shall be shared with the ADB and also disclosed on ADB and DOW websites. Information disclosure, consultation, and informed participation of the relevant stakeholders shall be ensured throughout SHHIP implementation.

V. GRIEVANCE REDRESS MECHANISM

98. GRM has been established and is functional for SHHIP Tranche 1 works to ensure that grievances of the AP on any aspect of their social, economic, or environmental concerns are resolved in a timely and satisfactory manner. For each of the five SHHIP provinces, a GRC has been formed at province level (headed by the provincial administrator) with representatives from the local, district and provincial governments and civil societies. It shall be maintained functional for Tranche 2 works as well or formed afresh.

99. As detailed in the GAP, the Tranche 1 GRCs have four female team members at this stage (overachieved by two-times compared to the required two female members). Each GRC is planned to have additional female members in the committee.

100. For the currently ongoing Tranche 1 works, altogether 79 grievances have been received until December 2019. At January 2020, 70 of these grievances were resolved, but resolution processes were ongoing for the remaining nine grievances. Appendix 6 to the RP shows SHHIP GRM process flowchart, while Appendix 7 depicts further details on the status of grievances received (as of December 2019).

101. SHHIP GRM provisions have ensured that the Grievance Raiser can report any relevant grievances with the GRC, the contractor, construction supervision consultant or the PMO.

Logbooks for Tranche 1 works have been maintained at all of these offices. Grievances noticed by any of the SHHIP teams or those published in the media can also be recorded in the logbook. Reporting of the grievances can be in the written, spoken/verbal or any other forms, in person, over the phone, via email or other modes. This shall be applicable to Tranche 2 as well.

102. SHHIP grievance resolution process flowchart has been presented as Appendix 6 to the RP. All stakeholders, including the APs, have been made fully aware of the GRM, their rights (both verbally and in writing) and the ways they can access the GRM during Tranche 2 preparation—and during the ongoing Tranche 1 regular consultations. This shall continue throughout the project cycle.

103. The GRM will continue to operate on the principle of trying to solve problems locally at the lowest project level, as far as possible, with support of the social safeguards staff, also taking into account the local customary problem-solving methods. However, the GRC in each province for hearing and resolving any complaints shall perform required tasks for grievances that cannot be resolved at the local level or by the PMO.

104. The Tranche 2 GRCs, as with the ongoing Tranche 1 GRCs, shall perform (continue to perform), *inter alia*, four major functions: acceptance, investigation, mediation, and advisory.

105. GRCs shall use common procedures in dealing with grievances to assure that objective and fair decisions are taken, and agreements made. The procedures include verifying documents; conducting field inspections to verify the authenticity and eligibility of the grievance reported; listening to different parties involved; and referring cases to other GRMs or, if necessary, to the courts.

106. For each grievance received, the PMO social unit shall take the first initiative for its resolution with support from the contractor, customary leaders or other stakeholders. Initial response shall be made to the grievance raiser within one week for minor grievances and within two weeks for the major ones. Any grievances unresolved by the PMO shall be handed over to the provincial level GRC. Further verification of the grievance may be done by sector/issue-specific subcommittee as may be formed if required under the GRC. A verification report shall be submitted to the GRC.

107. The GRC shall try to resolve the grievance at its level—making its decision on the resolution to the issue/grievance within one month for minor grievances and within two months for the major ones. Any grievance cases unresolved by the GRC or those the GRC feels are beyond SHHIP GRC jurisdiction shall be directed to the concerned relevant authority (including the Judiciary) through the PMO for appropriate resolution of the grievance—providing guidance to the concerned person/entity on other legal avenues s/he may approach to resolve the grievance.

108. Tranche 2 GRCs shall be provided with appropriate orientation by the PMO (as has been done for the Tranche 1 GRCs) focusing on the overall approach, modality, procedures and processes aimed at ensuring effective GRM for SHHIP. SHHIP Tranche 2 teams (PMO and contractor) shall support the GRCs in their smooth functioning, including support with stationeries and other relevant logistics wherever deemed necessary. A separate budget for GRM purpose has been allocated in the overall project cost.

109. All complaints in the grievance logbook will record: date, name of complainant, contact address or mobile, and reason for the complaint. A duplicate copy of the entry shall be given to the complainant for their record, at the time of registering it. Within a week for minor grievances

and within two weeks for major ones, the PMO will issue a notice to the Grievance Raiser, the DLO and/or other relative officials, with the date of a conciliation meeting, which should be held not later than 14 days after receiving the complaint. Cases beyond PMO/supervision consultant/contractor resolution limits shall be forwarded to the GRC for the resolution or referral to the other relevant entities ((Conservation and Environment Protection Authority (CEPA), or the judiciary)). Should APs be not satisfied with the process or decision reached, they may also take the grievance to the PNG judicial system at any time.

110. During the meeting, staff from the PMO will clarify the issues involved, and try their best to resolve the issue in a manner acceptable to the Grievance Raiser and the DOW. If no solution is found, further meetings may need to be held. The grievance logbook will show details such as who has been directed to deal with the complaint, the date when it has been resolved, together with the date when the complainant was informed of the decisions, and how this was conveyed to the complainant. The logbook shall be signed off by the person responsible for the decision, dated, and included in monitoring reports.

111. The PMO social staff, along with local government officials, will assist the program director and the GRCs in reviewing and addressing the complaint. The PMO social unit shall facilitate communication between the APs and the PMO in this process, and also between the PMO, GRC and the contractors where relevant. Where no solution is found by the PMO, the GRC will be asked to meet to consider the grievance (complaint).

112. The grievances shall be redressed within two months from the date of lodging the complaint, and where no resolution is possible, legal cases will be referred to the PNG courts.

113. The provincial GRC will handle environmental, land, resettlement, compensation and other social related grievances. The committee shall be composed of: the Provincial Administrator or the Deputy Provincial Administrator (Chairperson), District Administrator/CEO, the LLG Council President, DOW (represented by the social safeguards personnel at the PMO, and the Community Relations Officer at the relevant site), and a representative from civil society. Each GRC shall have at least one female representative. Other provincial officials may also be invited to attend where relevant. There shall be only two hearings of the GRC, and the scheduling of the final hearing should be not more than 10 days after the first hearing. Both parties may re-negotiate the solutions proposed during the first hearing, and may introduce new arguments and evidence to support their respective positions. After summation of the case, the GRC will decide the issues based on the policies governing the SHHIP, the prevailing laws in PNG and taking account of customary laws of the place where the dispute or complaint arose.

114. Any unsolved grievances related to land and compensation issues received by the PMO, will also involve discussions with the DOW Safety, Environment and Social Safeguard Standard Branch (SESSSB), and Lands and Survey Branch (LSB) at national headquarters, the Department of Lands and Physical Planning (DLPP), or other relevant authorities, as appropriate.

115. If the AP is not satisfied with the GRC's decision, s/he may then take the grievance to the PNG judicial system. In this case, if the complaint concerns compensation, the PMO and DLO will hold the compensation amounts in escrow. Compensation will be paid in full upon final resolution of the case in the courts or other forum, in accordance with the entitlements of the affected person as decided by the court of competent jurisdiction.

116. The PMO or GRC shall take support of the customary dispute resolution mechanism available in the locality. The Land Disputes Settlement Act also establishes judicial procedures

for resolution of landownership disputes on customary land. It has a mediation process whereby a designated mediator meets with the disputing parties to resolve grievances. This process is closely allied with the village court system and traditional mediation procedures that draw on the skills of recognized local leaders and elders.

117. There are no fees attached to the AP for making a complaint, the complainant is free to make the complaint which will be treated in a transparent manner, and the AP will not be subject to retribution for making any complaint. At least one female GRC member or one nominated by the GRC shall be part of the team for processing any complaints/grievances registered by or concerning female members of the societies. Each periodic social report shall include a GRM section with analytic summarized status of the grievances (total grievances received, resolved, referred, resolution ongoing, etc.) and be submitted to the PMO for further inputs and sharing with relevant stakeholders as required.

118. In addition to the project GRM, once all the GRM measures have been exhausted, ADB's Accountability Mechanism also applies to the project. However, while the project level GRM is the responsibility of the EA, the Accountability Mechanism is the responsibility of ADB. The accountability mechanism provides opportunities for people (2 or more complainants) that are adversely affected by ADB-financed projects to express their grievances, seek solutions, and report alleged violations of ADB's operational policies and procedures, including safeguard policies. ADB's accountability mechanism comprises of (i) consultation led by ADB's special project facilitator to assist people adversely affected by ADB-assisted projects in finding solutions to their concerns and (ii) providing a process through which those affected by projects can file requests for compliance review by ADB's Compliance Review Panel. Details of the Accountability Mechanism can be found at <https://www.adb.org/documents/accountability-mechanism-policy-2012>.

VI. LEGAL FRAMEWORK

A. National and Local Laws and ADB Policy Requirements

119. The policy framework and entitlements for land acquisition/resettlement are based on the laws, regulations and policies of the GoPNG and the ADB Safeguards Policy Statement 2009 (SPS 2009). The principal PNG laws include: (i) the 1975 Constitution; (ii) the 1996 Land Act; (iii) the 2000 Land Disputes Settlement Act; (iv) Fairness of Transaction Act (1993); (v) Land Group Incorporation (Amendment) Act (2009); and (vi) Customary Land Registration Act (2009).

1. PNG Legal Framework

120. In PNG, the majority of land is customary land where ownership of specific territorial areas is vested in descent groups or clans. Clan members or "primary rights holders" are co-owners, with rights to use but not to alienate land. They own/possess these lands as stewards for future generations. Land ownership and use is an integral part of the identity, the sustenance, and the social relations of clans; property rights are inherited from ancestors through either the patrilineal or matrilineal descent and maintained in trust for future generations.

121. The State has no authority over customary land other than the provisions of the Land Act, which enables the government to acquire customary land for public purposes upon payment of just compensation. Provincial roads as well as many national feeder roads have generally been developed on customary land that has not been alienated by the State. However, the government has recently introduced a policy that all state infrastructure and assets should be built on state

land, and has begun to alienate land for government facilities, where funds exist to pay for this. The use of customary land requires agreement of customary landowners.

2. The PNG Constitution

122. The 1975 Constitution explicitly provides for the adoption of custom as part of the underlying law of PNG (Schedule 2), thus recognizing the property rights attached to customary land. During the colonial administration, the 1963 Customs Recognition Act stated that “custom shall be recognized and enforced by, and may be pleaded in, all courts...” (Art. 3(1)(a)). Following independence, these principles were reaffirmed in the Constitution and, subsequently, in the 2000 Underlying Act. Customary law is defined as the rules, rights and obligations pertaining to an individual or group by custom and tradition; and, according to the 2000 legislation, it shall apply and be recognized by the courts where written and underlying laws do not apply and except as it is inconsistent with written law.

123. The Constitution also guarantees the right of PNG citizens to protection from unjust deprivation of property (Art. 53). No land or interest in land may be acquired compulsorily by the State except as it is required for public purposes or other justifiable reasons. Moreover, in the event of expropriation of land, “just compensation must be made on just terms by the expropriating authority” (53(2)).

3. The Land Act (1996)

124. The Land Act (No. 45 of 1996) sets out the conditions and procedures for the State to acquire customary land required for public purposes such as roads, bridges, culverts and quarries. Usually the government negotiates agreements with customary landowners for the purchase of land, but it can also compulsorily acquire land. The acquisition process involves several steps, including: initial investigation, land survey by a registered surveyor; LIR, which includes genealogical research to list the names of all those with rights in the land); the valuation of land and improvements and verification by the Valuer-General; payment of compensation; registration of land for state ownership by DLPP; granting of the Certificate of Alienation; and finally the transfer of title.

4. The Land Disputes Settlement Act (2000)

125. The Land Disputes Settlement Act (No. 10 of 2000) was initially adopted in 1975. It sets out rights and procedures related to the resolution of disputes involving customary land. It recognizes as parties to these disputes, customary kinship groups, customary descent groups and customary local groups or communities (S2). It also requires that proceedings take into account relevant customs (S35 (1) (d)). The Act provides for the establishment of a Provincial Land Disputes Committee, as well as Land Courts at the LLG, district, and provincial levels. The Committee can appoint land mediators for specified land mediation areas where disputes occur; a mediator may be the Local Land Court Magistrate (LLCM), a Village Magistrate, a Local Councilor or other senior person of good standing with the litigants. The Act promotes a process for resolution of land disputes through (i) a first step of mediation; if mediation fails, it is followed by (ii) appeal to the designated courts. The mediation process is based on the principles of traditional dispute settlement in PNG.

5. Fairness of Transaction Act (1993)

126. The Fairness of Transaction Act of 1993 relates to the effect of certain transactions to ensure that they operate fairly without causing undue harm to, or imposing too great a burden on, any person, and in such a way that no person suffers unduly because he is economically weaker than, or is otherwise disadvantaged in relation to, another person. The purposes of this Act are to (a) ensure the overall fairness of any transaction which (i) is entered into between parties in circumstances where one party is for reasons of economic or other advantage predominant and the other is not able to exercise a free choice; or (ii) for one reason or another, without attaching any evil design or bad faith, appears to be manifestly unfair or not to be genuinely mutual; and (b) allow for the re-opening and review of any transaction irrespective of fault and validity, enforceability or effect of any agreement; and (c) ensure the fair distribution and adjustment of rights, benefits, duties, advantages and disadvantages arising out of a transaction. Transaction means any contract, promise, agreement, dealing or undertaking of an economic or commercial nature whether supported by consideration or not entered into between parties, and includes (a) an informal, complete or incomplete transaction; and (b) a transaction governed by customary law.

6. Land Group Incorporation (Amendment) Act (2009) and Voluntary Customary Land Registration Act (2009)

127. These Acts were brought into effect in 2011, following recommendations from the National Land Development Taskforce. The Acts recognize the corporate nature of customary groups and allow them to hold, manage and deal with land in their customary names, and for related purposes. These also facilitate the voluntary registration of customary land, to be known as “registered clan land”, and makes that land available for development through the use of Incorporated Land Groups (ILGs). These laws encourage:

- (i) greater participation by local people in the national economy by the use of the land;
- (ii) better use of such land;
- (iii) greater certainty of title;
- (iv) better and more effectual settlement of certain disputes;
- (v) legal recognition of the corporate status of certain customary and similar groups;
- (vi) conferring on them, as corporations, of power to acquire, hold, dispose of and manage land, and of ancillary powers; and
- (vii) encouragement of the self-resolution of disputes within such groups.

128. Access to land and resources is embedded in social relationships and expressed as customary land rights to utilize resources. Small clan-based groups live in the villages, managing their own resources, and exercising the right to utilize them. These groups (clans which are composed of sub-clans, lineage groups, and at the lowest level extended households) are typically made up of “primary right holders”—the leaders of the group—who collectively have the authority to allocate use rights through their spokesperson. The rest of the lineage typically possesses “secondary rights”. Such rights may be inherited or gained through marriage to a primary rights holder. The process of transfer of rights differs although in all communities along the Highlands Highway customary land inheritance is overwhelmingly influenced by patrilineal descent.

B. The ADB Safeguard Policy

129. The ADB Safeguard Policy Statement 2009 (SPS 2009), applies to losses due both to physical and economic displacement caused by involuntary acquisition of land and is based on the following basic principles:

- (i) involuntary resettlement should be avoided wherever possible,
- (ii) projects should be screened early on to identify past, present and future involuntary resettlement impacts and risks. AP are to be identified and recorded as early as possible in order to establish their eligibility through a population record or census that serves as an eligibility cutoff date, preferably at the project identification stage, to prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits.
- (iii) **Meaningful consultations.** The APs are to be fully informed and closely consulted. APs are to be consulted on compensation and/or resettlement options, including relocation sites, and socioeconomic rehabilitation. Pertinent resettlement information is to be disclosed to the APs at key points, and specific opportunities provided for them to participate in choosing, planning, and implementing options. GRM are to be established to receive and facilitate resolution of AP concerns. Where adversely AP are particularly vulnerable, (landless, elderly, women, or disabled people) RP decisions will be preceded by a social preparation phase to enhance their participation in negotiation, planning, and implementation.
- (iv) where population displacement is unavoidable, it should be minimized by providing viable livelihood options;
- (v) replacing what is lost: If individuals or a community must lose part of their land, means of livelihood, or social support systems, so that a project might proceed, they will be promptly compensated and assisted through replacement of land, housing, infrastructure, resources, income sources, and services, in cash or kind, so that their economic and social circumstances will be improved or at least restored to the pre-project level. All compensation is based on the principle of replacement cost for assets that cannot be restored, and additional revenues and services will be provided through benefit sharing schemes where possible.
- (vi) Each IR is conceived and executed as part of a development project or program. ADB and executing agencies or project sponsors, during project preparation, assess opportunities for affected people to share project benefits. The affected people need to be provided with sufficient resources and opportunities to reestablish their livelihoods and/or homes as soon as possible, with time-bound action in coordination with the civil works.
- (vii) **Social and cultural institutions.** Institutions of the APs, and, where relevant, of their hosts, are to be protected and supported. APs are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted.
- (viii) **No formal title.** Ensure that displaced/affected people without formal legal rights to land, and others, who may have usufruct or customary rights to affected land or other resources, are eligible for resettlement assistance and compensation for loss of non-land assets. The absence of a formal legal title to land is not a bar to ADB policy entitlements. APs who neither have formal legal rights nor recognized or recognizable claims to land should be compensated for all non-land assets and for other improvements to the land. In PNG, this particularly applies to women.
- (ix) **The Poorest.** Particular attention must be paid to the needs of the poorest affected people, and vulnerable groups that may be at high risk of

impoverishment. This may include those without legal title to land or other assets, households headed by females, the elderly or disabled and other vulnerable groups. Appropriate assistance must be provided to help them improve their socioeconomic status.

