

Resettlement Policy Framework (RPF)

RMI: Pacific Resilience Project (PREP) Phase 2

VERSION 2 FINAL

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Resettlement Policy Framework (RPF)

1.

RMI Pacific Resilience Project (PREP) Phase 2 (Incorporating the Resettlement Policy Framework)

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Revision 2

ACRONYMS and ABBREVIATIONS

AP	Affected Persons
CERC	Contingency Emergency Response Component
CESMP	Contractors Environmental and Social Management Plan
CIU	Centralized Implementation Unit of DIDA
CMAC	Coastal Management and Advisory Committee
CVA	Coastal Vulnerability Assessment
DIDA	Division of International Development Assistance
DP	Displaced Persons
DRM	Disaster Risk Management
EA	Environmental Assessment
EPA	Environmental Protection Authority
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FM	Financial Management
GRM	Grievance Redress Mechanism
IDA	International Development Association
JNAP	Joint National Action Plan
KADA	Kwajalein Atoll Development Authority
KALGOV	Kwajalein Atoll Local Government
LAARF	Land Access, Acquisition and Resettlement Framework
M&E	Monitoring and Evaluation
MoF	Ministry of Finance
MWIU	Ministry of Works Infrastructure and Utilities
NDC	National Disaster Committee
NDMO	National Disaster Management Office
NEOC	National Emergency Operations Centre
NSC	National Steering Committee
OEPPC	Office of Environmental Planning and Policy Coordination
PAD	Project Appraisal Document
PCR	Physical Cultural Resources
PCRAFI	Pacific Catastrophe Risk Assessment and Financing Initiative
PIU	Project Implementation Unit
PIC	Pacific Island Countries
PMU	Project Management Unit of MWIU
PPA	Project Preparation Agreement
PPSD	Project Procurement Strategy for Development
PREP	Pacific Resilience Program
PSU	Program Support Unit
RC	Regional Coordinator
RCU	Regional Coordination Unit

RMI	Republic of the Marshall Islands
RPF	Resettlement Policy Framework
RSC	Regional Steering Committee
SIDS	Small Island Developing States
SPC	The Pacific Community
SPREP	Pacific Regional Environment Program
TA	Technical Assistance
TOR	Terms of Reference
TT	Task Team
UN	United Nations
USAID	United States Agency for International Development
WB	World Bank
WMO	World Meteorological Organization

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EXECUTIVE SUMMARY

Project Scope

This Resettlement Policy Framework applies to PREP Phase 2, Component 1 Institutional Strengthening, early warning and preparedness, Component 2 – Strengthening coastal resilience and Component 3 – Contingency Emergency Response.

Component 1 has two sub-components: (i) institutional strengthening, early warning, and modernization of the NDMO's facilities (which will be implemented by RMI); and (ii) impact forecasting, NDMO capacity building, and post disaster needs assessment (which will be implemented by the Pacific Community). Potential activities include modernizing NDMO facilities, upgrading of communication equipment at the NDMO Center, installation of telecommunication infrastructure in Majuro and outer islands Component 2's objective is strengthening coastal planning, increasing understanding of current and future risks, help the government to prioritize future investments, and deliver targeted coastal protection investments. Coastal protection investments, focusing on Ebeye, will be implemented by the Government of RMI. Component 3 will strengthen emergency preparedness and immediate response capacity of RMI for low and medium scale disasters. It will be triggered following the declaration of a national disaster and will complement the insurance mechanism under Phase 1.

Ebeye is a densely populated urban community that serves as the commercial and governmental center of the Ralik Chain of the Republic of the Marshall Islands (RMI). The 2011 RMI Census recorded 1,103 households on Ebeye with a total population of 9,614 people, for an average household size of 8.7 persons. Studies undertaken as part of project preparation (Deltares) indicate that coastal protection is most needed for Ebeye's ocean- side where the risk of flooding and inundation to coastal hazards is highest. Generally, the preferred method of protection is hard engineering solutions such as revetments, seawalls etc..

Scope of the Land Access, Acquisition and Resettlement

Component 1 may involve acquisition of small areas of land for siting transmission poles and similar telecommunication structures. It will involve voluntary land acquisition with private and traditional landowners, where existing easements are unsuitable.

For Component 2, land along the shoreline extending into the intertidal zone and reef flat will be occupied. Existing easements set aside under the Master Lease between the Landowners of Kwajalein and the Kwajalein Atolls Development Authority (KADA) will be used for land access and occupation. Where new easements are required, the Master Lease allows KADA to designate new easements for public purposes, with the prior consent of the landowners.

Land will also be required temporarily during project construction under Component 2 for contractors use, for staging areas for operations. Small areas of land will also be temporarily occupied, as necessary, for access to working sites possibly from the main road.

The level of specific impact and the exact number of people directly affected will not be known until detailed planning is carried out but both are expected to be minimal. There are utility providers which facilities such as outflow pipes on the shoreline are likely to be in the way of the proposed coastal protection structures. Some households' front and backyards may also be taken up temporarily to provide access to working sites, in some locations. For planning purposes, the worst-case scenario is some households being relocated temporarily, and a limited number of assets such as hedges, fences and possibly a few houses will be damaged. A figure of 30 directly affected people is estimated. This is the expected scope of this Resettlement Policy Framework (RPF).

In terms of RPF implementation, MWIU's Project Management Unit (PMU) will be responsible for the

day-to-day safeguards requirements but will be strongly supported by the DIDA Central Implementation Unit (CIU) Safeguards Team. MOF will maintain oversight as the Project Implementing Agency.

Internal monitoring and reporting will involve both MWIU and CIU at different levels. An External Monitoring Agency (EMA) will also be engaged by MWIU as necessary, to ensure independent oversight of RPF implementation.

1. INTRODUCTION

1. The Pacific Regional Resilience Project (PREP) Phase 2 is designed to improve the resilience and sustainable economic and social development of RMI especially of people living in coastal areas vulnerable to coastal hazards of erosion, wave surges, king tides and climate change related events including sea level rise.
2. This document was prepared to address the due diligence requirements of the World Bank’s Safeguards Policy OP/BP 4.12 Involuntary Resettlement. OP/BP 4.12 requires the preparation of a Resettlement Policy Framework (RPF) to guide the preparation of detailed resettlement plans for subprojects which are not yet identified. Detailed resettlement planning for those subprojects assessed to require them will be prepared during project implementation using this Framework.
3. OP/BP 4.12 is triggered because in the process of acquiring land for coastal protection works people occupying the land may be affected by temporary or permanent loss of assets or livelihoods in an involuntary manner.