- (x) The full resettlement costs are to be included in the presentation of project costs and benefits. This includes costs of compensation, relocation and rehabilitation, social preparation and livelihood programs as well as the incremental benefits over the “without project” situation that are included in the presentation of project costs and benefits. The budget also includes costs for planning, management, supervision, monitoring and evaluation, land taxes, land fees, and physical and price contingencies. Where loans include subprojects, components or investments prepared only after project approval and loans through financial intermediaries that are likely to cause involuntary resettlement, sufficient contingency allowance must be allocated for resettlement prior to approval of the loan. Similarly, RPs should also reflect the timeframe for resettlement planning and implementation;
- (xi) eligible costs of compensation: relocation and rehabilitation may be considered for inclusion in ADB loan financing for the project, if requested, to assure timely availability of the required resources and to ensure compliance with involuntary resettlement procedures during implementation;
- (xii) compensation and rehabilitation allowances are to be provided before the land is acquired, or any physical or economic displacement occurs.
- (xiii) The resettlement outcomes, their impacts on the standards of living of displaced/affected persons, and whether the objectives of the RP have been achieved, should be monitored, assessed, and reported by taking into account the baseline conditions, and the results of resettlement and land acquisition monitoring.

130. The ADB’s SPS 2009 also states that where there are IPs, their identity, dignity, human rights, livelihood systems, and cultural uniqueness must be safeguarded so they can receive culturally appropriate social and economic benefits. However, all people living in the subproject areas along the HH while IP have a similar status to the overwhelming majority of other people living in PNG and the Social Assessment has found that IPs’ development issues and the ADB SPS policy are not triggered in the HH context.

131. The other policy of relevance to this project is ADB’s Policy on Gender and Development (2003) (GAD), which requires that all ADB-financed projects ensure where possible and practicable special design features and strategies will be built into projects to facilitate and encourage women’s involvement and ensure tangible benefits for women. ADB’s Access to Information Policy (2018), which went into effect on 1 January 2019, reflects ADB’s ongoing commitment to transparency, accountability, and participation by stakeholders. The policy is based on the following principles: (i) clear, timely, and appropriate disclosure, (ii) presumption in favor of disclosure, (iii) limited exceptions, (iv) proactive disclosure, (v) sharing of information and ideas, (vi) providing information to project-affected people and other stakeholders, (vii) country and client ownership, (viii) clear appeals process; and (ix) continuous monitoring.

132. **Gap Analysis.** There are some gaps between the GoPNG policies and procedures and those of ADB. The main gaps relate to (i) carrying out meaningful consultations that also ensure people living below the poverty line, the landless, elderly, women and children are consulted; (ii) requirement to improve or at least restore livelihoods of all APs by ensuring the full replacement costs for assets lost is paid; (iii) provision of economically APs with necessary assistance to

improve upon or restore their existing livelihoods at least to national minimum standards of living; (iv) ensuring that APs without recognizable rights to land are eligible for compensation for loss of non-land assets; and, (v) monitoring and assessment of resettlement outcomes.

Table 14: Gaps and Gap-filing Measures

ADB SPS Requirements	PNG Laws	Gap-Filling Measures
Avoid IR wherever possible. Minimize involuntary resettlement by exploring project and design alternatives.	The National Constitution (NC) National Goal 5(4) calls for 'traditional villages and communities to remain as viable units of Papua New Guinean society'. Section 53 protects citizens from 'unjust deprivation of property' by limiting the justification for compulsory acquisition by the State.	The RP includes measures on avoiding/minimizing land acquisition. Preliminary designs have tried to avoid adverse impacts triggering land acquisition wherever possible—DEDs shall also follow suit.
<p>Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks.</p> <p>Carry out meaningful consultations with APs, host communities, and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, elderly, women and children, and IPs, and those without legal title to land, and ensure their participation in consultations.</p>	LA sets out the process for LIR which includes identification of affected clans/tribes and their assets.	<p>DOW has established a dedicated POM for SHHIP and has delegated ample authorities. The social unit at the PMO is well-manned and empowered to ensure compliance to the requirements as per GoPNG and ADB requirements as detailed in the RP.</p> <p>The RP addresses this policy principle. Several rounds of consultations have been conducted with APs. Their ideas on project design, especially to minimize the loss of productive assets, have been taken into serious consideration by project preparatory team.</p>
ADB SPS requires that plans must be prepared based in consultations with APs, and that poorer and vulnerable people are also consulted and informed of their entitlements and resettlement options.	There are no specific provisions to prepare the RP based on meaningful consultations with APs, including the poor, the landless, elderly, women, and other vulnerable groups; or disclose it.	Draft plans have been prepared in consultation with APs, including vulnerable groups, and shall be uploaded on ADB website; translated or summary versions will be available at the provincial, district and local level. Local clan leaders whose members are affected will also receive a copy of the summary plan or brochure with relevant information while updating the plan.
Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards and provide access to land and other resources that is both legal and affordable.	No specific provisions.	RP includes special provisions for SHHIP Tranche 2 affected vulnerable households.

<p>It is needed to improve or at least restore livelihoods of APs by a range of strategies targeted at APs.</p>	<p>There are no distinct provisions to improve or at least restore the livelihoods of all APs.</p>	<p>There is no displacement of any households under the scope of Section 2. The main issue here related to the prompt payment of compensation costs as per the LIR. The SHHIP social unit shall coordinate and make every effort towards timely compensation payments.</p>
<p>Requires that APs are compensated for all losses, including non-land assets, at full replacement cost.</p>	<p>Very limited provision to provide assistance/ compensation to APs who lose access to non-land assets.</p>	<p>The project will follow the principle of replacement cost for compensation of affected assets.</p>
<p>Pay compensation and provide other resettlement entitlements before physical or economic displacement and implement the RP under close supervision throughout project implementation.</p>	<p>Similar provisions in this regard.</p>	<p>The RP has made ample provisions to ensure compliance—payment before any displacement.</p>
<p>Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.</p>	<p>National Constitution National Goal 2(9) calls for 'every citizen to be able to participate, either directly or through a representative, in the consideration of any matter affecting his interests or the interests of his community'.</p> <p>The Land Act's procedures for purchase or lease through negotiation include consultation with landowners.</p> <p>General principles of compensation for damage or destruction of physical and economic assets are set out in National Constitution and Land Act.</p>	<p>The project will ensure that any negotiated purchase of land will offer compensation at replacement cost for affected land and assets. Any waiver of compensation claims by landowner communities under the voluntary land use agreement will be documented in respective agreements and verified by a third party.</p>
<p>Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation of loss of non-land assets.</p>	<p>Distinct provisions are lacking.</p>	<p>No such cases found so far. In case if identified later on, ADB policies shall prevail.</p>
<p>Establish a GRM to receive and facilitate resolution of the APs' concerns.</p> <p>Support the social and cultural institutions of displaced persons and their host population.</p> <p>Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase</p>	<p>Laws lack distinct provisions.</p>	<p>A GRM has been established for Tranche 1 and shall be followed suit in Tranche 2 implementation too as has been provisioned in the RP to ensure APs can seek effective redress.</p>

ADB SPS requires that resettlement Outcomes be monitored and assessed.	There is no requirement for the monitoring and assessment of resettlement outcomes.	RP includes indicators and baseline data to monitor impacts on living standards of APs. The monitoring reports will also be disclosed including to APs.
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ADB = Asian Development Bank; AP = affected people; DED = detailed engineering design; DOW = Department of Works; GoPNG = Government of Papua New Guinea; GRM = grievance redress mechanism; IP = indigenous people; IR = involuntary resettlement; LA = Land Act; LIR = Land Investigation Report; NC = National Constitution; NGO = nongovernment organization; PMO = project management office; RP = resettlement plan; SHHIP = Sustainable Highlands Highway Investment Program; SPS = Safeguards Policy Statements.

C. Land Acquisition Policy Principles for Tranche 2

133. DOW as the executing agency (EA)/implementing agency (IA) has prepared this plan and shall abide by national and local laws and the policy and procedural requirements of the ADB applicable to resettlement and SPS. Where there is a gap or difference in the local laws and ADB policies, as described above, the more stringent policy will prevail. Specifically, DOW will ensure that affected landowners/APs will be paid fair compensation for land and other productive assets acquired at replacement cost, be responsive to grievance processes and act in an accountable and transparent manner, and will ensure that women will also be entitled to benefits during the project by their engagements in project activities (participation in consultations, household decision making, employment and awareness schemes, among others; and the progress shall be monitored and reported periodically). The project policy principles on land acquisition and impacts include the following:

- (i) Land acquisition and resettlement will be minimized through careful engineering design—limiting works, wherever possible, to the 40m right-of-way (RoW) considered as state land in accordance with the legislative provisions of the GoPNG. There will be no physical displacement of people, either on an individual household basis or through the acquisition of public properties such as schools, churches or other community centers.
- (ii) APs will be consulted throughout the project cycle. This plan will be finalized and updated following DEDs in consultation with APs. An effective mechanism will be established for hearing and resolving grievances.
- (iii) APs will receive compensation at replacement cost for their loss of land and/or assets and this should ensure they will be as well off if not better off than if the project did not proceed.
- (iv) All compensation will be fully paid to APs prior to the commencement of site clearance at each of the bridge sites.
- (v) Absence of formal title is not a bar to compensation and assistance for APs.
- (vi) Particular attention will be paid to women and other vulnerable people affected by land acquisition due to the project.
- (vii) Land acquisition, and impacts on assets and improvements, shall be conceived as part of the project and costs will be included in and financed out of the project cost as part of the GoPNG contribution.
- (viii) For areas requiring compensation payments for land acquisition, enhanced consultations with the affected households, DMS of the affected assets, socioeconomic census of the affected households, preparation of the LIR, preparation of the MOA to be signed by each affected owner, updating the RP, etc. shall be undertaken adhering to the applicable GoPNG and ADB policies, principles and procedures on IR.

- (ix) The impacts of the bridge construction and maintenance works, including unforeseen losses and damages that may occur during either bridge construction or relocation of the approaches to them shall be carefully monitored and remedial steps taken as required.

D. Principles and Methodologies for Valuations and Compensation Rates

134. For land acquisition found to be required during the FS, DED or implementation of Tranche 2 activities appropriate application of SHHIP applicable principles, procedures, and methodologies shall be followed in conducting the valuations to determine the compensation rates. DOW recognizes that affected landowners and land-users will continue to be consulted regularly to provide an estimate of compensation rates (the value of their land that will be acquired and other productive assets that will be lost because of the project requirements). This is primarily due to the fact that market conditions for the replacement of land (land-for-land option) are largely absent and shall not be considered under the project (SHHIP, including the Tranche 2). However, DOW will follow the Valuer-General's fixed rates to provide a valuation of land costs and other productive assets based on accepted replacement costs, which will include:

- (i) adequate information about any recent land transactions;
- (ii) land value by types;
- (iii) cropping patterns and crop production; and,
- (iv) availability of land in the subproject areas.

135. It will be ensured that compensation is based on prevailing market rates adhering to replacement cost principles—according to DLPP, Ministry of Agriculture or local market prices, without deductions for age-related depreciation, recovery of salvageable materials, surveys or registration fees and other transaction costs including taxes.

E. Description of Land Acquisition Process

136. Based on the FS stage impact assessment findings, land acquisition and temporary land leases are required for Tranche 2 works as has been detailed in the preceding sections. The RP shall be updated based on any scope/modality changes during the DED studies, and implemented applying the provisions of the 1996 Land Act and other legislative provisions of the GoPNG. Adherence shall be ensured to the SHHIP applicable policies, principles and procedures of the ADB SPS as well.

137. There are two modes of acquisition provided for under the GoPNG Land Act 1996 in which the state can acquire land for infrastructure projects:

- (i) **Acquisition of Land by Compulsory Process.** The Minister may on behalf of the State acquire both Customary Land and Alienated Land for public purposes, reservation, wildlife and conservation, church and NGOs activities, economic and resource development, business and private purposes;
- (ii) **Acquisition by Agreement.** The landowners are given the opportunity to negotiate with the State and the acquisition is done on agreed terms and conditions.

138. The processes of acquisition are governed by the Land Act 1996 (amended in 2013). The process begins with a status check to confirm whether the land is customary or state land. If the land is confirmed customary then the process for outright purchase (by compulsory process or by agreement) will be applied pursuant to the provisions set out in Section 10 of the Land Act 1996 (amended 2013).

139. The preferred mode of land acquisition would be acquisition of customary land by agreement for SHHIP Tranche 2. The key steps in such land acquisition process for works would include the following:

- (i) DOW/PMO employs surveyors to determine boundaries, location, size and area of the land to be acquired. With the support of the provincial land officer (PLO), the DOW/PMO undertakes the process of gaining consent from the landowners (in the form of signed landowner consent forms or MOAs with the landowners). Once the MOAs have been signed in the presence of the Office of the Provincial Administrator, the PMO/DOW requests the Surveyor-General to register the surveys.
- (ii) DOW/PMO will request the DLPP to undertake the required investigation for land acquisition including land status, confirmation of availability for acquisition, landowner consents, area/size, boundaries, etc.
- (iii) PLO with support from the district land officer (DLO) will prepare an LIR including ownership genealogy, rights and interests held in the land, and, estimated value of improvements to land in consultation with the landowners and other relevant government offices. This will include the garden crops, food trees, timber trees and other private/community assets.
- (iv) The LIR is then submitted to Office of Provincial Administration (OPA) in the respective province for OPA's recommendation for the land to be alienated. OPA will prepare a certificate of alienability confirming that there is no impediment to land acquisition.
- (v) The LIR is sent to the Valuer General's Office (VGO) for approval of the value of land and improvements that includes garden crops, food trees, and timber trees.
- (vi) DOW receives the valuation report and certificate of alienability, raises checks and prepares purchase documents. The signed documents and checks are sent to OPA for execution and payment to landowners through PLO.
- (vii) OPA, through PLO, makes the offer to the landowners. The forms are executed and money is handed over to the landowners.
- (viii) A compensation completion report is prepared and submitted to ADB for clearance. Once cleared, civil works can begin on the alienated land.

140. Compulsory acquisition of land, however, may be practiced as an alternative (second option) in case if the acquisition by agreement as described above does not work for any of the bridge-specific sites because of whatever reasons. Appendix 8 to the RP presents further details on the process for acquisition of customary land by agreement whereas the Appendix 9 shows the compulsory acquisition process map applicable to SHHIP Tranche 2 works.

VII. ENTITLEMENTS, ASSISTANCE, AND BENEFITS

A. Affected Persons' Entitlements and Eligibility

141. The initial identification of APs and affected assets have been undertaken during the FS stage. DOW/PMO will further consult with the affected clans and undertake a detailed land survey and investigation of land ownership in coordination with the PLOs/DLOs to collect relevant information once the DEDs are available.

142. The RP will be updated in tandem with DED. Should replacement cost for land or other private assets to be acquired escalate because of a delay in implementation, the budget for the plan will be updated to ensure that APs are paid fair compensation. Changes in compensation payment levels will be informed to all APs. Also, in case if findings of DED studies recommend

any variation to the current location of any of the bridges, thorough assessment of the impacts thus triggered shall be conducted and the plan shall be revised accordingly. The updated RP shall be shared with the APs and submitted also to the ADB for its approval and public disclosure on ADB website.

143. The date of completion of socioeconomic census of Tranche 2 project-affected households and/or DMS will be the cut-off date for eligibility for compensation and any rehabilitation assistance. The following are the procedures summarizing eligibility for compensation and other assistance:

- (i) Landowners and land users that have either documented claims to the affected land or are able to demonstrate that this land belongs to them to the satisfaction of the PLO/DLO as with the crops, trees, etc. as of the cut-off date will be eligible for compensation or rehabilitation assistance as per this plan.
- (ii) Any person or group that occupies or uses the land identified for the project after the cut-off date will not be eligible for any compensation and/or assistance. They will be required to move from the land as per the provisions of the Land Act.
- (iii) Landowners and land users who have satisfied the PLO/DLO that they either have documented claims to the affected land and/or other productive assets or through the PLO/DLO investigation can demonstrate that they are the rightful owners or users will receive compensation for land or other private assets acquired by the project. Those APs who cannot satisfy the PLO/DLO that they are the rightful landowners or users but are using the land anyway will receive compensation for productive assets attached to the land and other assistance as applicable.

144. Eligibility and entitlement for compensation and other assistance shall be as provisioned by the SHHIP LARF. For the identified impacts of the Tranche 2 Section 2 works, they are summarized in the following Entitlement Matrix:

Table 15: Entitlement Matrix

Type of Impact	Entitled Person(s)	Entitlements
Acquisition of land	Customary landowners	Landowners will be monetarily compensated for loss of land—proportionating the total valuation amount to the actual size of land under each ownership in case of multiple owners as per GoPNG legislative provisions.
Loss of crops and trees	All APs irrespective of their legal status	APs will be given notice to harvest crops and trees before site clearance or removal from required land. If APs are not able to harvest, they will be paid cash compensation at replacement cost. In case of perennial crops and trees, the compensation will also include loss of income for a period until new crops or trees produce an equivalent income.
Temporary use of land	Legal customary landowners/land users	It will happen only with land lease agreement with landowners/APs. Rental rates shall be at market rates as provisioned in the Bidding Documents—compliance shall be monitored by the PMO/DOW. Affected landowners/APs will be paid rent on terms negotiated with them. The land will be returned to respective landowners/APs once the civil works at the bridge site are completed.

Type of Impact	Entitled Person(s)	Entitlements
Disruption of business activities or loss of income/ livelihood resources due to Tranche 2 works	All APs whose incomes may be affected—none identified currently (i.e., during FS stage)	Full replacement cost of the structures at market value; shifting allowance K100 per business; and other compensation, allowances, etc. adhering to SHHIP LARF provisions.
Impacts on vulnerable APs	Vulnerable AP households identified by social assessments	Vulnerable households will receive (i) priority paid employment in project construction and maintenance works; and (ii) additional cash allowance to support themselves]
Unforeseen impacts	Any affected households/persons as may be identified during RP update (DED) or during the implementation of the Tranche 2 works	These will be determined as per the principles of the SHHIP land acquisition and resettlement framework (LARF) which has been prepared for the multi-Tranche financing facility adhering to GoPNG and ADB policies, principles, and procedures.

B. Assistance to Vulnerable Groups

145. The vulnerability indicators for SHHIP Tranche 2 works include affected households headed by single woman (unmarried, divorced, or widowed), IPs or ethnic minorities, APs aged above 65 years, disabled/differently abled APs, landless APs, squatters, or the extremely poor (APs with purchasing power parity of less than US\$ 1.90/day). The initial SES undertaken during preparation of the plan indicates there are seven single women-headed households and five households headed by elderly APs (aged above 65 years) in the Section 2 impact areas. They have been classified as vulnerable APs. Though no other forms of vulnerability have been reported during FS stage, assessments shall be conducted in depth during the RP update stage, that is, once the precise scope of works is known based on completion of DED studies for the Tranche 2 (D&B modality of works). If it is revealed that more vulnerable households under any of the indicators mentioned above exist along the SHHIP Section 2 during further investigations, they will be documented and all vulnerable households (APs) will receive further assistance. Each vulnerable household shall get cash assistance. Assistance will be provided to find alternative land for gardens to maintain food production and this will require agreement among the respective clans to provide surplus garden land they may not be utilizing. It is also assessed that at least one of the adult females from each of the female headed AP households could be employed on the project as paid general worker or other suitable assignments for construction and maintenance works or any other suitable works depending on her skills and capabilities. This shall be made part of the contractor's human resource (workers' management) plan.

C. Specific Gender Considerations

146. DOW recognizes that specific gender considerations apply to all public infrastructure projects it both executes and manages. As part of this plan potentially affected women have been consulted both in mixed groups and also in groups just consisting of women. The measures proposed in this plan to enhance the positive impact of the project on affected women and other women living in the project area are as follows:

- (i) Iterative consultations with women at all stages of the project cycle and importantly in the preparation of the plan;
- (ii) ensuring that affected women clan members (not just affected men clan members) are compensated for loss of land and other productive assets—by making payments through joint bank account opened/maintained jointly by the male and female members of the household;

- (iii) facilitating processes whereby affected women can lodge grievances. There shall be at least one female GRC member in each committee. For finding resolutions to any grievances, at least one female member shall be part of the resolution team as detailed under the GRM section;
- (iv) ensuring that affected women APs (not just affected men APs) are offered priority waged employment on the project and are afforded equal pay and on-the-job training opportunities;
- (v) ensuring that socioeconomic data are gender disaggregated documenting impacts of the project at the intra-household, the intra/inter clan, and where relevant inter-tribal level for all outcomes;
- (vi) GAP prepared especially for Tranche 2 works is implemented as planned.

D. Other Opportunities and Benefits for Affected Persons

147. All vulnerable APs and other selective members of affected households that will be offered priority employment on the project will be provided with on-the-job basic training by the contractor as part of the conditions of contract. Such training may include activities such as traffic controls, handling of construction materials, pile-driving, concreting, welding, and bridge maintenance works.

148. Improved transport facility—with upgrading, repair and maintenance of all the bridges along the 430 km SHHIP Tranche 2 section as planned—will provide enhanced economic opportunities for the APs and other communities living along the Highway and its periphery. They will be able to conduct more efficient production and marketing of their agricultural products, due to reduced travel and transport times saving such perishable products from currently high wastage rates triggered by bad road and bridge conditions requiring extended times and inherent higher costs, for instance.

149. Roadside vendors, majority of them women in PNG circumstances, will also benefit from increased sales of their products, especially to the migrant workers and other teams engaged with the consultants, contractors, etc.

150. Also, due, mainly, to the employment and other income-generating activities triggered by implementation of the SHHIP Tranche 2 works, livelihood and living standard of the APs is envisaged to improve. More pleasant travel experiences may add to such benefits and opportunities.

VIII. RESETTLEMENT BUDGET AND FINANCING PLAN

A. Itemized Budget for Resettlement Activities

151. Based on the social impact assessment findings at the FS stage (January 2020), the resettlement budget for this RP involves three main cost items: land acquisitions, crops/trees, and temporary leases.

152. The exact amounts for each group of affected assets for each bridge site will be confirmed during further social impact assessment, socioeconomic census and DMS after DED works are completed – that is, once final designs for the civil works are available with precise delineation of civil work-scope for each bridge site.

153. Based on the PPTA study, the total cost for the Section 2 RP implementation has been estimated as PGK3,264,261.00 (US\$ 959,693.00). This includes expenses required for compensations for the land acquisitions and temporary land lease requirements for new bridge construction sites (including approach roads for relocated bridges, land required temporarily at bridge-construction site for working areas, and for traffic diversions during the construction period). It also includes compensation payments required for losses to crops (both annual and perennial), and the trees (hardwood timber trees of commercial value and non-commercial-value trees) found to be affected. Table 16 below presents further details on RP costs estimated at this stage for Section 2.

Table 16: Resettlement Budget

SN	Item	Cost		
1. Trees and Crops				
	Type	Quantity (numbers)/ Size	Unit Rate (PNG Kina)	Total Cost (PNG Kina)
1.1	Hardwood trees	75	26.00	1,950.00
1.2	Lesser known useful trees	250	10.50	2,625.00
1.3	Coffee trees (Arabica and Robusta)	350	12.50	4,375.00
1.4	Bamboo (building material)	250	26.00	6,500.00
1.5	Sweet potato	425	10.50	4,462.50
1.6	Banana	350	10.50	3,675.00
1.7	Other crops (mixed); 1,900 m ² altogether	1,700	2.00	3,400.00
Subtotal (Item 1)				26,987.50
2.	Temporary Land Lease for traffic diversions* 1 ha on an average per bridge site at the rate of K8,400 per month for 20 sites for one year construction period)	240	8,400	2,016,000.00
3.	Land acquisition (for new relocated bridges (3 altogether) and approach road relocations)	8.00	41,000.00	328,000.00
4.	Vulnerable household allowances and livelihood support schemes for targeted communities (lumpsum until further socioeconomic studies are conducted)	1.00	67,500	67,500.00
5.	Resettlement capacity building for DOW and project teams (lumpsum)	1.00	50,000.00	50,000.00
6.	Grievance redress mechanism	1.00	150,000.00	150,000.00
7.	Stakeholder consultation and participation plan implementation	1.00	200,000.00	200,000.00
Subtotal (Items 2 to 7)				3,221,500.00
Total Cost (Kina PNG)				2,838,487.50
Contingencies (15%)				425,773.13
Grand Total (Kina PNG)				3,264,261.00
Grand Total (\$ US)				959,693.00

Source: PPTA team estimate.

154. Costs for contractor's land lease requirements for contractor's camps, storage yards, quarry sites, etc. are not included in the RP budget mentioned above—mainly to allow flexibility on

part of the Contractor in selecting the specific sites and reach to mutual agreements with the property owners for such purposes. Costs for all such works have been, however, separately estimated and included in the overall project management/administration cost.

155. Also, the costs (excluded in the RP budget estimate above) for land investigation survey/DMS, SES, resettlement team, implementation monitoring and evaluation, administrative and other expenses for the RP implementation have been separately estimated and included in the overall project management/administration cost.

B. Flow of Funds

156. Funds for compensation for land acquisition and acquisition of improvements (structures, trees, crops, and other private assets) are paid directly to APs from the Office of Provincial Administration (OPA) once it has been paid to this Office by the Central Department of Finance in Port Moresby. The latter prepares the funds for disbursement based on advice from the DOW against who the funds will be drawn down as part of GoPNG contribution to this project. DOW commits to ensure the Contractor does not begin construction on land unless full compensation has been paid by OPA to APs. If there is a land dispute and there is an impending court case, the compensation amount can be paid (deposited) into an escrow account or similar and then construction works can commence. The compensation thus deposited shall be disbursed to the entitled landowners once the case is resolved.

157. Payment for temporary acquisition of land or structures is made directly by the contractor to APs based on an agreement between the two parties as to the actual amount. DOW will ensure the contractor does not begin work on leased land until the lease agreement is in place and signed by all parties and an initial payment (based on the terms of the lease agreement) has been made to the landowners. This will not involve the DOW or other parties, however the PMO will undertake due diligence on the lease agreements to ensure the leases by the contractor are arranged with the correct person/s (landowners or clan leaders/representatives) and that the lease is at market rates. The findings of the due diligence activities will be detailed in the semi-annual monitoring reports, and corrective actions undertaken, if so required. All leased lands shall be returned to the landowner on completion of the civil works at each site, in the original condition or in a condition that was agreed upon in the lease agreement.

C. Justification for Calculating Compensation Rates and Other Cost Estimates

158. The above costs are based on PPTA estimates based on the impact assessment findings during the FS stage. Per unit rates for land acquisition have been estimated taking into consideration the rates fixed by the Office of the Valuer General (GoPNG), discussions with the owners and prevailing market prices in the area or adjacent/nearest similar one. Similarly, compensation rates have been taken also for the trees and crops as have been fixed by the Office of the Valuer General (GoPNG). Likewise, the rates for temporary land lease for traffic diversions have been based on the current (2019) agreement rates in practice between the SHHIP Tranche 1 contractors and the customary landowners.

159. Adjustments in the unit prices have been made for value appreciations or other likely changes triggered by the Highway improvements and/or other factors. Compensation rates will be updated during the plan update works once the final DEDs are available and the precise scope of civil works is known. Compensation rates shall be based on replacement cost calculated by a registered Valuer and approved by the Valuer-General. Calculation of these rates shall take into account the opinions of APs, especially those who may be able to demonstrate rates based on

recent land transactions of equivalent value in their village or nearby villages. Replacement costs include transaction costs (such as taxes and administrative fees). Other cost estimates will be based on cost norms the DOW has applied to other infrastructure projects involving the construction of bridges. Government departments familiar with agricultural and forestry-based activities will also be consulted wherever relevant prior to the determination of the final figures, which will be included in the updated RP.

160. As part of the RP update activities after DEDs are available, a cut-off date shall be established. This will be the date of completion of the census of Tranche 2 APs for each bridge site. Also, required MOAs shall be made with APs/owners in the course of RP update activities.

D. Sources of Financing

161. GoPNG will finance all resettlement activities including funds for compensations for lands and improvements (structures, trees, crops, etc.) while ADB funding sources will be utilized for services to oversee the resettlement activities during detailed design studies and RP implementation, monitoring and evaluation of the resettlement activities, etc. Table 17 below depicts the sources for various items/activities under the Section 2.

Table 17: Financing Sources for Resettlement Plan Activities

Item	Source
Compensation for land acquisition	DOW/GoPNG
Compensation for crops and trees	DOW/GoPNG
Compensation for impacts on structures	DOW/GoPNG
Compensation for allowances to vulnerable households and livelihood restoration schemes (if required)	DOW/GoPNG
Temporary land leases	Contractor from overall project cost
Training for APs in project-related employment	Contractor from overall project cost
Expenses other than those mentioned above	ADB sources/overall project cost

162. Overall project cost includes expenses for the requisites for engaging the social safeguards and resettlement personnel, census and DMS works, implementation monitoring, progress reporting and impact evaluation, etc.

IX. INSTITUTIONAL ARRANGEMENTS

A. Responsibilities and Mechanisms for Resettlement Plan Implementation

163. DOW will be both the EA and IA for this project. Relevant authority for the day-to-day activities will be delegated to the PMO and provincial DOW as applicable. The PMO, working together with the relevant line agencies, mainly SESSSB, LSB, PLO, DLO, councilors, etc., will collaborate with DOW to plan, implement, and monitor RP activities. Such PMO activities will include:

- (i) In consultation with OPA, the PLO and/or DLO, prepare and execute the work plan to prepare the updated RP; and implement, and monitor land acquisition activities at the sites complying with SHHIP policies and procedures;
- (ii) provision of resources, including for engagement of the valuer(s), other officers from the DOW's SESSSB, LSB, and Land Acquisition Unit (LAU), to carry out the required surveys including IOL and DMS;
- (iii) collaboration with and assistance to PLO and/or DLO for negotiations and agreements with affected landowners or land-users;

- (iv) facilitation of consultations with affected communities and ensuring that all stakeholders are informed about the project, its policies and procedures; ensure that all requirements are met concerning public disclosure of the provisions for land and livelihood resource acquisition and compensation;
- (v) implementation, oversight and monitor GRM;
- (vi) negotiate and sign MOAs for the acquisition/use of customary land with the clan leaders and affected landowners and/or land-users;
- (vii) Review and endorse the draft updated RP prior to submission to the ADB for approval, ensuring that all matters related to land acquisition and other forms of compensation are complete and correctly reported upon;
- (viii) Monitor the process of allocation and disbursement of funds for compensation and ensuring that funds are available and compensation is paid in a timely manner;
- (ix) prepare and submit a Compensation Completion Report to ADB prior to the commencement of civil works;
- (x) undertake all other activities including the monitoring of land and other productive asset acquisition, stakeholder participation as per the SCPP, GAP, etc.;
- (xi) support shall be taken from various entities, including the ESSB, LSB, Provincial/District Administrations and LLGs, Provincial/District and National Lands Offices, among others as detailed in the preceding sections and Appendixes to the RP;
- (xii) prepare all required monitoring and completion reports to submit to ADB.

164. The PMO shall coordinate with and regularly keep informed the provincial administration and other relevant authorities (including the SESSB, LSB, etc.) regarding the progress on consultation with APs and the disbursement of the funds allocated to pay compensation. LLG ward councilors shall assist the PMO to facilitate consultations with local communities, APs, and other stakeholders to pave way for compensation payments. They will also be assisting during payment of compensation to APs and monitoring of project implementation. Activities are further detailed in the implementation schedule that follows.