1.1. Background Information

4. The PREP Phase 2 Component 1 and 3 will be implemented nationally, including outer atolls of RMI. Component 2 targets Ebeye Islet, which sits at the south-eastern end of Kwajalein Atoll in the Republic of Marshall Islands (RMI), roughly midway between Australia and Hawaii in the western Pacific Ocean (Figure 1). Component 2 may be extended to Majuro in the later stages of the project, depending on the availability of budget.

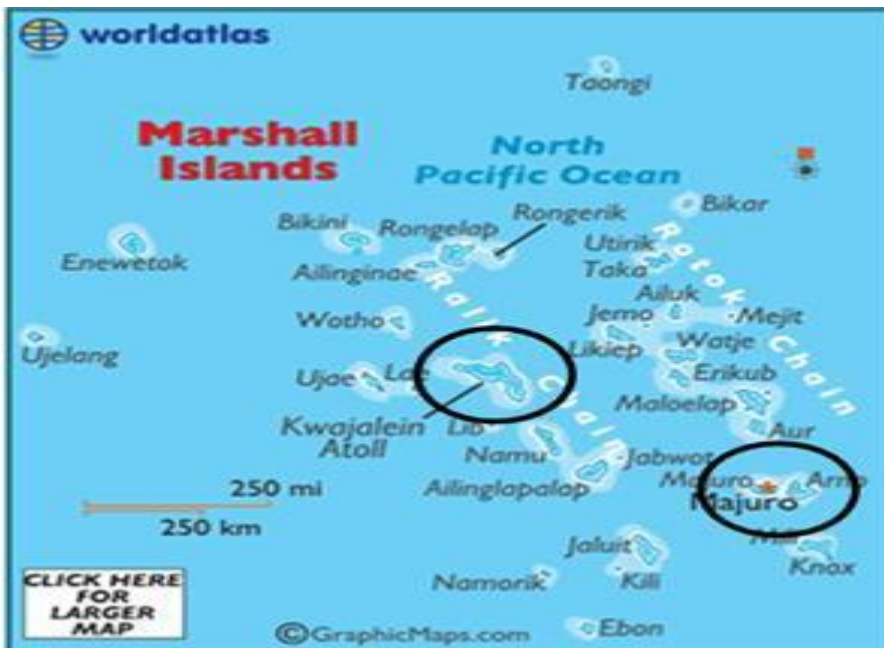


Figure 1: Map of RMI showing Kwajalein relative to Majuro

5. Majuro has a total land area of 9.71 km² and a 2011 population of 27,797 which is 52 percent of the total population of RMI. The atoll comprises 64 islets on an elliptically shaped reef 40km long and a total land area of about 9.7 km². It is the political and commercial centre of RMI and, with Ebeye, one of two main population centres. The atoll's main settlement, which is situated on three islands connected by landfills—Dalap, Uliga, and Darrit—has port facilities and an airport.
6. Ebeye is a small, low-lying coral islet with a land area of about 40 hectares (100 acres) and a maximum elevation of about 3 meters (10 feet) above mean sea level. It is a densely populated urban community that serves as the commercial and governmental center of the Ralik Chain of the Marshall Islands. The 2011 Census recorded 1,103 households with 9,614 people on Ebeye with an average household size of 8.7 persons. Its high population density is largely due to the advantages it offers as a ready source of employees for well-paying jobs at the nearby US base on Kwajalein. The great majority of those Marshallese workers live on Ebeye and commute daily to the base, but some live semi-permanently on the base and visit their family and friends on Ebeye.



Figure 2: Bird's eye view of Ebeye Islet

1.2. Project Components

7. The Project will comprise a combination of nationally implemented activities and technical assistance implemented by SPC, as described in the matrix below. Recent additional finance has increased the scale of the project and strengthened some activities to improve the potential outcomes but has not

introduced any new environmental or social risks. The additional financing and restructuring has not affected the implementation arrangements between RMI and SPC.

Table 1: Project Components

	Nationally Implemented Activities	Technical Assistance Implemented by SPC
Component 1: Institutional strengthening, early warning and preparedness	<p>Institutional strengthening</p> <p>Strengthening of early warning communication system for outer islands</p> <p>Development of Roadmap and priority investments for</p> <p>Modernization of NDMO facilities</p>	<p>Technical Assistance Support for:</p> <p>Impact forecasting</p> <p>Strengthening preparedness and response capacity of NDMO</p> <p>Post Disaster Needs Assessments</p>
Component 2: Strengthening coastal resilience	<p>Priority coastal protection works investments, including design and supervision</p>	<p>Technical Assistance support for:</p> <p>Development of a coastal risk information system and long term coastal security strategy</p> <p>Preliminary activities for the establishment of a sustainable source of aggregates</p>
Component 3: Contingency Emergency Response	<p>Contingency Emergency Response Component (CERC)</p>	<p>NA</p>
Component 4: Project and Program management	<p>Project management for all nationally implemented activities</p>	<p>Support from regional PREP:</p> <p>Program Support Unit (housed in SPC) to provide operational TA, M&E, procurement, and financial management support</p> <p>Regional Coordination Unit (PIFS) to provide high level strategic vision and support</p>

Component 1: Institutional strengthening, early warning and preparedness

8. This component will strengthen the effectiveness of the RMI institutions responsible for climate and disaster resilience, and disaster early warning and preparedness, and will support the implementation of the JNAP. Component 1 has two sub-components: (i) institutional strengthening, early warning, and modernization of the NDMO's facilities (which will be implemented by RMI); and (ii) impact forecasting, NDMO capacity building, and post disaster needs assessment (which will be implemented by the Pacific Community). The government-led activities will include: (a) supporting the government to integrate climate change adaptation with disaster risk management, as planned under the JNAP, and to operationalize working groups at central and local government levels; (b) support better multi-hazard early warning, prepare a systems and technology roadmap for outer island communications, and upgrade

communications systems in remote locations and train people to use them; and (c) develop a roadmap and implement priority improvements to modernize the NDMO's facilities. The Pacific Community-led activities will include: (a) improving impact forecasting and disaster response; (b) institutional strengthening of the NDMO and its preparedness for response to disasters; and (c) provision for post disaster need assessment.