B. Institutional Capacity Building Program

165. Government staff involved in implementing the resettlement and rehabilitation works shall be provided training by the PMO in GoPNG and ADB social safeguard and resettlement policies and procedures. Officials to be targeted will include DOW including SESSB, LSB, PLO and DLO and relevant staff of the Valuer-General's office. Also, relevant personnel engaged with the project shall be provided with resettlement-related trainings. The project will also provide consultancy support, including inputs of international and national social safeguards and resettlement personnel to build the capacity and to implement and monitor the RP. The cost of the above items will be included in the project management costs.

C. Role of Civil Society Groups

166. In view of the limited adverse impacts, scope of the resettlement activities and PMO functioning for overall coordination of the plan implementation; the need for external monitoring and evaluation of the plan implementation is not envisaged. However, NGOs/CSOs will remain as one of the key stakeholders engaged in consultation activities as required.

D. Involvement of Women Groups in Resettlement Planning and Management

167. Women groups have been engaged during FS (project preparatory) stage in consultation and other activities informing the overall project design. A dedicated GAP has been also prepared for Tranche 2 works, with following key provisions on involvement of the women groups (female segments of the societies) in SHHIP Tranche 2 activities—including in those relevant to the RP preparation and implementation:

- (i) preliminary bridge designs incorporate specific measures for elderly, women, children and disabled to enhance safety, including pedestrian access with guard-rails, footpaths, and safe access on bridge approaches including lighting where it may be technically feasible;
- (ii) ensure at least 40% female participation in community consultation for RP and overall project preparation and implementation, which are conducted in vernacular languages, and include holding separate consultations with females to ensure their views are fully expressed. (2019 Tranche 1 Baseline: 38.74%);
- (iii) at selected river crossings and roadside water points used for washing, install concrete steps with rail, and washing slabs at water level near base of bridges, and at laundry areas off the road, where it is safe and appropriate to install;
- (iv) bus/truck stops, shelters, and roadside market areas with separate male/female toilets built in 35 bridge/roadside market areas along the 430km SHHIP Highway;
- (v) ensure all GRCs have female representation (Target: At least five members by 2022) (2019 Tranche 1 Baseline: 4 women);
- (vi) implement GBV prevention awareness program (with at least 70% male participants) targeted at workers and communities living along the Highway;
- (vii) (target: at least 15,000 people made aware of/educated on GBV prevention within Tranche 2 implementation period);
- (viii) include local employment provisions in bidding/contract documents; and engage local female workers in bridge construction and maintenance activities (Target: 20% female workers; Indicator: no. of person days worked by women/female workers in bridge construction and/or maintenance activities). (2019 Baseline: 12.95%);
- (ix) ensure equal pay for equal work between male and female workers, and ensure payment for women is given directly to them (monitored through contractors' payrolls);
- (x) provide training on preventing and responding to sexual harassment, exploitation, and abuse to all construction work staff, including those employed from AP households;
- (xi) provide training in HIV/AIDS/STIs to all construction workers and roadside community members, using services of accredited agencies/individuals (Target: 50% women participants and 95% of roadside population are aware of HIV/AIDS and STI risks by 2027—Baseline (2019): 87%);
- (xii) road safety programs at the community level target women/girls and involve women's associations (Target 2023: 50% of school children and adults living along the highway receive road safety education and 50% of participants are female; Target 2027: 80% of school children and 50% of roadside communities living along the highway receive safety education—50% female); and
- (xiii) gender training for staff of project-related agencies and IA (minimum of 50% male participants) will include measures applicable to resettlement and rehabilitation works. One PNG national specialist shall be part of the PMO social unit to further enhance Tranche 2 activities specific to effective gender mainstreaming.

168. Relevant gender mainstreaming indicators have been integrated in the overall project design and monitoring framework. Compensation payments will be made in such a way that affected women are compensated (i.e. for loss of crops or assets) at the same rate as for the affected males, and paid directly to them through the male and female joint account system. Women will also be encouraged to seek grievance redress if deemed necessary, and shall be supported by the female GRC member wherever required.

X. IMPLEMENTATION SCHEDULE

169. The implementation schedule for resettlement activities primarily focuses on: (i) updating the plan; (ii) implementing the plan; and, (iii) monitoring plan activities. Table 18 below shows further details.

Table 18: Resettlement Plan Implementation Schedule

No.	Activities	Key Responsibility	Timelines
A. Resettlement Plan Update Works (Commencing from completion of DED)			
1	Conduct detailed socioeconomic studies including impact assessments, DMS and confirm land and other private asset acquisition requirements based on DED for each bridge	DOW/PMO	Months 1 - 2
2	Follow-up consultations and disclosures with affected communities	PMO	Ongoing
3	Conduct MOA with landowners on use of land/acquisition	PMO	Months 1 - 3
4	Get consents of the landowners for project activities	PMO	Months 1-3
5	Securing authorization from DLPP for cadastral land survey	PMO	Month 4
6	Cadastral survey of land and submission to Surveyor-General for Registration	PMO	Months 4 - 5
7	Request PLO to prepare LIR including valuation of land and improvement)	PMO	Month 6
8	Submission to the OPA for certificate of alienability to be signed by the Provincial Administrator	PMO	Month 7
9	Valuer-General verifies the land valuation	Valuer General/PMO	Month 8
10	Updating the RP in consultation with landowners, including agreement on compensation rates and disclosure of updated RP	PMO	Months 9 - 10
11	Submit updated plan to DOW / GoPNG for its approval	PMO	Month 11
12	DOW submits updated plan to ADB for its approval and disclosure	PMO	Month 11
13	ADB issues No Objection to the RP	ADB	Month 11
B. Resettlement Plan Implementation			
14	DOW issues checks to PLO for execution of land and other private asset acquisitions and payment of compensation	DOW/PMO	Month 12
15	Disbursement of compensation and allowances by PLO and completion of land purchase and issuance of Native Dealing Number	PLOs/PMO	Month 13
16	Preparation and submission of acquisition/compensation completion report to GoPNG and ADB	PLOs/PMO	Month 14
17	ADB issues No Objection to the acquisition/compensation completion report	ADB	Month 14
18	Site clearances and civil works	Contractors	Month 15 onward
C. Resettlement Plan Implementation Monitoring			
19	Establishing AP socioeconomic baseline.	PMO	Months 15 – 16

No.	Activities	Key Responsibility	Timelines
20	Due diligence on the lease agreements made by the contractor	PMO	As and when triggered
21	Documentation and management of unforeseen impacts—payment of adjusted compensation, as required, for unforeseen damages and losses	PMO	As and when triggered
22	Preparation of CAP, if so required	PMO	As and when triggered
23	Preparation of RP implementation progress reports (quarterly), and once civil works begin safeguards monitoring reports (semi-annual) and their submissions to GoPNG and ADB	PMO	Quarterly and semi-annually
24	Final monitoring report preparation and submission to Government of Papua New Guinea and ADB	PMO	On Tranche 2 completion

ADB = Asian Development Bank; CAP = corrective action plan; DED = detailed engineering design; DMS = detailed measurement survey; DOW = Department of Works; MOA = memorandum of agreement; DLPP = Department of Lands and Physical Planning; GoPNG = Government of Papua New Guinea; LIR – Land Investigation Report; OPA = Office of the Provincial Affairs; PLO = Provincial Land Office; RP = resettlement plan;

170. The plan update, implementation and monitoring works shall be conducted in close coordination with all relevant line agencies of the GoPNG, including the SESSB, LSB and any other interdepartmental agencies as may be applicable. ADB approvals shall also be sought as required adhering to SHHIP applicable policies and procedures.

XI. MONITORING AND REPORTING

171. The PMO will support the DOW, contractor and the provincial government in monitoring all activities associated with the RP implementation including land acquisition and payment of compensation to APs. The scope of monitoring includes: (i) compliance with the agreed policies and procedures for land acquisition; (ii) approval, allocation, and disbursement of compensation payments to APs, including, if required, supplemental compensation for additional and/or unforeseen losses; and, (iii) remedial actions, as required.

172. The DOW/PMO will prepare and submit quarterly RP implementation progress reports to ADB during the land acquisition activities. Once land acquisition and compensation has been completed, and when civil works commence, DOW/PMO will submit semi-annual safeguard monitoring reports to ADB for disclosure on the ADB website. On completion of the subprojects, a report highlighting resettlement outcomes for all Tranche 2 bridge works (subprojects) shall be prepared and shared with the government and ADB. All RP update (finalization), implementation, monitoring and other activities shall be conducted by the PMO with support from the SESSB, LSB, and other relevant authorities of GoPNG.

STAKEHOLDER CONSULTATION AND PARTICIPATION PLAN

A. Background

1. The Sustainable Highlands Highway Investment Program (SHHIP) is a 10-year Program to restore, upgrade and maintain the Highlands Highway (HH) from Nadzab Airport junction in Morobe Province to Kagamuga Airport junction near Mount Hagen in Western Highlands Province (WHP).

2. With SHHIP, the government intends to rehabilitate, upgrade and maintain the HH through physical investment. Additionally, aligned with provisions and policy framework of National Transport Strategy (NTS), the investment program will provide capacity development for the broader transport sector using HH as a pilot project for implementing the envisaged holistic approach to sustainable maintenance. It will promote national cooperation and integration and widen access to social and economic opportunities via improved land transport infrastructure in PNG through the nation's most important road.

3. SHHIP will also strengthen the government's capacity in strategic planning, asset management, project preparation and implementation, and governance in the overall land transport sector, with a specific focus on long-term performance-based contracts for road maintenance. It consists of three Tranches, aiming to provide a modern and safe HH, for the efficient and safe increased movement of people, goods and services between the Highlands Region and markets, being aligned with national strategies where: (i) opportunity for equality and prosperity in rural areas is increased; (ii) well integrated, safe, and financially, socially and environmentally sustainable transport system is attained; and (iii) access to health, education and standard of living of the people of PNG is improved.

4. SHHIP overall outputs are: (i) 430 kilometers (km) of two-lane national HH from Lae Nadzab Airport junction to Kagamuga Airport junction in Mt. Hagen is rehabilitated, upgraded, and effectively maintained as required to be safe, climate- and disaster-resilient for all users; (ii) road safety increased and sustained for pedestrians and vehicle passengers on the HH; (iii) transport logistics and services improved in the Highlands Region to strengthen agricultural value chain for domestic and international trade; and (iv) program management and institutional capacity of the Department of Works (DOW) strengthened to deliver the SHHIP and sustain its benefits.

5. SHHIP Tranche 2 outputs are the following:

- (i) **Output 1:** Rehabilitate / upgrade 71 bridges along the national Highlands Highway from Lae Nadzab airport to Mt. Hagen Kagamuga airport
- (ii) **Output 2:** Maintain 430 km of the restored two-lane national Highlands Highway from Lae Nadzab airport to Mt. Hagen Kagamuga airport
- (iii) **Output 3:** Enhance institutional capacity of the DOW to deliver the investment program and sustain its benefits

6. SHHIP Co-Partners (the Government of Papua New Guinea [GoPNG] and the Asian Development Bank [ADB]) are committed to put meaningful consultation and participation processes into practice. Meaningful consultation is a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of APs and other

stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. ADB requires borrowers/clients to engage with communities, groups, or people affected by proposed projects, and with civil society through information disclosure, consultation, and informed participation in a manner commensurate with the risks to and impacts on affected communities.²³

7. Consistent with these efforts, the objectives of the consultation and participation plan and related stakeholder communication strategy are to

- (i) fully disclose information on the proposed project, its components, and its activities with the beneficiary communities and stakeholders;
- (ii) obtain information about the opinions, needs, and priorities of beneficiary communities and stakeholders;
- (iii) solicit input and feedback on beneficial and mitigative measures;
- (iv) encourage the participation of beneficiary communities and stakeholders in project activities such as the preparation of tourism development plans that affect them, civil works construction, enterprise support programs, awareness raising activities, and monitoring;
- (v) obtain the consent and cooperation of beneficiary communities and stakeholders for activities required to be undertaken for project planning and implementation;
- (vi) establish a clear, easily accessible, and effective grievance redress mechanism; and
- (vii) ensure transparency in all project activities.

B. Project Key Stakeholders

8. SHHIP boasts of having a myriad of stakeholders, ranging from general public, national level through provincial, district and local level governments (LLGs), people and organizations to the local communities, households and persons.

9. While the Program Management Office (PMO) in Goroka manages day-to-day functions of the program implementation, the National Executive Council (NEC), SHHIP Program Steering Committee (PSC), Department of Works senior management teams provide overall guidance as required for smooth implementation of SHHIP. The Department of Finance (DOF), Department of Transport (DoT), Department of Treasury (DOTR), Department of Lands and Physical Planning (DLPP), National Road Safety Council (NRSC), National Roads Authority ((NRA), Transport and Traffic Authorities, *inter alia*, of the GoPNG form the integral stakeholders of the Tranche 2 under the Program.

10. Likewise, the ADB as the prime funding agency and key Co-Partner, is part of SHHIP pivotal stakeholders.

11. The Papua New Guinea (PNG) general public, road users, business sectors, transport and trucking companies, public and private sector employees, various print, audio and audio-visual media, farmers, schools/students, churches, civil society organizations, women associations, trade and logistics associations, affected communities, professional associations, DOW and other government line agencies at provincial, district and local levels, pedestrians, roadside vendors, youth organizations, etc. are the other major SHHIP stakeholders.

²³ ADB. 2009. *Safeguard Policy Statement*. Manila.

12. The Grievance Redress Committees (GRCs) formed for SHHIP Tranche 1 purposes are one of the key stakeholders of the program. They shall be renewed or formed afresh for Tranche 2 purposes. The civil works contractors are other crucial stakeholders of SHHIP.

13. All SHHIP core stakeholders—including the general public and affected persons, households, customary owners, organizations and communities—are of especial focus of the stakeholder consultation and participation plan.

C. Participation Goals and Objectives

1. Goals

14. The SCPP process will enable the APs, general public, communities and all other SHHIP stakeholders to

- (i) be well-informed about SHHIP,
- (ii) set and manage stakeholder expectations,
- (iii) minimise stakeholder related risks to the Program,
- (iv) understand what the Program is about and what its scope inclusions and exclusions are,
- (v) express stakeholder ideas and concerns about the Program,
- (vi) understand how the consultation process has addressed their views,
- (vii) understand, and discuss, the outcomes of the Program,
- (viii) provide meaningful support to and recognition of SHHIP—as flagship megaproject of national pride for all the people of PNG.

2. Objectives

15. The core objectives of the consultation and participation plan and related stakeholder engagement strategy are to

- (i) disclose relevant information about SHHIP, its components, and its activities with the beneficiary communities, general public, and other stakeholders;
- (ii) obtain information about the opinions, needs, and priorities of beneficiary communities and other stakeholders;
- (iii) solicit input and feedback on beneficial and mitigative measures for any adverse impacts;
- (iv) engage with the public on the benefits and impacts of SHHIP, including the capacity building, institutional strengthening, and other beneficial impact enhancement plans;
- (v) understand the interests and concerns of SHHIP stakeholders;
- (vi) encourage the participation of beneficiary communities and other stakeholders in project activities such as in preparation of designs and plans that affect them, civil works, entrepreneurship schemes, training, and awareness-raising activities, etc.;
- (vii) obtain the consent and cooperation of beneficiary communities, and stakeholders for activities required to be undertaken for project planning and implementation;
- (viii) establish a clear, easily accessible, and effective grievance redress mechanism (GRM) and
- (ix) garner support from the PNG general public, communities, affected individuals and all other relevant stakeholders for smooth implementation of the entire Program (SHHIP).

D. Stakeholder Analysis

1. Purpose

16. Understanding key stakeholders, their relationship and extent of influence is critical to Program delivery. Stakeholder analysis is a key part of social management as it endeavours to ensure that all stakeholders are duly considered. The major purpose of Stakeholder Analysis (SHA) is to: (i) identify all program stakeholders, (ii) understand who the stakeholders fundamental to ensure the success of the program are, and (iii) to develop and implement appropriate strategies and plans aimed at onboarding the stakeholders for accomplishing the overall outputs and results envisaged of the entire program, including Tranche 2.

2. Data Collection

17. Primary data for SHA purpose were collected by PMO social team implementing an especially designed template for the purpose. Data were also collected from secondary sources. Additional data were also collected during visits to project sites and interactions with the key informants.

E. Data Analysis

18. Collected data were processed for systematic identification of the stakeholders and their classification. Details on each of the six criteria used during the process are mentioned below.