Component 2: Strengthening coastal resilience

9. This component will strengthen coastal planning, increase understanding of current and future risks, help the government to prioritize future investments, and deliver targeted coastal protection investments. Component 2 is divided into two sub-components: (i) coastal protection investments (which will be implemented by RMI); and strengthen integrated coastal risk management (which will be implemented by SPC).

10. Coastal protection works will strengthen resilience in Ebeye and, potentially, "hot-spots" in Majuro subject to further analysis and available funding. A constructability and aggregate source review for priority coastal works, and environmental and social safeguard risk screening and scoping, will be carried out as part of the preparation activities. Final project selection and detailed design will be carried out for the coastal protection works during project implementation. As there are no current sustainable or environmentally acceptable aggregate sources in the Kwajalein atoll, it has been assumed that all aggregates will be imported. However, sustainable sources of aggregates in the Majuro and Kwajalein atolls, as well as methods of extraction, and commercial distribution to wholesale and retail markets, will be investigated. Also under this component, the coastal vulnerability assessment (CVA), started by Deltares as a preparation activity, will be improved and expanded to include Majuro. The expanded CVA will support long-term planning for coastal resilience within RMI using risk-based flooding and impact maps that may be used for future land use, infrastructure, and disaster preparedness planning. This work will support existing government plans, strategies, and frameworks such as the National Infrastructure Plan and the Coastal Management Framework.

Component 3: Contingency Emergency Response

11. This component will strengthen the emergency preparedness and immediate response capacity of RMI for low- and medium-scale disasters. The Contingency Emergency Response Component (CERC) would be triggered following the declaration of a national disaster and will complement the PCRAFI disaster insurance mechanism financed under PREP Phase I.

12. The CERC will be funded under the project budget. Following triggering of pre-agreed disbursement conditions (e.g. the declaration of a national disaster), the CERC would be implemented in accordance with the rapid response

procedures governed by the World Bank OP/BP 8.0 *Rapid Response to Crises and Emergencies*. The disbursement condition will define the circumstances under which the CERC would become available. The specific details of the proposed implementation arrangements and procedures governing the use of the CERC funds will be detailed in a standalone CERC annex within the Project Operations Manual (POM). Further CERC funds might be reassigned from another component of the project if necessary after an event. If the CERC is not triggered, the funds may be deployed elsewhere in the project.

Component 4: Project management

13. This component will strengthen the Government's capacity for project management, coordination, monitoring, evaluation, and reporting. It will provide support for procurement, financial management, contract and project management, and oversight of social and environmental safeguards. It will also provide fiduciary and implementation support from the regional Program Support Unit (PSU) which was established under PREP Phase I. The PSU is housed in SPC.

1.3. Typology of potential subprojects

14. The focus of Components 1 and 3 on disaster preparedness and emergency response would be served by the following types of subproject to improve outer island communication –
 - i. HF/VHF radio transmission stations, linking outer atolls and emergency centres;
 - ii. Repeater sites for VHF radio networks, possibly one in each of the targeted outer atolls; these are integral parts of telecommunication infrastructure; and
 - iii. AM/FM radio stations, - atolls such as Ebeye do not a radio station and would benefit significantly from one, for the effective dissemination of climate related information, disaster warnings and for coordinating response efforts;
 - iv. Construction of safe havens/emergency shelters in outer atolls where existing buildings are unsuitable.
15. For Component 2, coastal protection measures are grouped into the hard engineering solutions and the soft environmentally friendly options. The additional financing will enable more effective designs which may increase the potential length and / or height of the works. The different types of hard engineering solutions are described below –
 - i. Seawalls – these are self-supporting structures that are built parallel to the shoreline. A properly built seawall will protect the land and property behind it. Seawalls require on-going maintenance.

- ii. Revetments – these are sloping structures that are supported by sand and gravel and built parallel to the shore. Revetments are generally constructed by piling large rocks or gabion baskets to form sloping armor on the shoreline. A properly built revetment will stop wave energy, but no necessarily inundation. Revetments require on-going maintenance.
 - iii. Groynes – Groynes extend seaward from the shore and trap sediments that is being transported along the shore. A properly built groyne or series of groynes will trap sediments to increase beach volume, forming an effective buffer against wave energy. Groynes are best suited to sandy shorelines where one alongshore drift direction dominates.
 - iv. Breakwaters – These are offshore structures designed to dissipate or prevent wave energy from reaching the shoreline. When built in the right location, a breakwater can form a bulge in the shoreline. Shoreline protection is given by dissipating wave energy offshore and increasing beach volume. Breakwaters may change nearshore processes and cause erosion elsewhere.
16. Soft environmental friendly options typically involves, sand replenishment; coastal re-vegetation, erosion control matting, contour wattling and similar erosion control methods.
17. Mix of hard and soft solutions include the following –
- i. Vegetated rip-rap – This is a combination of live stalking and rip-rap. The rip- rap prevents wave action from eroding the shore while the roots of the plants bind the earth below. The plants cover the rocks, providing shade for fish and wildlife and eventually making for a very nice spot to fish. Properly managed, this option provides a more natural shoreline look.
 - ii. Vegetated Gabion mattress - A gabion mattress is an elongated, mattress shaped cage filled with rocks. Vegetated gabion mattresses involved branches or cuttings inserted through rocks in the cage. This works best in moderate slopes to resist wave action and surface erosion. However, it is a more costly option compared to the vegetated rip-rap method.

1.4. Benefits and beneficiaries

18. While the resettlement impacts discussed above focused on the adverse and negative, the Project is also expected to generate significant positive and beneficial impacts for the population of RMI under Components 1 and 3, and of Ebeye under Component 2.. The overall beneficiaries are the people of

the Marshall Islands, whose preparedness for and resilience against natural events such as cyclones, floods, droughts etc will be enhanced by early warning and response systems that will be improved, and the capacity of national agencies and local governments and outer islands organizations that will be strengthened. This include personnel in NDMO, Red Cross and others that will receive training and mentoring, better equipment and up-to-date information and networking arrangements. Local people including outer island communities are expected to benefit from improved access to clear and up-to-date information, a better understanding of protocols for communication in the event of an emergency, including early warning communications, and regular and timely weather information.

19. Ebeye's population will directly benefit from the coastal protection works under Component 2, which are designed to reduce their risk to flooding, overtopping and inundation during wave surges, cyclones, strong winds, tsunamis and other coastal hazards. Traditional land owners will also benefit in the immediate and long term from the increased value of lands when they are better protected, which will ensure their continued habitability.

1.5. Scope of land access and acquisition required

20. The extent of land acquisition required will not be fully known until the eligible subprojects are finalized and detailed designs are prepared. Likewise will be the extent of their resettlement impacts. This applies to Components 1, 2 and 3.
21. Land access and occupation rights for all structures and all types of coastal protection works will be negotiated voluntarily with custom land owners and / or with government agencies on government-leased land. This is the same process for land required permanently or temporarily. In the case of Components 1 and 3, sites for communication posts and similar facilities will be small pockets of land, usually no more than 100m², that will be fenced off properly for security. If the NDMO facility is upgraded or demolished and rebuilt, it will be on existing footprint therefore requiring no land acquisition.
22. For Component 2, land will be taken permanently and will be physically modified by the planned coastal protection investments. The directly affected areas include the shore, foreshore including intertidal zone, and possibly part of the reef flat on the oceanside of Ebeye (and possibly also Majuro). In preparation for and during construction, land for contractors' staging areas will be required. Direct access for heavy machinery and vehicles transporting construction material and personnel from the main road to working sites, will affect some household's front and or back yards, albeit temporarily. These impacts will be considered and addressed.
23. Land access on Ebeye for public infrastructure and utilities is provided in

easements already defined and agreed to in the Master Lease between the Traditional Landowners of Kwajalein and the Kwajalein Atoll Development Agency (KADA) on behalf of the Government. Where new public infrastructure requires new easements, the Master Lease authorizes KADA to identify new areas, but with the prior approval of the landowners. According to the Master Lease, this consent will not be unreasonably withheld, if the new easements are for developments in the best interest of the public. MWIU has started consultations with land owners and there is an agreement to use the lease and to continue to negotiate through the design process. A critical issue will be to negotiate public access on private land in perpetuity.

24. There will be no involuntary land acquisition for the RMI PREP project, even though there are laws enabling the GoRMI to do so. It is against all cultural norms as landowners have great respect, power and influence.
25. Consequently, the overall scope of land acquisition and resettlement required is –
 1. Voluntary access to, and permanent use of, land for project facilities, structures and other coastal protection features under Component 1, 2 and 3.
 2. Voluntary access to, and temporary use of, land for Contractor's use during project implementation;
 3. Ad hoc, site specific, involuntary resettlement impacts on affected land occupiers and users, including possible temporary or permanent relocation, loss of assets, and livelihood impacts, including access to communal resources such as the beach and lagoon.
26. This RPF addresses the involuntary resettlement requirements of potential subprojects in Components 1, 2 and 3. Component 2 is expected to be the most involved in terms of OP/BP 4.12 because of the emphasis on coastal protection investments and the greater likelihood of generating a higher level of adverse resettlement impacts.

2. Principles and Objectives Governing Land Access Preparation and Resettlement

27. The overriding principles governing the preparation and implementation of the RPF and any resettlement action plans deemed required and based on it are:
 - a. All land acquisition (temporary or permanent) will be voluntary and will be documented via leases or similar.
 - b. To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their

- livelihoods and standards of living in real terms relative to pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher.
- c. To consult and inform project affected persons, host communities and local governmental organizations as appropriate, and provide them with opportunities to participate in the planning, implementation, and monitoring of the resettlement program including the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance, and for establishing appropriate and accessible grievance mechanisms. Consultation feedback will be shared with the design consultants and the PMU and used to avoid issues and develop appropriate mitigation measures.
 - d. To inform displaced persons of their rights, consult them on options, and provide them with technically and economically feasible resettlement alternatives and needed assistance.
 - e. To give preference to land based resettlement strategies for displaced persons whose livelihoods are land based.
 - f. For those without legal rights to lands or claims to such land that could be recognized under the laws of RMI, provide resettlement assistance in lieu of compensation for land to help improve or at least restore their livelihoods.
 - g. To disclose draft resettlement plans, including documentation of the consultation process, in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.
 - h. To implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access.
 - i. To assess whether the objectives of the resettlement instrument have been achieved, upon completion of the project, taking account of the baseline conditions and the results of resettlement monitoring.

3. Land Acquisition and Resettlement for Project Activities

- 28. Land acquisition for project activities is voluntary and will not generate any involuntary resettlement impacts for land owners and occupiers. Details of voluntary arrangements are described in Annex 2.
- 29. Having said so, a worst-case scenario of a few informal and / or formal tenants or land users losing assets, and / or requiring temporary or permanent relocation during construction is planned for. OP/BP 4.12 requires that where the impacts on the entire displaced population are minor, or fewer than 200 people are displaced, an abbreviated resettlement plan (A/RAP) may be prepared. Otherwise, a RAP is prepared. This is discussed and described in the following section.

3.1. Resettlement Plans and Abbreviated Resettlement Plans (A/RAP)

30. The screening and assessment of social impacts in the ESIA will determine the severity of resettlement impacts and will recommend if an RAP or A/RAP is required. For Components 1 and 3, no A/RAPs are expected.
31. For all project activities or subprojects, MWIU will be responsible for the preparation of any A/RAP required, and for its implementation including the payment of financial and other entitlements to confirmed beneficiaries.
32. Annex 4 provides an A/RAP outline to guide preparation. The proposed budget in Section M of the ESMF also includes financial provisions for any compensation or remedial actions required. Once an A/RAP is prepared, it will be reviewed and approved by the Bank. Implementation of the A/RAP including the payment of all entitlements needs to be completed before a Bank NOL to go ahead with construction works is requested.

4. Estimated population affected/displaced, likely categories of displaced people and criteria for eligibility for benefits

4.1 Estimate of affected population

33. For Component 1 and 3, the selection of locations for telecommunication posts and similar structures/facilities (including any emergency response land uses) will ensure direct impact on homes and assets are avoided.
34. For Component 2, based on preliminary investigations and site assessment, as well as the nature and location of the activities that will be funded, it is possible that physical and economic displacement could be avoided. Because the final works have not yet been decided, the RPF plans for a worst case scenario where some direct impacts may occur where land occupiers may lose assets and / or require temporary or permanent relocation. An estimate of no more than 30 people is given. The estimated affected people are likely to be legal occupiers and Marshallese.