- (i) **Stakeholders** are all those people that have an interest in the program. People can be individuals, organisations or communities. Stakeholders can be internal or external to the program team. Some of the most common stakeholders have been detailed in subsequent sections. However, the list is not exhaustive. Identification of the stakeholders has been done wherever possible on top of the generic categorisation.
- (ii) **Interest in the Program.** This primarily focusses on the core interest of the stakeholder(s) in the program. For example, community members will be interested in making sure Program delivers to their needs including any grievances they may have, and also that they can receive potential other benefits from SHHIP.
- (iii) **Role in the Program.** All stakeholders, both internal and external, have a role in the program. For example, Role of internal stakeholders in the PMO is to ensure the Program is completed in time, budget and to specifications. External stakeholders like community members will be those that will benefit and be impacted by the program and may have multiple roles.
- (iv) **Influence²⁴ in the Program.** While not all stakeholders may have the same type and level of influence, they potentially can affect the program. This influence can be positive and enable the program or can be negative and block or delay the

²⁴ **High**—an individual, community, team or institution in possession of high level of authority and/or responsibility towards successful accomplishment of the program goals and/or significantly high level of capacity to influence the results chain leading to the final outcomes, overall; **Medium**—an individual, community, team or institution in possession of crucial authority and/or significant level of responsibility towards successful accomplishment of the program goals and/or significant capacity to influence the results chain leading to the final outcomes, overall; **Low**—an individual, community, team or institution in possession of some authority and/or responsibility towards successful accomplishment of the program goals and/or some capacity to influence the results chain leading to the final outcomes, overall.

program. For the purpose of current stakeholder analysis, three broad categories of influence have been identified, viz., low, medium, and high.

- (v) **Risk to the Program.** Quick risk analysis has been done to classify the risk of each stakeholder to become a blocker/disabler. Three prime broad categories of risk (low, medium, and high) have been identified at this stage—and the Risk categorization is envisaged to change as program activities progress and further assessments are done as may be required. The risk analysis is aimed at informing strategies to minimise the adverse impacts and decrease likelihood of stakeholders in becoming blockers while increasing the opportunities for them to become supporters/enablers. The simple approach taken to risk assessment is presented below.

Table 1: Risk Identification and Categorization

Impact	Negligible	Minor	Moderate	Significant	Severe
Likelihood					
Very likely	Low - Med	Medium	Med High	High	High
Likely	Low	Low - Med	Medium	Med High	High
Possible	Low	Low - Med	Medium	Med High	Med High
Unlikely	Low	Low - Med	Low – Med	Medium	Med High
Very unlikely	Low	Low	Low – Med	Medium	Medium

- (vi) **Strategies to manage the risk.** Once stakeholders have been identified, their role, interests and influence understood and the risk classified, strategies to manage the relationship with them can be developed. As a minimum, risks identified to be low, medium, or high should have a strategy to manage the relationship with the stakeholder. The aim is to minimise opposition to the Program while maximizing their support by ensuring stakeholders are consulted, their needs and interests understood, and strategies to address their concerns are formulated.

19. An effective consultation, communication and engagement strategy plays vital role in gaining stakeholder confidence. A number of tools and techniques to this effect for managing their relationship with the program are presented in the following sections.

20. With the dynamic nature of time and situations, and as program activities progress, stakeholder relationships may change. Undertaking regular stakeholder analysis is envisaged to be key risk mitigation strategy for the entire Program.

F. Stakeholder Identification

21. SHHIP stakeholder identification has been conducted based on data collected and analysed thus far. It includes the following key aspects:

1. Risk categorization:

- (i) **High:** potential for significant impediment to the achievement of Program goals/targets;
- (ii) **Medium:** potential to some extent for impediment to achievement of Program goals/targets;
- (iii) **Low:** potential for insignificant/minimal impediment to achievement of Program goals/targets.

22. Focusing primarily on analysis of and mitigation measures for any adverse impacts based on interest, influence and/or risk, risk management strategies have been prepared. They include

gathering community support by helping them by building social (community) infrastructure, enhanced consultation and communication, employment, petty contracts, legacy-issue resolutions, and/or memorandum of agreements, among others.

23. Prime interests in SHHIP for the core stakeholders have been categorized at this stage as SHHIP-improved Highway, resolution of legacy issues/compensation payments, SHHIP opportunities, etc.

24. The type of influence in SHHIP has been analysed as direct or indirect, positive or negative, and/or intended or unintended. Likewise, level of influence has been analysed within the broad range from high to medium to low.

25. The principal stakeholders of the investment program including the Tranche 2 are the people who live along HH. This includes the communities as a whole, and groups within these: people who cultivate and market food cash crops, vendors at informal markets in villages and at public motor vehicle (PMV) stops, as well as at larger formal markets, and those producing and transporting cash crops to the ports or airports for export elsewhere. These stakeholders will benefit directly from the Tranche 2 works, which will make travel faster and more convenient, improve accessibility to services and markets, and ensure their produce reaches its destination timely and undamaged by poor roads/crossing structures. They will also benefit from the opportunities for employment in bridge construction and maintenance works, and ability to pay for enhanced public transport services.

26. The road transport sector constitutes another category of principal stakeholders. These include the people and companies involved in the movement of passengers and freight along the HH, such as: PMV and mini-bus drivers, their passengers, transport companies, commercial truckers, including independent truckers, and the businesses and development enclaves in the Highlands Region that rely on these transport services. The transporters are interested in lowering their vehicle operating costs, as well as increasing the services they can provide. In the case of development enclaves (such as LNG ExxonMobil extraction in Tari, and Porgera mine in Enga), they may contribute to the costs of maintenance through tax credit schemes. Civil work contractors also benefit directly from their involvement in the upgrading, rehabilitation, and maintenance of bridges.

27. The third category of stakeholder, are the local, provincial and national government agencies that both benefit from and are instrumental in the implementation of the road improvements. Their interests stem, on the one hand, from their mandates to provide services to people, businesses and communities in the program areas, and from their direct contributions of funds and/or technical expertise for the road maintenance. The DOW in particular will gain from both the funding, and the capacity building provided through the investment program. The investment program will assist GoPNG to achieve its objectives for Development Strategic Plan (2010-2030) and National Transport Development Plan (2011-2020), which identifies the HH as the number one priority road for the country.

28. Civil society organizations (CSOs), national and international non-government organizations (NGOs), security agencies (police, defence force), academic institutions, women associations, professional associations, mass media, and other individuals and groups form yet another category of SHHIP stakeholders.

29. Further, as a dynamic process, the stakeholder analysis and documentation works shall be undertaken periodically as may be required during SHHIP Tranche 2 implementation.

2. Participation Plan

30. This section provides a summary of the plan to be implemented for stakeholder communication, consultation and participation purposes for SHHIP, focused on Tranche 2 works.

(a) Interface Management and Protocol

31. **Interface.** The purpose of interface management is to ensure closely working relationship among the different PMO team members, and various other (internal and external) stakeholders. It is critical that this interface is seamless and respective roles and responsibilities are duly professionally undertaken by all team members in achieving the overall interface management purpose.

32. **Protocol.** All stakeholder communication, Consultation and participation (SCCP) activities shall be coordinated, planned and implemented by the PMO under the overall leadership of the program director. Consultation and guidance shall be sought from PSC, DOW senior management teams including the secretary, senior projects coordinator, ADB projects director and other senior teams wherever required in planning and implementation of such activities.

33. Communications with the high-level stakeholders (both internal and external) and those concerning the general public shall be performed and coordinated by the PMO while those with program communities/households/individuals and other implementation-level stakeholders (including public administrators) will be coordinated by the project managers together with the social team.

34. As one of the SHHIP key stakeholders, the contractors shall perform any interactions/communications—specially with the communities as may be required—in close coordination with the respective project managers and other PMO social teams for smooth implementation of the SSCP aimed at supporting implementation of overall program activities.

35. Communications with the communities and other stakeholders shall be appropriately documented and reported as applicable.

(b) Grievance Redress Mechanism

36. A functional GRM has been envisaged to be one of the effective strategies for stakeholder engagement supportive to SHHIP implementation.

37. For each SHHIP Province, a GRC at Province level, headed by the provincial administrator, shall be established. It is expected to be an efficient platform for receiving, recording, conducting possible processing and/or streamlining of any grievances, suggestions, feedback, etc. Such committees may be formed at community levels too if deemed to be further supportive for the purpose.

38. The GRCs are envisaged to perform, *inter alia*, four major functions: acceptance, investigation, mediation, and advisory.

39. People who feel are adversely affected due to SHHIP Tranche 2 works can register their grievances in any form (verbal, written, over the phone, etc.).

40. As SHHIP Tranche 2 works are mostly confined to construction limits on existing Highway, no major adverse impacts/grievances are expected. However, some minor ones may be

triggered—damages to accesses or private properties; damage to crops; disputes related to ownership rights/legacy issues; pollution caused by dust, noise, and mock disposal, etc.

41. GRCs shall use common procedures in dealing with grievances to assure that objective and fair decisions are taken, and agreements made. The procedures include verifying documents; conducting field inspections to verify the authenticity and eligibility of the grievance reported; listening to different parties involved; and referring cases to other GRMs or, if necessary, to the courts.

42. For each grievance received, initial response shall be made to the grievance raiser within one week for minor grievances and within two weeks for the major ones.

43. Verification of the grievance shall be done by sector/issue-specific subcommittee as may be formed if required under the GRC. A verification report shall be submitted to the PMO and/or GRC.

44. The GRC shall try to resolve the grievance at its level. The GRC shall make its decision on the resolution of the issue/grievance within one month for minor grievances and within five months for the major ones.

45. Any grievance cases unresolved by the GRC or those the GRC feels are beyond SHHIP GRC jurisdiction shall be directed to the concerned relevant authority for appropriate resolution of the grievance-providing guidance to the concerned person/entity on other legal avenues s/he may approach to resolve the grievance.

46. GRCs shall be provided with appropriate orientation by the PMO focusing on the overall approach, modality, procedures, and processes aimed at ensuring effective GRM for SHHIP.

47. SHHIP teams (PMO and contractor) shall support the GRCs in their smooth functioning, including support with stationeries and other relevant logistics wherever deemed necessary.

48. Each periodic report originating from the contractor shall include a GRM section and be submitted to the PMO, which will be further submitted by the PMO to the government and ADB.

3. Stakeholder Database

49. Initial database of all SHHIP relevant stakeholders has been developed. SHHIP team members visiting the sites/interacting with communities and/or other stakeholders continue recording the contact details for further processing and appropriate documentation in the form of the database applicable to Tranche 2 as well.

(a) Stakeholder Communication

50. SHHIP internal communications focus on supporting the project implementation team on regular implementation and management issues, emerging trends and threats and planning, and coordination between teams at various levels to ensure efficient functioning of SHHIP implementation. The focus of the current participation plan is external communications—aimed at supporting and achieving the main goals and objectives of SHHIP outcomes and outputs and leveraging success.

51. The approach, means and channels of communication assortment shall be strategically implemented for the general public of PNG; national, provincial, district and local level stakeholders; and the affected individuals, households and communities as appropriate.

(b) Communication Objectives

52. The following objectives have been developed to ensure that the stakeholder participation goals are achieved.

- (i) to keep the people/SHHIP communities and other stakeholders well informed about SHHIP activities—including civil works and other activities, any emergency situations, roadblocks, etc.;
- (ii) to collect feedback from the stakeholders aimed at its integration in project design and implementation
- (iii) to make informed decisions supportive to smooth implementation of the project activities
- (iv) to manage stakeholder expectations, including by clearly communicating the scope of works;
- (v) to engage with the stakeholders on the benefits and impacts of SHHIP;
- (vi) to ensure stakeholders are fully briefed on the background, scope and aims of the project;
- (vii) to maintain general public support for SHHIP by keeping them informed of the developments/milestones;
- (viii) to reduce misunderstanding and misperceptions about the program and its impacts, by providing the right amount of information in appropriate detail at the right time in readily accessible forms and languages;
- (ix) to ensure that communication relating to SHHIP is clear, concise, appropriate to the audience,²⁵ open and two-way,²⁶ wherever applicable;
- (x) to understand the interests and concerns of stakeholders and ensure that information is easily accessible for all stakeholders;
- (xi) to build ample awareness on part of the PNG general public and other stakeholders aimed at due recognition of the project as the mega project of national pride;
- (xii) to make every proper communication, consultation and participation effort to harness support of the PNG general public, communities and other stakeholders for smooth implementation of SHHIP.

(c) Communication Tools and Techniques

53. The variety of stakeholders and diversity of messages and approaches envisaged in the SCPP have implications for the strategies, mechanisms, tools and techniques required to successfully harness the communication, consultation and participation goals and objectives.

Multiple methods shall be used to disseminate information, raise awareness, carry out events, engage stakeholders, provide access to information and gather feedback.

Following primary approaches/tools and techniques shall be used to support the communications and participation functions of SHHIP.

- (i) **visual/print media:** leaflets/pamphlets/brochures; photographs, occasional press releases, news articles, Achievement articles, etc. whenever deemed essential;
- (ii) **audio:** radio jingles, news; special announcements, etc.;

²⁵ Appropriate communication involves ensuring that information is easily understandable by the different audiences, in the appropriate language for each audience and is free of jargon / in plain language.

²⁶ Two-way communication involves not only providing information, but also receiving information from stakeholders. At all times during the undertaking of the Program, key stakeholder inputs and opinions shall be captured in relation to the program and its potential outcomes.

- (iii) **electronic media:** Web Portals of SHHIP, ADB, Dow, etc.;
- (iv) **audio-visual media:** Television News, interviews, videography, SHHIP presentations, and other coverages on major milestones, events, occasions, activities, etc.;
- (v) public awareness campaigns;
- (vi) community meetings;
- (vii) public administration meetings;
- (viii) key-informant interactions;
- (ix) individual/household meetings;
- (x) one-on-one conversation (for less-educated elders, and/or other persons who might not be willing to join the groups to discuss); and
- (xi) focus group discussions, especially with women groups and other vulnerable segments of the communities.

4. Stakeholder Consultation

54. SHHIP is committed to meaningful consultation processes into practice in all relevant activities within its scope. Meaningful consultation process begins early in the project conception and preparation phase and continues on ongoing basis throughout the project cycle. It supplies relevant and adequate information in time in understandable and in easily accessible form to the general public, communities, individuals and other relevant stakeholders.

55. Meaningful consultation, further, should be conducted in an atmosphere free of intimidation or coercion and should be inclusive in terms of gender and other social inclusion parameters. Received opinions, feedback/observations should be integrated into project designs, sharing benefits and opportunities offered by the program and other areas wherever feasibly applicable.

(a) Stakeholder Consultation During Tranche 2 Feasibility Study (Concept Design) Stage

56. Meaningful multiple consultations have been conducted with relevant stakeholders during July to September 2019 as a key component of SHHIP Tranche 2 preparation adhering to applicable GoPNG and ADB policies, principles and procedures.

57. The approach taken for Tranche 2 consultations includes: indoor core group consultations (seven), public meetings (21) involving both women and men from communities, specific facilitated meetings with clan leaders (four), separate meetings with women groups (14), key informant interviews (seven), and informal conversations with residents and passers-by (numerous) near the subproject sites. Consultations have been undertaken in local vernacular languages and in Tok Pisin. An especially prepared leaflet, SHHIP pamphlet and Protection of Transport Infrastructure Act pamphlet were also distributed to the participants during the consultations.

58. Detailed information dissemination on SHHIP in general, and Tranche 2 works, in particular were accomplished.

59. Likewise, stakeholder feedback collections have been undertaken aimed at their integration into the project design and implementation ensuring continued participation and support of the stakeholders. Separate consultations have been conducted with female groups. The consultations have been inclusive also in terms of participation of the representations from economically weaker and/or marginalized households, civil society organizations, customary landowners, church groups, students, transport entrepreneurs, drivers, teachers, shopkeepers,

security agencies, Tranche 1 contractors and supervision consultant representatives and other segments of the societies. Explanation was made also on the scope of Tranche 2 components (upgrading, repair and/or maintenance of all bridges along the SHHIP Highway from Lae Nadzab to Mount Hagen Kagamuga), the funding sources and the environmental and social impacts and their indicative mitigating measures to be followed during the implementation of the Program. Issues and concerns of the stakeholders were solicited, discussed and noted for further consideration in the investment program design. All LLGs, districts and provinces touching the Highway have been encompassed during Tranche 2 preparation consultations. The major venues for the stakeholder consultation and awareness included the following:

- (i) Nadzab, Mutsing and Watarais in Morobe Province;
- (ii) Kainantu, Avani (Kompri Valley), Henganofi, Goroka, Asaro Market, Daulo Middle Market, Daulo Peak, Tulait Market, Watabung Station, Kenegi Village Market, and Snake Village in Eastern Highlands;
- (iii) Ku, Chuave, Dumun, Kundiawa and Mingende in Simbu Province; and
- (iv) Kurumul, Miunde, Minj, Kudjip and Anglip in Jiwaka and Western Highland Provinces.