4.2 Likely categories of project affected/displaced people.

Group 1 Legal occupants

35. These are households whose lands will be affected by permanent land occupation by structures, by earthworks, or by temporary land use for access to working sites. Some houses or other assets (fences) may be damaged or removed, and or households may have to temporarily vacate their homes and be relocated to avoid project impacts during construction. Some households may be permanently relocated.

Group 2 – Occupants with no recognizable legal rights or claim to the land they occupy and informal occupiers of land

36. Some households and people occupy land without any formal lease
-

arrangements but the verbal consent of the Traditional Landowners. Households / people may be affected by permanent land occupation by structures, by earthworks, or by temporary land use for access to working sites. Some houses or other assets (fences) may be damaged or removed, and or households may have to temporarily vacate their homes and be relocated to avoid project impacts during construction. Some households may be permanently relocated.

Group 3 – Non-occupiers, but economically displaced

37. There are no foreseeable economically displaced people because there is no economic activity connected to the land or foreshore in Ebeye. However in the event that RAP/ARAP discover people who are earning a livelihood from resources in the project footprint, or operating businesses such as coffee stands or shops, and their livelihood is affected by the project, then these people will be considered affected parties

4.3 Criteria for Eligibility for Benefits and Entitlement matrix

38. The following criteria apply when determining eligibility of displaced/affected people for resettlement benefits. Displaced/affected people may be categorized into one of the following three groups:

- (a) Those who have formal rights to land (including customary and traditional rights recognized under the laws of the country);
- (b) Those who do not have formal rights to land at the time the census begins but have a claim to such lands or assets – provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan; and
- (c) Those who have no recognizable legal right or claim to the land they are occupying.

39. The entitlements for the various categories are set out in the matrix below:

Table 2: Entitlement Matrix

Type of losses	Entitled Persons	Entitlements	Implementation Issues
Permanent loss of productive land (garden land, forest land, aquaculture land)	Persons with legal/formal rights to land; in the process of acquiring legal rights; owners eligible to acquire formal rights and public organizations;	For marginal loss of land (<20% of total land holding): <ul style="list-style-type: none"> • Cash compensation at replacement cost which is equivalent to the current market value of land with the community, of similar type, category and productive capacity, free from transaction costs (Taxes, administration fees); 	If the remaining land is not economically viable i.e. too small to be economically cultivated, and at the request of the affected people, the Project will acquire the entire land. The size of the entire land holding will be the basis for providing replacement land or cash compensation and relevant allowances. MWIU should take care of this issue during DMS implementation.
		For severe loss of land (> or = 20% of the total productive land holding): <ul style="list-style-type: none"> • As a priority, replacement land compensation of similar type, category and productive capacity of land within the weto or atoll, with land title or land use certificate without any fees, OR cash compensation at replacement cost in case replacement land is unavailable or at the request of the project affected people (PAP); AND entitlement to receiving rehabilitation and allowance package as defined below. 	
	Persons without legal/formal rights and or unlegalizable	Compensation for land at replacement cost if no dispute and no violation with announced planning. If it does not meet the conditions for compensation, MWIU will consider other support.	MWIU will work closely with KALGOV representatives to identify correct boundaries
Residential land	Persons with legal/formal rights; owners in process of acquiring legal rights; owners eligible to acquire legal rights	With remaining land sufficient to rebuilt houses/structures – (i) cash compensation at replacement cost which is	PAPs may voluntarily give their residential land to the project. However, voluntary donation of minor strips of residential

Type of losses	Entitled Persons	Entitlements	Implementation Issues
		<p>equivalent to the current market value of land of similar type and category, and free from transaction costs (taxes and admin fees) and (ii) cash for improvement of remaining residential land (e.g. filling or levelling) so PAPs can move back and build houses on remaining plot.</p> <p>Without remaining land sufficient to rebuild houses/structures:</p> <p>(i) Replacement land compensation in resettlement sites or in commune, with the same area, type and category without charge for taxes, registration and land transfer, with land title or land use certificate, OR</p> <p>(ii) Cash compensation at replacement cost which is equivalent to the current market value of land of similar type and category, free from transaction costs (taxes and admin fees) plus allowance for levelling and registering land.</p>	<p>land will only be allowed by the Project when the following criteria are strictly complied with:</p> <p>(i) the PAPs total residential land area is not less than 300m²;</p> <p>(ii) the strip of land that can be donated cannot be more than 5% of the total land area; and</p> <p>(iii) there are no houses, structures, or fixed assets on the affected portion of land.</p>
	<p>Persons without legal/formal rights and are unlegalizable</p>	<ul style="list-style-type: none"> • Compensation for affected land by replacement land or cash at replacement cost if no dispute and no violation with announced planning, otherwise no compensation for land but support for losses. <p>If affected people have no other resident place, MWIU considers allocating residential land or house and allowance package for AP's</p>	<p>MWIU will identify eligibility of land for compensation.</p>
<p>Temporary Use of Land</p>	<p>Persons with legal/formal right to use or to occupy land</p>	<ul style="list-style-type: none"> • For agricultural and residential land to be used by the Project: <ul style="list-style-type: none"> i) cash compensation but should 	<p>The construction supervision consultant and MWIU will ensure that the (i) location and alignment of the temporary use area to be proposed by the civil works will have the least</p>