60. Altogether 15,600 participants were estimated during all the consultations conducted as part of Tranche 2 preparations—including consultations with indoor core groups and outdoor communities and the general public. Feedback, queries and responses received during the consultations are primarily related to resettlement and legacy issues, compensation for affected structures or other improvements, employment opportunities, use of local resources (sand, gravel, quarry areas, etc.), timely completion of bridge and road works, etc. While the participants heartily appreciated and thanked the government and the ADB for designing the mega program for their region, emphasis was also made on completion of the works within the allocated time-period with proper quality and standard. Responses were made to the queries of the participants by the PMO teams.

61. Also highly appreciated by the consultation participants are the social infrastructures (pedestrian paths, safety railings, wash areas, market stalls, bus bays, etc.), awareness activities on health and safety, employment opportunities (mainly as construction and maintenance workers) and sanitation facilities under the program.

62. Consultations with stakeholders along the HH confirm that attitudes to the SHHIP plans are very positive, especially from the local communities, PMV operators, freight and transport companies, drivers, and the general travelling public. Currently costs of wear and tear on machinery, breakdowns, delays from landslides, floods, and loss of cargo from highway robbery are high. People are fed up with bone-shaking dusty journeys and unpredictable services: all were relieved to hear of the upgrading Program, and want it started as soon as possible.

63. Consultations with and encouraging participation of the stakeholders from Tranche 2 inception stage have been helpful in gaining insights into the expectations of the stakeholders and documenting their valuable feedback supportive to informed decision making while preparing Tranche 2 of the program.

(b) Further Consultations during Design and Implementation Stages

64. Further consultations with affected households, clans/tribes and other stakeholders shall be conducted throughout the project cycle—including during Tranche 2 DED and implementation stages. Consultation will be ongoing and managed by the PMO safeguards staff. As part of the development of SHHIP works to ensure safeguards compliance, the PMO will implement a stakeholder consultation and participation plan (SCPP) with communities located along

subproject sites. The SCPP will be organized with the collaboration of provincial, district and LLG authorities; and, following DED by the design consultant for a subproject, the PMO will involve APs' participation in further investigating each subproject, undertaking the detailed measurement survey, collecting data for the socioeconomic survey and in other activities related to enhancing benefits for communities and mitigating adverse environmental and social impacts.

65. Support also of the clan/customary leaders, ward councilors and LLG presidents shall be sought for enhanced participation of wider segments of the societies including that of the women, deprived groups, elderly people and youth. Because women are often reluctant or unable to speak in general community meetings, separate meetings shall be held with them to understand and discuss their preferences and concerns. The PMO staff shall be also joined by the Provincial and/or district lands officers or surveyors/valuers of the office of the Valuer-General when their services are necessary to produce the Land Investigation Report (LIR) and valuations.

66. Information disclosure, consultation, and informed participation of the relevant stakeholders shall be ensured throughout SHHIP implementation.

5. Stakeholder Participation

67. Participation of stakeholders, especially that of the general public and communities living along HH, is crucial for enhanced benefit sharing, on top of successfully sustainable implementation of SHHIP. Meaningful participation of the communities and other stakeholders in various SHHIP activities and plans is envisaged to be further supportive in enhancing their capacities, know-how and standard of living.

68. Participation in SHHIP activities will be primarily based on the core spirit of the ADB participation principles:²⁷

- (i) continue analyses of stakeholders to understand their interests, influence levels and risks and include them, where appropriate, in SHHIP documentation and implementation;
- (ii) continue consultations with stakeholder groups throughout Program design and implementation stages;
- (iii) inform stakeholders of safeguards and accountability mechanism; and
- (iv) engage stakeholders strategically and systematically through stakeholder consultation and participation plan.

69. Meaningful participation and cooperation of all key stakeholders is central to the successful implementation of SHHIP.

79. Following sections provide further details on SHHIP Tranche 2 stakeholder participation.

6. Participation Key Areas

80. The prime areas for stakeholder participation include the following.

81. SHHIP designers have integrated components for ensuring participation of the core stakeholders, mainly the people/communities, in various activities planned to be implemented during the SHHIP implementation phase. Some of such activities include the following:

- (i) project design works including features for elderly, women, children and disabled (EWCD);

²⁷ Asian Development Bank. 2012. *Strengthening Participation for Development Results: An Asian Development Bank Guide To Participation*. Mandaluyong City, Philippines.

- (ii) consultative meetings;
- (iii) grievance redress;
- (iv) community-based road construction and maintenance groups;
- (v) awareness programs;
- (vi) capacity building and institutional strengthening program ;
- (vii) HIV/AIDS and STD trainings;
- (viii) training on preventing and responding to sexual harassment, exploitation, and abuse;
- (ix) targeted stakeholder engagements are envisaged also in need assessments, designing capacity building/training and livelihood enhancement plans, and participation in the activities included in such plans, including road safety, occupational and community health and safety programs;
- (x) GAP and GESI trainings;
- (xi) gender-based violence (GBV) prevention trainings;
- (xii) memorandum of agreements;
- (xiii) community infrastructures (gender-segregated sanitary facilities, pedestrian paths, etc.);
- (xiv) market stalls;
- (xv) vendor associations; and
- (xvi) health and safety committees, etc.

82. The PMO (with support from contractor teams) shall prepare and implement the plans/activities—including support from CSOs/NGOs, wherever required. Their implementation compliance shall be monitored by the PMO. The PMO, supported by social and environmental teams (including those engaged with the SESSSB and the LSB), shall provide overall guidance and support in smooth implementation, documentation and reporting on the implementation of SSCP adhering to SHHIP-applicable GoPNG and ADB principles, procedures and standards.

83. Principles of free and prior informed consensus/consent shall be adhered to in SHHIP implementation for ensuring achievement of SSCP goals and objectives.

84. GESI norms and other standards shall be followed for SSCP works—including strategically assorted blend of various communication tools.

85. Targeted stakeholders shall be engaged through their direct and/or indirect participation in various SHHIP components, including in local employment generation, vendor associations, HIV/AIDS and other trainings, etc.

86. Local (PNG) employment generation shall be done while implementation of SHHIP works. Opportunities for female/women and other disadvantages/marginalized segments of the communities shall be given preferences wherever applicable.

87. Social and environmental management teams working with the PMO and contractors shall perform the overall coordination, preparation and implementation of the communication, consultation and participation/engagement activities.

88. Documentation—in the form of videography, pictures, articles, plans/activities, outputs/outcomes and results, etc.—of SHHIP works including Highway conditions, implementation of the program activities and achievements, major events/occasions, etc. shall be done—periodically and as and when they are implemented as appropriate. Public and other stakeholder sharing, and information dissemination shall be conducted strategically.

89. Table 2 provides further details on SHHIP Tranche 2 stakeholder consultation and participation plan.

Table 2. SHHIP Tranche 2: Stakeholder Consultation and Participation Summarized Plan

Activity	Target	Prime Responsibility	Remarks
Consultative Meetings	All key stakeholders including the APs, communities, government agencies, NGOs, CSOs, business entrepreneurs, etc.	SU/PMO	At least 40% female participation in community consultations
Grievance Redress	GRC with representations from communities and other individuals/entities/stakeholders in all five SHHIP Provinces	SU/PMO/GRC/ CT	At least one female representative in each committee
Community-based Road Repair and Maintenance Groups	SHHIP communities, including women and other vulnerable groups	SU/PMO/CT	At least 20% local (PNG) female workers
SHHIP Awareness Programs	Communities and other SHHIP stakeholders	SU/PMO/CT	Periodic as required
HIV/AIDS and STD Trainings	Workers, communities, schools, churches, etc.)	SU/PMO/CT	GESI compliance required (including at least 50% male participants)
Road Safety, Occupational and Community Health and Safety Awareness Programs	Workers and communities along the SHHIP Highway section	SU/PMO	GESI compliance required
GAP and GESI Policy Orientation Training	DOW and key EA/IA staff; staff of project -related agencies and implementers	SU/PMO	Minimum of 50% male participants
GBV Prevention Trainings	Contractor's workforce	SU/PMO	At least 70% male participants
Community Sanitary Facility	At least 35 locations along the SHHIP Highway section targeted at general public	SU/PMO//CT	Separate facilities for female and male users
Market Stalls	At least 35 locations along the SHHIP Highway section targeted at roadside vendors/microentrepreneurs	SU/PMO/CT	At least 70% female members
Bus Stops/Shelters	At least 35 locations along the SHHIP Highway section	SU/PMO/CT	Locations/designs to be fixed in consultation with key stakeholders

Vendor Associations	At least 35 associations	SU/PMO	At least 70% female members
Health and Safety Committees	At least 35 committees along the SHHIP Highway section targeted at roadside vendors/microentrepreneurs	SU/PMO	At least 70% female members
Wash areas/facilities	At least 35 locations near the bridges and/or waterpoints	SU/PMO/CT	Locations/designs to be fixed in consultation with key stakeholders
Bus/truck stops, shelters, and roadside market areas with separate male/female toilets built in bridge/roadside market areas	At least 35 locations along the 430km SHHIP Highway	SU/PMO/CT	Locations/designs to be fixed in consultation with key stakeholders
Training on preventing and responding to SHEA	All construction workers and staff	SU/PMO	At least 50% male participants
Training on bridge inspection, bridge maintenance and QA/QC	DOW/project staff/university students	PMO	20 participants with at least 30% female participants

APs = affected persons/people; EA = executing agency; CSO = civil society organization; CT = contractor team; GAP = gender action plan; GESI = gender equity/equality and social inclusion; GRC = grievance redress committee; IA = implementing agency; NGO = non-government organization; PMO = program management office; QA = quality assurance; QC = quality control; SHEA = sexual harassment, exploitation and abuse; SU = safeguards unit.

TRANCHE 2 CONSULTATION SUMMARY

Date/Venue/ Type	Key Issues/Queries/Feedback	Remarks
17 Jul 2019/ Four Mile Area, Kainantu/ Consultation	SHHIP consultation and awareness-building focused on overall Program components, current status, social and environmental impacts (both adverse and beneficial ones), social/community infrastructure support, resettlement requirements, legacy issues, etc. Feedback, queries and responses received have been primarily related to the pending legacy issue in the area, dust control during works, employment opportunities, women participation, trainings, etc. Appropriate responses were made by the social specialist, CRO and Project Manager (Lalio Erasi) for the section.	32 participants registered (12 females), altogether around 60 estimated participants (approx. 25 females) in the event. Most of them preferred not to register their names (was accepted).
16 Aug 2019/ Miunde, Jiwaka/ / Consultation	SHHIP consultation and awareness-building focused on overall Program components, current status, social and environmental impacts (both adverse and beneficial ones), social/community infrastructure support, resettlement requirements, legacy issues, etc. Feedback, queries and responses received have been primarily related to the pending legacy issue in the area, dust control during works, employment opportunities, women participation, trainings, etc. Appropriate responses were made by the Social and Environmental Specialists and the CRO.	87 participants including 43 female participants
16 Aug 2019/ Ku, Simbu/ Consultation	SHHIP consultation and awareness-building focused on overall Program components, details on Tranches 1 and 2 including current status, social and environmental impacts (both adverse and beneficial ones), social/community infrastructure support, resettlement requirements, legacy issues, etc. Feedback, queries and responses received have been primarily related to resettlement, legacy issues, adverse impact mitigations, employment opportunities, community infrastructure needs, women participation, etc. Appropriate responses were made by social and environmental specialists and the CROs. Overall happiness about the SHHIP was received from almost all participants.	45 participants including 18 female participants
28 Aug 2019/ Henganofi Town/ Consultation	SHHIP consultation and awareness-building focused on overall Program components, details on Tranches 1 and 2 including current status, social and environmental impacts (both adverse and beneficial ones), social/community infrastructure support, resettlement requirements, legacy issues, etc. Feedback, queries and responses received have been primarily related to resettlement, legacy issues, adverse impact mitigations, employment opportunities, community infrastructure needs, women participation, etc. Appropriate responses were made by social and environmental specialists, CROs and project managers. Overall happiness about the SHHIP was received from almost all participants.	84 participants including 37 female participants
9 Sep 2019/ Chuave, Dumun and Mingende in Simbu Province/ Public	SHHIP consultation and awareness-building focused on overall Program components, details on Tranches 1 and 2 including current status, social and environmental impacts (both adverse and beneficial ones), social/community infrastructure support, resettlement requirements, legacy issues, etc. Feedback,	Altogether 2,150 participants (estimated) including 650 female

Date/Venue/ Type	Key Issues/Queries/Feedback	Remarks
Consultation and Awareness events	queries and responses received have been primarily related to resettlement, legacy issues, adverse impact mitigations, employment opportunities, community infrastructure needs, women participation, etc. Appropriate responses were made by social and environmental specialists, CROs and project managers. Overall happiness about the SHHIP was received from almost all participants.	participants (estimated)
9 Sep 2019/ Nadzab and 40 Mile in Huon District, Mutzing and Watarais in Markham District; Morobe Province/ Public Consultation and Awareness events	SHHIP consultation and awareness-building focused on overall Program components, details on Tranches 1 and 2 including current status, social and environmental impacts (both adverse and beneficial ones), social/community infrastructure support, resettlement requirements, legacy issues, etc. Feedback, queries and responses received have been primarily related to resettlement, legacy issues, adverse impact mitigations, employment opportunities, community infrastructure needs, women participation, etc. Appropriate responses were made by social and environmental specialists, CROs and project managers. Overall happiness about the SHHIP was received from almost all participants.	Altogether 3,250 participants (estimated) including 875 female participants (estimated)
10 Sep 2019/ Kurumul, Jiwaka Province/ Consultation	<p>Consultation with the Public Administrators including representatives from the three levels of governance, police, PNGDF, civil society, etc. Major coverage on Tranche 1 and Tranche 2 components, civil works, social and environmental impacts, status, management, etc.</p> <p>Feedback received mainly on ensuring Highway corridor enforcement (prevention of encroachments), finding solutions to waterlogging/flooding in some of the sections, and happiness about no significant pending legacy issues along the SHHIP section in the Province.</p>	Altogether 42 participants including 7 female participants
10 Sep 2019/ Minj, Kudjip and Anglimp Market in Jiwaka Province/ Public Consultation and Awareness events	SHHIP consultation and awareness-building focused on overall Program components, details on Tranches 1 and 2 including current status, social and environmental impacts (both adverse and beneficial ones), social/community infrastructure support, resettlement requirements, legacy issues, etc. Feedback, queries and responses received have been primarily related to resettlement, legacy issues, adverse impact mitigations, employment opportunities, community infrastructure needs, women participation, etc. Appropriate responses were made by Social Specialist, CROs and project manager for the section. Overall happiness about the SHHIP was received from almost all participants.	Altogether 2,250 participants (estimated) including 675 female participants (estimated)
11 Sep 2019/ Kainantu, Barola Top, and Henganofi Station in Eastern Highlands Province/ Public Consultation and Awareness events	SHHIP consultation and awareness-building focused on overall Program components, details on Tranches 1 and 2 including current status, social and environmental impacts (both adverse and beneficial ones), social/community infrastructure support, resettlement requirements, legacy issues, etc. Feedback, queries and responses received have been primarily related to resettlement, legacy issues, adverse impact mitigations, employment opportunities, community infrastructure needs, women participation, etc. Appropriate responses were made by social and environmental specialists, CROs and project managers. Overall happiness about the SHHIP was received from almost all participants	Altogether 5,375 participants (estimated) including 1,225 female participants (estimated)

Date/Venue/ Type	Key Issues/Queries/Feedback	Remarks
12 Sep 2019/ Goroka, Asaro, Daulo Middle Market, Daulo Top Market, Daulo Third Market, and Snake Village in Eastern Highlands Province/ Public Consultation and Awareness events	SHHIP consultation and awareness-building focused on overall Program components, details on Tranches 1 and 2 including current status, social and environmental impacts (both adverse and beneficial ones), social/community infrastructure support, resettlement requirements, legacy issues, etc. Feedback, queries and responses received have been primarily related to resettlement, legacy issues, adverse impact mitigations, employment opportunities, community infrastructure needs, women participation, etc. Appropriate responses were made by social and environmental specialists, CROs and project managers. Overall happiness about the SHHIP was received from almost all participants.	Altogether 2,200 participants (estimated) including 800 female participants (estimated)

TRANCHE 2 CONSULTATION PHOTOGRAPHS



Consultation Participants at Minj, 10 Sep 2019



Female Group Consultation, Henganofi, 9 Sep 19



Public Consultation at Asaro, 9 Sep 2019

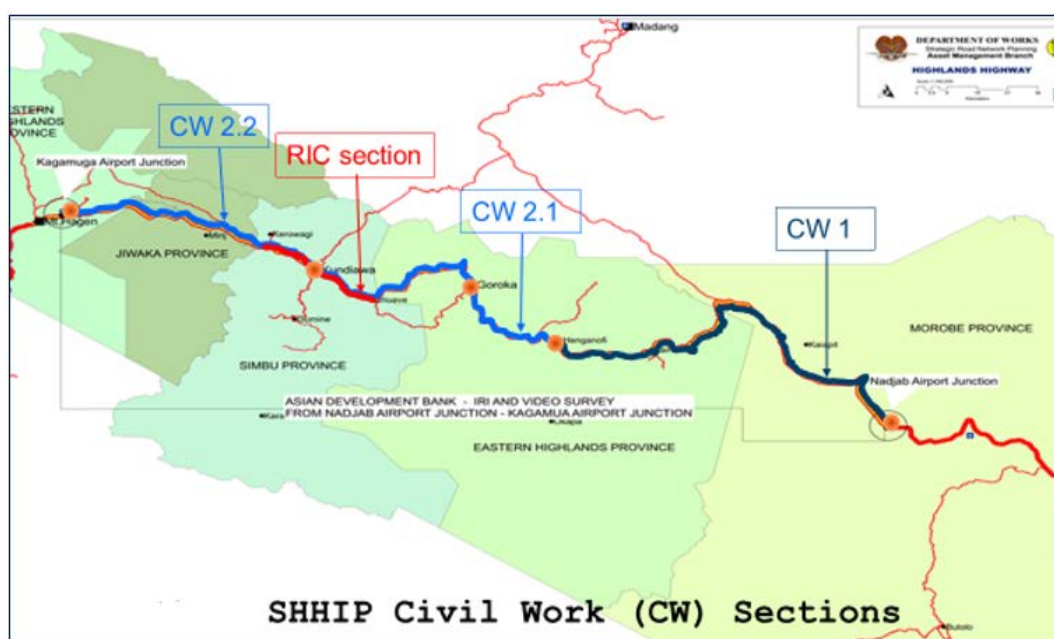


Consultation Participants at Kudjip, 10 Sep 2019

LEAFLET FOR PUBLIC DISSEMINATION

Sustainable Highlands Highway Investment Program (SHHIP) Brief Information

1. The Sustainable Highlands Highway Investment Program (**SHHIP**) is a 10-year Program (2018-2028) for improving the 430-kilometre Highlands Highway section between Lae Nadzab and Mount Hagen Kagamuga airport junctions. The major civil works include repairing, rehabilitating, upgrading and maintaining the Highway and bridges along the SHHIP section. Two Trade and Logistics Platforms, Weighing Stations.
2. SHHIP is jointly financed by the Government of Papua New Guinea (**GoPNG**), the Asian Development Bank (**ADB**) and the Government of Australia (**DFAT**).



3. The whole Program is being implemented in three overlapping Phases/Tranches.
 - (i) SHHIP Tranche 1 works are limited to the existing two-lane Highlands Highway and there are **NO** four-lane works - therefore, Tranche 1 works are envisaged not to trigger any land and/or other private/community asset acquisitions for use.
 - (ii) SHHIP Tranche 2 will repair, maintain, replace or upgrade existing 71 Bridges along SHHIP section. All Bridges shall be two-lane Bridges on existing road alignments. Bridge works are likely to require some additional land for works and temporary uses. Feasibility studies for the Bridge/crossing structure works are being conducted currently.
 - (iii) During Tranche 3, SHHIP plans to build two Trade and Logistics Platforms with storage facilities for fresh produce marketing, the Goroka By-pass road, two Weighing Stations at selected locations between Lae & Mt Hagen and truck Climbing/Overtaking Lanes along the Kassam and Daulo Pass sections.
4. Some Community Infrastructure Facilities (like Bus Bays, Market Stalls, Public Sanitation facilities, Wash areas, etc.) are also planned to be built at selective locations along the Highway.
5. During SHHIP implementation awareness activities are also planned to be conducted on HIV/AIDS Prevention, Gender-based Violence Prevention, Environmental Protection, etc.

6. The Program Management Office is located in Goroka, and Site Offices are being established in various locations along the Highlands Highway.
7. Repair and Maintenance works will continue throughout Program period.
8. Grievance Redress Mechanism (**GRM**) has been established in each of the five SHHIP Provinces involving representatives from Local, District and Provincial Governments to address grievances from affected person/s (if any).
9. SHHIP will try to avoid by any means, (whenever possible) negative impacts deriving from the planned works.
10. The beneficial impacts of SHHIP are multiple and significant for the people of Papua New Guinea, especially for communities living along the Highlands Highway, for the travelers, farmers and other businesses, road users, vehicle owners and other stakeholders. Some of the major expected benefits, are listed below:
 - (i) Shorter and more reliable travel along the Highway
 - (ii) Smoother rides, less discomfort and reduced dust pollution
 - (iii) Increased road safety with major improvements at 'black spots' (e.g. road markings and signage, crash barriers at critical sections, traffic calming devices, etc.)
 - (iv) Less vehicle maintenance and fuel costs, etc.
 - (v) During SHHIP implementation the beneficial impacts will be enhanced in consultation with the core stakeholders—especially with any adversely affected people, households and communities.
 - (vi) Facilitation and contribution to this important Program for the for the welfare of the community and the entire nation are envisaged. All contributors shall be recognized, honored in public, and generously rewarded with special certificate their valuable support for smooth implementation of SHHIP.

For further information or feedback, please contact:



Government of Papua New Guinea
Department of Works
SHHIP MANAGEMENT OFFICE
PO Box 879, Goroka, Eastern Highlands Province
Tel: +675 532 9006,
Web: www.works.gov.pg
or
SHHIP Site Office nearest to you



PROTECTION OF TRANSPORT INFRASTRUCTURE ACT



Working in Partnership
To Protect Our
Infrastructure Assets



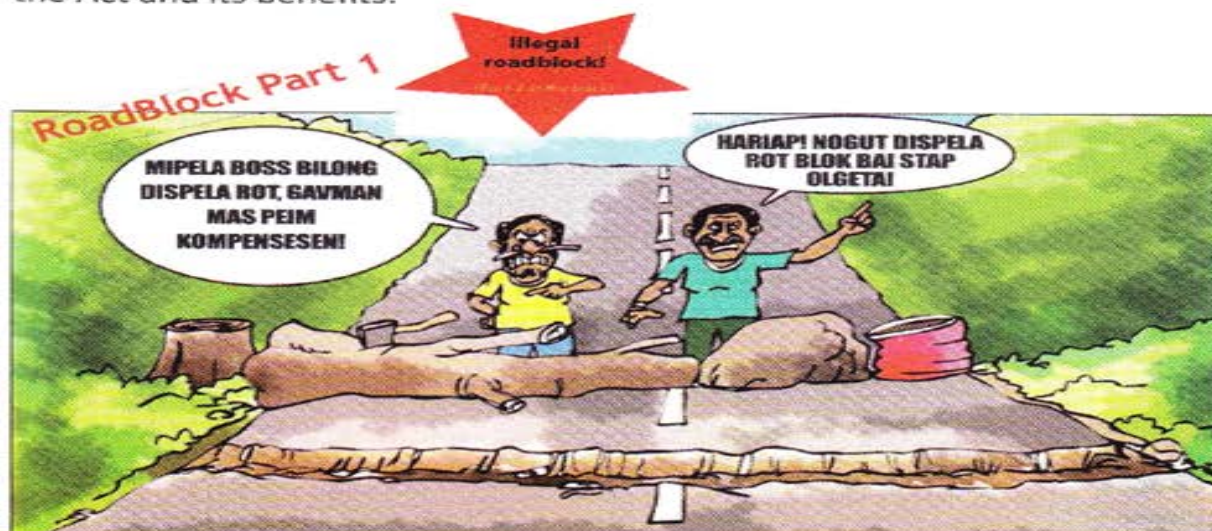
PROTECTION OF TRANSPORT INFRASTRUCTURE ACT, 2010

INTRODUCTION

PARLIAMENT has passed a new law, called the **Protection of Transport Infrastructure Act 2010**, to protect transport infrastructure and the land, water and air on or in which these transport infrastructures are located, and related purposes. The Act is for the benefit of all Papua New Guineans. It was passed by our elected leaders in Parliament. Not one single MP opposed the passage of the Bill because they knew that it would promote development and service delivery and benefit all users of transport infrastructure like roads, waterways and airspace.

Road corridor issues were considered a major hurdle which contributed to increased construction costs as well as harrassment of project personnel, which the Department of Works had to overcome or manage in the course of implementing major roadworks. This Act would help mitigate this major risk.

Relevant sections of this Act are explained here. The Act classifies various Offences and their Penalties, which are included here for public awareness and appreciation of what the State and its agencies are doing for the benefit of the people. Also published here are common questions about the Act and its benefits.



COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS

A lot of effort has been put into the creation of this Act to ensure that it complies with all Constitutional requirements and avoid clashes with other laws and regulations governing the country and the civil rights of its citizens, which is you and I.

Sections 42, 44, 47, 49 and 51 of the Constitution of Papua New Guinea empower this new Act as a law. The Act is also supported by other laws like the Criminal Code, Summary Offences Act, Trespass Act and others.

Parliament has passed this Act overwhelmingly: Both the Government and Opposition have voted for its passage with 72-0 vote, making it a law. This Act now empowers the State and its relevant agencies to enforce it. This clearly tells us that our elected leaders, whom we have elected into Parliament to make laws to govern our interests, are convinced that this Act is in the best interest of our country and its people, especially those living along all roads throughout the country.

The Act has been certified and gazetted by the Governor General of Papua New Guinea (Gazette number G177/2011 dated July 7, 2011).



An example of encroaching onto the road reserve, which is against this new Act.

PROTECTION OF ROAD RESERVE

This part of the Act includes or applies to all roads and road reserves provided for in the Roads (Classifications and Standards) Regulation 2010 and any road or road reserve declared, proclaimed or reserved under any National, Provincial or Local Level Government law before this Act came into existence.

This means that this Act applies to ALL classifications of roads and road reserves, whether they be National Roads, Provincial Roads or Local Level Roads. This Act protects all Roads classified above plus the 40-metre Road Reserve along all these roads.

In this Act, "road" refers to highways, streets, roads, lanes, footpaths, footway or thoroughfare open to or used by the public, and includes bridges and culverts, waterway crossings and roadside furniture like guard rails, traffic lights, traffic signs and others.

SECTION 4 of the Act tells you what you must **NOT** do to or on a Road Reserve. If you do anything that is classified as wrong under this Section of the Act, you will be arrested by Police and charged with breaking the law specified in this Section of the Act. And if you are found guilty you might be ordered by the courts to pay a fine of not more than K100,000 or sent to jail for two years, or be ordered to do both.

SECTION 5 of the Act also deals with the protection of the Road Reserve, and spells out clearly what you must **NOT** do. If you are caught doing anything that is wrong under this section of the Act, you will be arrested and charged, and if found guilty by the courts, you might be ordered to pay a fine of not more than K100,000 or sent to jail for two years or ordered to do both.

FREQUENTLY ASKED QUESTIONS

The following are some of the common questions that you may have regarding the new Act and what it means for you.

QUESTION 1. What's in it for me? How will the new law benefit me?

ANSWER: *The Transport Infrastructure Protection Act 2010 is a very important piece of legislation. The benefits that will result from the effective implementation of this law can be measured not only in terms of the tens of millions of kina that would be saved from the protection of transport infrastructure from damage, but also from the delivery of important social services in the areas of health, education and others.*

Money saved from the protection of transport infrastructure will be diverted towards improving schools, health centres, aid posts, agriculture development and other social services. Every year, tens of millions of kina is used up to maintain roads, bridges and other transport infrastructure. Some of this infrastructure are damaged by natural causes, but others are intentionally damaged by humans. The money used to fix those damages can and should be used for health, education and agriculture and other social services to benefit you if you stop destroying our infrastructure.

When roads, bridges or other transport infrastructures are blocked, access to markets, goods and services is restricted. The new law will put a stop to unauthorised roadblocks and damages, thus allowing constant and unrestricted flow of services to the rural majority.

That is how everyone stands to benefit from the new legislation.

QUESTION 2: What will happen to the land that the Government has taken to build roads and other infrastructure but has not paid the landowners?

ANSWER: *This Act applies to ALL roads in the country, whether they be National Roads, Provincial Roads, Local Level Roads, feeder roads, pilot tracks and others. The Act also applies to roads built on land (road corridor) that has been acquired by the State and roads built on land (road corridor) yet to be acquired by the State. If your land has been used to build a road, bridge or any other transport infrastructure but you have not been properly compensated by the State, there are avenues like the Courts that you can use to push forth your grievances. Blocking the road or damaging the infrastructure to get the State's attention is wrong and is an offence under this Act and you must not resort to this violent act. If the State has not yet properly acquired your piece of land (road corridor) to build a road or bridge or any other transport infrastructure, it will do so, using proper laws and procedures.*

QUESTION 3: What happens to my right to claim compensation for my land on which a road or bridge or other infrastructure has been built?

ANSWER: *This Act DOES NOT take away your right to claim compensation for your land on which a transport infrastructure is built or located. You can still claim compensation for your land. There are appropriate avenues and authorities that you can use to address your grievances. Blocking roads or damaging infrastructure is an offence under this Act and it will not be tolerated anymore.*

What you CANNOT DO under this new law is put up road blocks damage roads and bridges or other transport infrastructure in the course of seeking compensation. Even if the land on which the transport infrastructure is built or located is yours and is yet to be acquired or paid for by the State, you still cannot go and damage that infrastructure or block that road or bridge to press your compensation demands. You have the right to pursue your compensation claims through the appropriate State Agencies or the Courts.

UNDER THIS LAW, YOU HAVE NO RIGHT TO DAMAGE ANY TRANSPORT INFRASTRUCTURE FOR ANY REASON, EVEN IF THAT INFRASTRUCTURE IS ON YOUR LAND.

SECTION 6 of the Act says that if you are caught doing anything described as wrong under Section 5 (above) or Section 6, you will be told by Police or other relevant authorities to stop what you are doing or fix what you have damaged or done wrong.

And if you fail to do that you can be arrested and charged and if found guilty you might be ordered to pay a fine of not more than K100,000 or be sent to jail for two years, or you might be ordered to do both.

PROTECTION OF TRANSPORT INFRASTRUCTURE

SECTION 7 of the Act deals with trespassing on Transport Infrastructure. It says that if you enter and occupy or use any transport infrastructure without lawful authority and refuse to leave or stop what you are doing when ordered to do so, you are breaking a law. You will be arrested and charged and if found guilty by the courts you may be ordered to pay a fine of not more than K50,000 or be sent to jail for one year or you may be ordered to do both.

OBSTRUCTION OF TRANSPORT INFRASTRUCTURE

SECTION 8 of the Act says that anyone who stops people from using Transport Infrastructure by blocking them without any lawful authority is breaking the law under this Act. If you do that you will be arrested and charged and if found guilty by the courts you may pay a fine of not more than K50,000 or be sent to jail for one year, or both.

DAMAGE TO TRANSPORT INFRASTRUCTURE

SECTION 9 of the Act says clearly that anyone who, without any lawful authority, destroys or damages any transport infrastructure is guilty of an offence. If found guilty by the courts, you would be ordered to pay a fine of not more than K1 million or be sent to jail for 10 years, or you might be ordered to do both.

This is a very serious offence, as shown by the penalty that can be applied. This shows that a lot of money is being spent every year to build roads, bridges, wharves, airports and other infrastructure, and destroying them would mean that all this money, which could be spent on other social services like health and education, is wasted.



Speed bumps or humps (left), or drains being dug across roads to slow down traffic, are illegal under this new Act. People who do this will be arrested and charged.