Type of losses	Entitled Persons	Entitlements	Implementation Issues
		<p>not be less than the unrealized income and revenue that could be generated by the property during the period of temporary use of the land;</p> <p>ii) cash compensation at replacement cost for affected fixed assets (e.g. structures, trees, crops); and</p> <p>iii) restoration of the temporarily used land within 1 month after completion of construction. If the Project could not restore the temporarily used land, MWIU would negotiate with the APs and pay costs for AP's to restore the land themselves.</p> <ul style="list-style-type: none"> • In case of contractors use temporary land for camping or storing materials etc., they should negotiate with the APs about compensation and restoration after use. 	<p>adverse social impacts; (ii) that the landowner is adequately informed of his/her rights and entitlements as per the investment project resettlement policy; and (iii) agreement reached between the landowner and the civil works contractor are carried out.</p>
<p>Totally affected houses/shops and secondary structures or partially affected but no longer viable</p>	<p>Owners of affected houses whether or not land is owned;</p>	<ul style="list-style-type: none"> • Cash compensation at replacement cost for new house/shops, structure with no deduction for depreciation or salvageable materials; and rehabilitation and allowances package for AP's, including housing rent during construction of new house. 	<ul style="list-style-type: none"> • Adequate time provided for AP's to rebuild/repair their structures; • Affected houses and shops that are no longer viable are those whose remaining affected portions are no longer useable/habitable.
<p>Partially affected houses, shops and secondary structures but remaining part is viable;</p>	<p>Owners of affected houses whether or not house is owned</p>	<ul style="list-style-type: none"> • Cash compensation at replacement cost for the affected part and cost for repairing the remaining part. 	<ul style="list-style-type: none"> • Restoration costs should be negotiated with the AP's by MPW.
<p>Loss of business income during relocation or during dismantling/repair of affected portion (without relocation)</p>	<p>Owners of shop/business regardless of whether or not business is registered</p>	<ul style="list-style-type: none"> • Cash compensation equivalent to the average daily income rate multiplied by the number of days of business disruption. 	<ul style="list-style-type: none"> • The number of days of business disruption and rate will be verified through interviews with informal shop owners to get an estimate of daily net profit.
<p>Crops and Trees</p>	<p>Owner of crops and trees whether or not land is owned</p>	<p>If standing annual crops are ripening and cannot be harvested,</p>	<ul style="list-style-type: none"> • MWIU should inform Affected Peoples at least 3 months before land acquisition

Type of losses	Entitled Persons	Entitlements	Implementation Issues
		cash compensation at market price equivalent to the highest production of crop over the last three years multiplied by the current market value of crops; <ul style="list-style-type: none"> • For perennial crops and trees, cash compensation at current market value based on type, age, and productive capacity; • For timber trees, cash compensation at current market value based on type, age, and diameter at breast height (DBH) of trees. 	
Permanent loss of physical cultural resources/public structures/village or collective ownership	Weto/village or weto households	Compensation at replacement cost for present/existing structures based on its present value. OR reconstruction, reinstallation, if required by the owner	
Graves located in the affected area	Owners of graves	Compensation for removal of graves will be paid directly to AP's, including cost of excavation, relocation, reburial, purchasing/obtaining land for relocation of graves and all other reasonable costs in accordance with local rituals.	
Electricity poles	Electricity companies	Cost compensation for cost to dismantle, transfer and rebuild;	
Transition subsistence allowance	Relocating households – relocating on residual land or to other sites	Relocating AP's will be provided with cash or in-kind assistance equivalent to 30kg of rice at current market value for 6 months per household member.	
	Severely affected AP's losing 20% or more of their productive income	<ul style="list-style-type: none"> • AP's directly cultivating on the affected land and losing: <ul style="list-style-type: none"> ☐ From 20% - 50% of their productive land/income will be provided with 	

Type of losses	Entitled Persons	Entitlements	Implementation Issues
		<p>cash or in-kind assistance equivalent to 30kg of rice at current market value for 6 months per household member if no relocation to sites with harsh socio-economic conditions.</p> <ul style="list-style-type: none"> From more than 50% - 70% of their productive land/ income will be provided with cash or in-kind assistance equivalent to 30kg of rice at currently market value for 9 months per household member if no relocation, 18 months if relocation, and 24 months if relocation to sites with harsh socio-economic conditions. <p>From more than 70% of their productive land/income will be provided with cash or in-kind assistance equivalent to 30kg of rice at current market value for 12 months per household member if no relocation, 24 months if relocation, and 36 months if relocation to sites</p>	
Transportation allowance	Relocating households – to other sites	<ul style="list-style-type: none"> Support for transfer all old and new building materials and personal possessions by cash with maximum of US\$___ /relocating HH's 	MWIU to confirm entitlement with WB.
Housing rent	Relocating households	Support for renting house during construction of new house, for 6 months per HH's. MWIU decides the rent but not less than US\$ ___per month in rural areas and US\$___ in urban areas.	<ul style="list-style-type: none"> This support should be provided at the time of compensation. MWIU to confirm entitlement with WB
Housing rent	Relocating households	Support for renting house during construction of new house, for 6 months per HH's. MWIU decides	<ul style="list-style-type: none"> This support should be provided at the time of compensation. MWIU to confirm entitlement with WB

Type of losses	Entitled Persons	Entitlements	Implementation Issues
		the rent but not less than US\$ _____ per month in rural areas and US\$_____ in urban areas.	
Severe impacts on vulnerable Affected Peoples (APs) (Relocating APs and those losing 20% or more of their productive assets)	Severely affected vulnerable AP's such as the poor household or households headed by women, the elderly, or disabled, and ethnic groups	<ul style="list-style-type: none"> • An additional allowance of 30kg rice per person in the non-poor HH's; • An additional allowance of 30kg of rice per person for not less than 3 years and lower than 10 years in the poorest HH; • Eligible to participate in income restoration program; The contractors will make all reasonable efforts to recruit severely affected and vulnerable AP's as labourers for project works. 	The poor households will be those meeting the poverty (MOLISA) criteria.
Vocational training/job creation	AP's losing 20% or more of their productive land	An additional allowance for vocational training/job creation equal to 1.5 times of affected area value but not exceeding quota of agricultural land in locality.	MWIU will decide the level of the allowance.
Incentive Bonus	Relocating households	<ul style="list-style-type: none"> • Cash bonus up to a maximum of US\$_____per household for relocating households that dismantle structures from affected land in a timely fashion. 	Payment to be made directly to HH's immediately upon removal.

5. Legal framework

40. The legal framework for land acquisition and resettlement is based on the laws and regulations of the Republic of the Marshall Islands Government and the World Bank's Safeguards Policies
41. The principal Marshall Islands laws governing land acquisition, resettlement and compensation presently include (i) RMI Constitution (ii) Land Acquisition Act 1986 and (iii) Coast Conservation Act 1988.. The *Kwajalein Master Lease by and between Landowners and the Kwajalein Development Authority* (effective Date October 1, 2016) is legally binding and provides specific instructions regarding access to and use of Ebeye lands for public utilities and infrastructure. These legislation and legal instruments are discussed in detail in the following section.

5.1. Constitution of the RMI

42. The Constitution of the Republic of the Marshall Islands came into effect in 1979 and amendments were made in 1995. The Constitution sets forth the legitimate legal framework for the governance of the Republic.
43. The Marshall Islands has a bicameral legislature consisting of the lower house or Nitijela (legislative power) and the upper house or Council of Iroij (customary power). The legal system comprises legislature, municipal, common and customary laws.

The Judiciary of the RMI

44. Regarding the Judiciary, according to the Constitution, the judicial power of the RMI:

"...shall be independent of the legislative and executive powers and shall be vested in a Supreme Court, a High Court, a Traditional Rights Court, and such District Courts, Community Courts and other subordinate courts as are created by law, each of these courts possessing such jurisdiction and powers and proceeding under such rules as may be prescribed by law consistent with the provisions of this Article."

45. In relations to resettlement, the Constitution states as follows:

"The jurisdiction of the Traditional Rights Court shall be limited to the determination of questions relating to titles or to land rights or to other legal interests depending wholly or partly on customary law and traditional practice in the Republic of the Marshall Islands."

Traditional Rights to land

46. The Constitution preserves the traditional rights of land tenure, stipulating in 'Article X Traditional Rights' that:
 1. *Nothing in Article II shall be construed to invalidate the customary law*

or any traditional practice concerning land tenure or any related matter in any part of the Republic of the Marshall Islands, including, where applicable, the rights and obligations of the Iroijlaplap, Iroijedrik, Alap and Dri Jerbal.

2. *Without prejudice to the continued application of the customary law pursuant to Section 1 of Article XIII, and subject to the customary law or to any traditional practice in any part of the Republic, it shall not be lawful or competent for any person having any right in any land in the Republic, under the customary law or any traditional practice to make any alienation or disposition of that land, whether by way of sale, mortgage, lease, license or otherwise, without the approval of the Iroijlaplap, Iroijedrik where necessary, Alap and the Senior Dri Jerbal of such land, who shall be deemed to represent all persons having an interest in that land.*
3. *Title to land or any land right in RMI may be held only by a citizen of the Republic, a corporation wholly owned by citizens of the Republic, the Government, or local government, or a public corporation or other statutory authority constituted under the law of the Republic.*

5.2. Land Acquisition Act 1986

47. The RMI Land Acquisition Act 1986 makes provision for the acquisition of lands and servitudes for public use for payment of just compensation in terms of Article II, Section 5 of the Constitution of the Marshall Islands and to provide for matters connected therewith and incidental thereto.
48. The Act defines “land” to include “things attached to the earth”. It also defines “persons interested”, with reference to land, to not include a monthly tenant. The act covers the general provisions, preliminary investigation and declaration of intended acquisition, proceedings in court, payment of compensation, possession and disposal, divesting of land and general items pertaining to such land acquisition. The following summary is given of the Parts of the Act:
 - The Preliminary Investigation and Declaration of Intended Acquisition details the process for investigations for selecting land, compensation for any damage done during investigations and issuing notices of intended acquisition.
 - Where the Minister decides that particular land or a servitude in any area should be acquired under this Chapter [Proceedings in Court], he shall direct the Attorney-General to file an application in the High Court praying for a declaration by the High Court, that such taking of land for public use is lawful. The Proceedings in Court details the process for determination by the High Court, the procedure before the High Court, the assessment of compensation.
 - The Payment of Compensation details tender and payment, compensation which cannot be paid, renunciation of right to compensation, interest on compensation, exchange, finality as to payment of compensation and exchange with other landowners.

- Possession and Disposal details the vesting order for taking possession of land and acquiring servitudes, effect of vesting order, possession, immediate possession on urgency and immediate possession after proceedings commenced.
- Divesting of Lands details the divesting orders.
- General details the compulsory acquisitions authorized by any other written law, abandonment of acquisition proceedings, serving of notices, application of constitutional provisions and payment. Of particular note in this Part is that:
 - *Where any other written law authorizes the acquisition of land under this Chapter and the Minister decides that any land is reasonably required under such other written law by any authority, person or body of persons, the purpose for which that land is required shall be deemed to be a public use and the provisions of this Chapter shall apply accordingly to the acquisition of that land for that authority, person or body of persons.*

5.3. Coast Conservation Act 1988

49. This Act makes provision for a survey of the coastal zone and the preparation of a coastal zone management plan; to regulate and control development activities within the coastal zone; to make provisions for the formulation and execution of schemes for coast conservation; and to provide for matters connected therewith or incidental thereto;
50. Part IV sets out a Permit procedure for obtaining permission to engage in any development activity within the coastal zone. It requires the proposed activity to
- (a) be consistent with the Coastal Zone Management Plan and any regulations made to give effect to such Plan,
 - (b) not otherwise have any adverse effect on the stability, productivity and environmental quality of the Coastal Zone.
 - (c) Furnish an environmental impact assessment report;
51. Part V 319 empowers the Director or any officer authorized by him in writing, to issue permits subject to such conditions as he may impose having regard to the Plan, for the occupation, for any period not exceeding three (3) years, of any part of the foreshore or bed of the sea lying within the Coastal Zone.

5.4. Master Lease 2016

52. The *Master Lease by and between the Landowners and Kwajalein Atoll Development Authority (KADA)* is a negotiated agreement between the three Iroijis of Ebeye on one hand, and KADA on the other, as the lessee and occupant, representing the Government. The Master Lease vests in KADA access and use rights for designated Ebeye lands, with conditions and parameters for its use "... in furtherance of its efforts to promote the redevelopment of Kwajalein Atoll ...and allow essential public infrastructure projects to go forward to the better welfare and health of its people...". The Master Lease was signed in 1966, and its 50-year term expired in October 2016. An extension for a further fifty years has been negotiated and has been signed by all landowners and or their representatives except one – a foreign domiciled

landowner whose signature is expected¹. The Master Lease covers existing land and "...any other new reclaimed land to KADA."

33. Under the Master Lease, KADA pays an annual 'ground lease rent' of US\$300,000 exclusive of taxes and administration fees. Of particular interest, in the Master Lease (Part V (A): Roads and Utility Corridors), the Lessor dedicates in perpetuity, all existing and presently designated future easements for public use, "...at no additional consideration."

53. The Master Lease thus provides for the voluntary taking of Ebeye land for development purposes. Part of this land are easements previously dedicated in perpetuity for public utilities such as water, sewer, electrical and drainage lines. KADA can authorize developments within the existing easements and can also define and set aside new easements as necessary, following a process set out in the Master Lease, which requires the prior consent of the landowners.