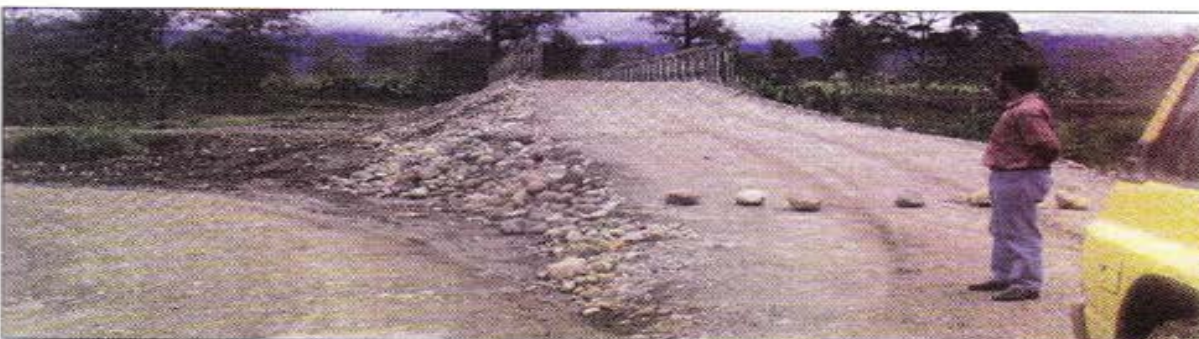
OTHER OFFENCES

SECTION 10 of this Act deals with demands for compensation and other related payments, and the use of threats to induce any compensation and other payments regarding the use of Transport Infrastructure.

IT IS IMPORTANT TO UNDERSTAND FROM THE OUTSET THAT THIS ACT DOES NOT OUTLAW OR STOP PEOPLE FROM CLAIMING COMPENSATION IN REGARDS TO TRANSPORT INFRASTRUCTURE. COMPENSATION CLAIMS CAN STILL BE LODGED IF LANDOWNERS FEEL AGGRIEVED OR IF THEY HAVE NOT BEEN PROPERLY PAID BY THE STATE OR ITS AGENCIES FOR THE USE OF THEIR LAND TO BUILD ANY TRANSPORT INFRASTRUCTURE. BUT THERE ARE LEGAL AND APPROPRIATE WAYS TO ADDRESS YOUR COMPENSATION DEMANDS, INCLUDING THE COURTS.

THIS ACT PUTS A STOP TO ACTIONS LIKE BLOCKING ROADS OR OTHER TRANSPORT INFRASTRUCTURE OR STOPPING THE PUBLIC FROM USING TRANSPORT INFRASTRUCTURES AND ISSUING THREATS TO FORCE YOUR COMPENSATION DEMANDS.

If you commit any offence under this section of the Act, you will arrested and charged and if found guilty by the court you might be ordered to pay a fine of not more than K500,000 or sent to jail for 5 years. Or you might be ordered to do both.



Any person who obstructs the movement of traffic by illegally setting up road blocks like this to push forward their demand for compensation is committing an offence.

SECTION 11 of this Act says that any person who fails to stop members of his family or other people from committing an offence under this Act, is himself or herself guilty of an offence which carries a penalty of K50,000 fine or a jail term of not more than one year, or both.

SECTION 12 of this Act says clearly that any person who tries, or makes an attempt to commit an offence, or conspires with others to commit an offence under this Act is guilty of an offence which carries a penalty of K50,000 fine or a jail term of one year or both.

SECTION 13 of this Act also states clearly that any person who makes a threat or threatens to commit an offence under this Act is guilty of an offence, which carries a penalty of a fine of K50,000 or a jail term of one year or both.



Anyone who fails to stop his family members or others from committing an offence under this Act is guilty of an offence.

FREQUENTLY ASKED QUESTIONS

The following are some of the common questions that you may have regarding the new Act and what it means for you.

QUESTION 1. What's in it for me? How will the new law benefit me?

ANSWER: *The Transport Infrastructure Protection Act 2010 is a very important piece of legislation. The benefits that will result from the effective implementation of this law can be measured not only in terms of the tens of millions of kina that would be saved from the protection of transport infrastructure from damage, but also from the delivery of important social services in the areas of health, education and others.*

Money saved from the protection of transport infrastructure will be diverted towards improving schools, health centres, aid posts, agriculture development and other social services. Every year, tens of millions of kina is used up to maintain roads, bridges and other transport infrastructure. Some of this infrastructure are damaged by natural causes, but others are intentionally damaged by humans. The money used to fix those damages can and should be used for health, education and agriculture and other social services to benefit you if you stop destroying our infrastructure.

When roads, bridges or other transport infrastructures are blocked, access to markets, goods and services is restricted. The new law will put a stop to unauthorised roadblocks and damages, thus allowing constant and unrestricted flow of services to the rural majority.

That is how everyone stands to benefit from the new legislation.

QUESTION 2: What will happen to the land that the Government has taken to build roads and other infrastructure but has not paid the landowners?

ANSWER: *This Act applies to ALL roads in the country, whether they be National Roads, Provincial Roads, Local Level Roads, feeder roads, pilot tracks and others. The Act also applies to roads built on land (road corridor) that has been acquired by the State and roads built on land (road corridor) yet to be acquired by the State. If your land has been used to build a road, bridge or any other transport infrastructure but you have not been properly compensated by the State, there are avenues like the Courts that you can use to push forth your grievances. Blocking the road or damaging the infrastructure to get the State's attention is wrong and is an offence under this Act and you must not resort to this violent act. If the State has not yet properly acquired your piece of land (road corridor) to build a road or bridge or any other transport infrastructure, it will do so, using proper laws and procedures.*

QUESTION 3: What happens to my right to claim compensation for my land on which a road or bridge or other infrastructure has been built?

ANSWER: *This Act DOES NOT take away your right to claim compensation for your land on which a transport infrastructure is built or located. You can still claim compensation for your land. There are appropriate avenues and authorities that you can use to address your grievances. Blocking roads or damaging infrastructure is an offence under this Act and it will not be tolerated anymore.*

What you CANNOT DO under this new law is put up road blocks damage roads and bridges or other transport infrastructure in the course of seeking compensation. Even if the land on which the transport infrastructure is built or located is yours and is yet to be acquired or paid for by the State, you still cannot go and damage that infrastructure or block that road or bridge to press your compensation demands. You have the right to pursue your compensation claims through the appropriate State Agencies or the Courts.

UNDER THIS LAW, YOU HAVE NO RIGHT TO DAMAGE ANY TRANSPORT INFRASTRUCTURE FOR ANY REASON, EVEN IF THAT INFRASTRUCTURE IS ON YOUR LAND.

QUESTION 4: What about those people who do not know about this new law and went ahead and carry out activities prohibited under this law? Do they have a defence?

ANSWER: Ignorance of the law is not an excuse. Neither is it a defence in the court of law. Even if you do not know about this law and you unintentionally break it, you will still be arrested and charged and if found guilty you will be penalised accordingly.

QUESTION 5: Which authority or agency is responsible for policing this law?

ANSWER: The Transport and Infrastructure Act is now a LAW. And law breakers are normally dealt with by the law-enforcing authority in the country - the POLICE. If you commit any offence under this new law, it is the POLICE who will arrest you and charge you and it is the COURTS that will decide if you are guilty or not and what penalty to apply.

QUESTION 6: What should I do if I see people blocking the roads without lawful authority or damaging any transport infrastructure?

ANSWER: When people block roads without lawful authority or damage any road or bridge or other infrastructure, they are breaking a law, and you should report them as soon as you can to the nearest police station or authority mandated to look after that transport infrastructure, like the Department of Works, or National Roads Authority so that these people can be arrested and charged accordingly.

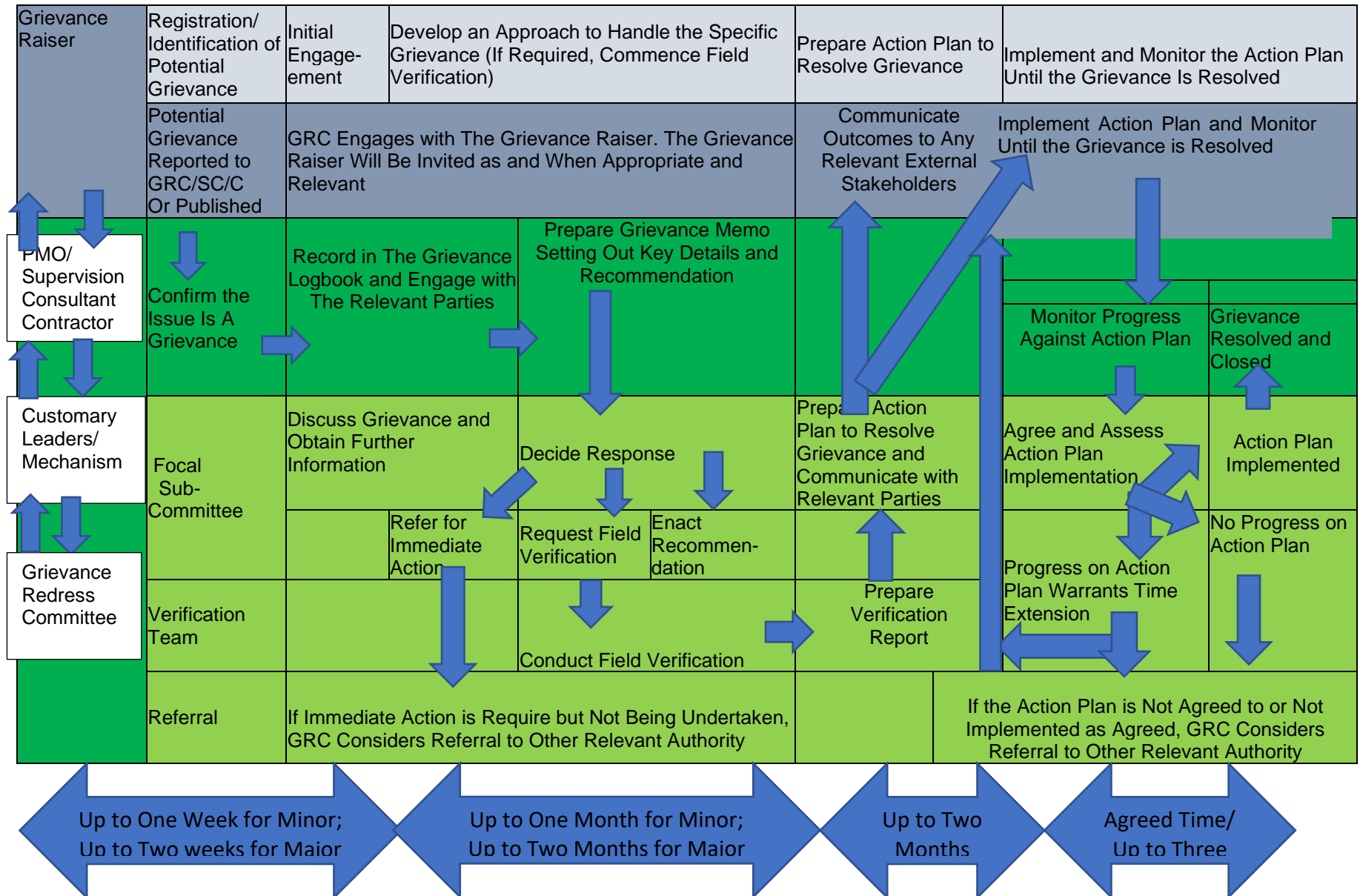
QUESTION 7: What about those people that have erected humps or speed bumps or dug up roads to control the speed of vehicles before this new law was passed?

ANSWER: These people will also be arrested and penalised under the new law.



This is an official Department of Works publication. Any queries regarding its content or anything to do with the Transport Infrastructure Protection Act should be directed to the Department's Legal Services Unit on telephone 3241152 or 3241153.

SHHIP Grievance Redress Process Map



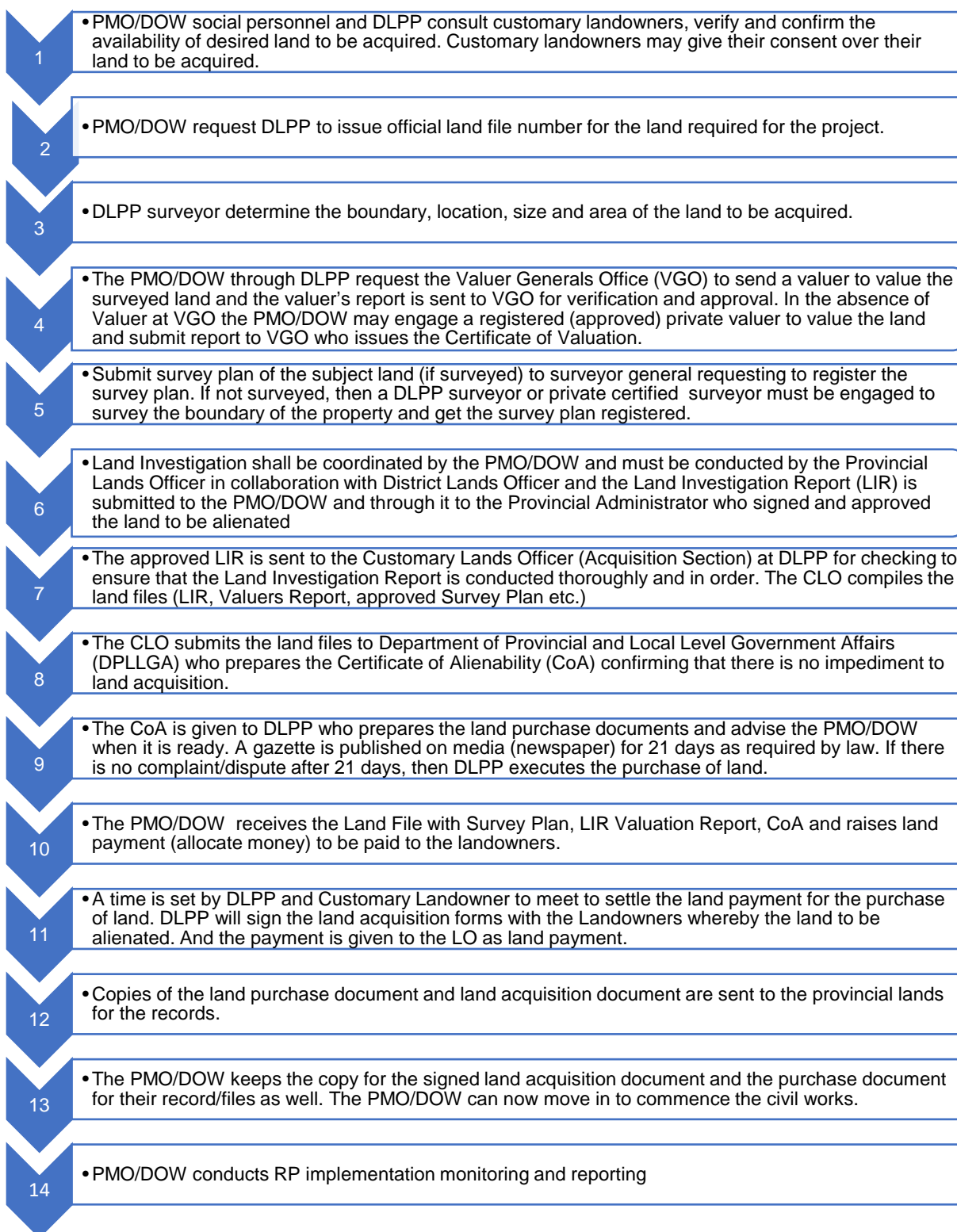
SHHIP Tranche 1 Grievance Summary

Civil Works Sections: All (430 km, Nadzab to Kagamuga)

Period: Up to December 2019

SN	Type/ Nature	Number (Total)	Resolution Status			Grievance Raiser		Max. Time (Days) Taken for Resolution or Referral	Resolution/ Referral Level			Source/Form of Grievance			
			Resolved	Referred	Process Ongoing	Male (no.)	Female (no.)		Community	PMO/CSC/ Contractor	GRC	Written	Spoken	Phone	Others (kindly specify)
1.	Dust	14	14	0	0	12	2	2	12	0	0	11	3	0	
2.	Noise	6	6	0	0	6	0	7	0	6	0	0	6	0	0
3.	Health and Safety	17	17	0	0	8	9	15	0	17	0	2	14	1	0
4.	Land	16	8	2	6	16	0	45	5	4	7	9	7	0	0
5.	Other assets	4	4	0	0	3	1	4	2	2	0	0	4	0	0
6.	Traffic Mobility	11	11	0	0	11	0	1	0	11	0	0	8	2	3 (Mobile Applications)
7.	Works	7	7	0	0	5	2	32	0	7	0	0	1	5	1 (Mobile application)
8.	Others - Natural calamities damaging Crops, etc.	4	3	1	0	4	0	52	0	2	2	4	0	0	0
Total		79	70	3	6	65	14	52	9	61	9	13	51	11	4

Process for Customary Land Acquisition by Agreement



Process for Compulsory Acquisition of Customary Land