54. The following sections are of particular relevance to PREP Phase 2:

1. *Premise*

The Lessor, in consideration of the rents payable under this Lease and of the covenants of Lessee under this Lease, does hereby demise and lease unto the Lessee the following, which are collectively referred to as the "Premises": (1) those portions of the Island of Ebeye, Kwajalein Atoll RMI comprising a total of approximately 68.98 acres, as more fully shown on the map attached hereto as Exhibit "A" and incorporated herein by reference (the "Land"), (2) all "Existing Landfill" created by Lessee from the Effective Date to the date hereof, comprising an area of approximately 9.94 acres as more fully shown on Exhibit "A", together with all lands thereafter created during the term of this Lease by Lessee or its designees by dredging or any other means in the zones designated as "Proposed Landfill" on Exhibit "F" or in other areas approved in accordance with this Lease (collectively referred to as "Landfill"); and (3) all rents, issues and profits of the Land and the Landfill, together with all buildings, improvements, rights, easements, privileges and appurtenances thereto.

Section VII: Dedication of Roadways, Utility Easement Corridors and Government Facilities to Public Use

A. Roadways and Utility Corridors.

In consideration of the execution of this Lease by Lessee, Lessor hereby dedicates for public use in perpetuity, for no additional consideration, the following areas: all of Lojjelon, Bunkur, Ebwaj, Gugeegue, and Ñeñe all existing and presently designated future roadways ("Roadways"); and (ii)

¹ For the purposes of the PREP II Project, the non-signatory landowner has given a written undertaking to abide by the terms of the Master Lease insofar as relates to the proposed seawall.

all existing and presently designated future utility easement corridors containing water lines, sewer lines, electrical and drainage lines, and other utility lines and incorporated herein by reference ("Utility Corridors") (the Roadways and Utility Corridors are collectively called the "Dedicated Areas"). The dedication of the Dedicated Areas shall at all times be subject only to the condition that such facilities continue to be used for public purposes. Lessor reaffirms their conveyance of these rights in Ebeye Island in the prior Ebeye Master Lease of 1986.

55. Relevant to the issue of compensation for lost or affected assets is Section VII – Relocation of existing occupants, as below:

VII. Relocation of Existing Occupants

With regards to any existing occupants living or doing business on the Premises as of the date of execution of this Lease ("Occupants"), the Lessor agrees to use and exercise all of their rights and powers as landowners under traditional Marshallese Customary Law and Traditional Practice to assist Lessee in its efforts to relocate these Occupants as necessary from their existing residences or business premises in order to permit the Lessee to complete its redevelopment of the Premises pursuant to Article V above in a timely manner. Lessor shall be solely responsible for paying any amounts claimed by such Occupants as a result of the termination of any occupancy agreements that such Occupants may have entered into with Lessor prior to the date of execution of this Lease; provided, however, that in those cases where the relocation involves the taking of a privately owned residence or business premises, then Lessee shall pay the owner of such residence or business premises just compensation for the value of such residence or business premises. The amount of the compensation to be paid by Lessee to such owner for such residence or business premises shall be determined by mutual agreement between the Lessee and such owner or, failing that, through condemnation proceedings. Lessee agrees that it will not attempt to relocate any Occupants until such time as it has located a comparable replacement residence and/or a replacement business premise, as appropriate, for such Occupant.

56. The Master Lease is in effect the legal instrument used for the voluntary acquisition of Ebeye lands for public purposes the taking of which is allowed under the Land Acquisition Act 1968. It satisfies the requirement of the Constitution that " No land right or other private property may be taken unless a law authorizes such taking; and any such taking must be by the Government of the Republic of the Marshall Islands, for public use, and in accord with all safeguards provided by law".
57. Part of the background context to the Master Lease is the reality that in the Marshall Islands, the traditional landowners or Iroij, are held in extremely high esteem by not only their constituencies, but also the Government. It's an

acquired status but one deeply rooted in history, and entrenched in Marshallese culture by the hereditary nature by which the Iroij title is passed down through generations of blood heirs. The Irojjs are Marshall Islands’ royalty. In modern day Marshall Islands, this status is in a way preserved if not further enhanced by the substantial powers vested in them by the Constitution as members of the Council of Irojjs. The Council is advisory and consultative in its role but the high public regard with which Irojjs are held means they yield enormous influence in the law-making process, on matters of national importance, and especially on issues of customs, traditional practices, lands and related matters. It follows therefore that where lands owned by Irojjs are of interest to the Government for public purposes, the process of acquisition is a negotiation between equal parties – Government and Irojjs – if not one slanted in the Irojjs’ favour. Both parties are endowed with resources to engage competent legal counsels to ensure their best interests are preserved as was the case with the renewed document. With this power relationship, any concerns about landowners being disadvantaged in such negotiations are unfounded. The Master Lease itself preserves the supremacy of the landowners, by among other conditions, requiring as a pre-condition the prior consent of landowners for any development including the creation of new easements. This fact is well understood and accepted by locals and government officials consulted who unanimously observed that nothing happens in Ebeye without the Irojjs prior approval.

5.3. Gap Analysis between WB Safeguards Policies and RMI Safeguards Requirements

Table 3: Gap Analysis

World Bank Safeguard Policies	RMI Policies	Gap-Filling Measures
OP 4.12 requires that Resettlement Plans must be prepared based on consultations with Affected People, and that poorer and vulnerable people are also consulted and informed of their entitlements and resettlement options.	No specific requirement for the preparation of RPs. The Master Lease requires prior consultations with landowners but there is no explicit requirement for similar consultations with other AP’s. But consultations with other AP’s are implicit in the requirement to delay relocation of APs until alternative locations found and prepared to receive them.	Where RAP/ARAPs are necessary, they will be prepared in consultation with Affected People, including vulnerable groups, and properly disclosed by the implementing agency.
It is necessary to improve or at least restore livelihoods of Displaced Persons by a range of strategies targeted at Affected People. Nobody is to	Fair compensation is explicit in the Master Lease in relations to damaged residences and business premises, but not generally to include other sources	There is partial equivalence. WB policy will apply to ensure all losses are covered and compensated for.

<p>be worse off as a result of the development project.</p>	<p>of livelihoods, other assets and or lost access to shared resources.</p>	<p>Where losses are temporary and minor, these will be addressed as part of the ESMP.</p>
<p>Requires that Displaced Persons are compensated for all losses, including non-land assets, at full replacement cost.</p>	<p>The principle of 'just compensation' is stipulated in the Master Plan for estimating the losses accrued to affected people as a result of the Project. The concept of 'comparable alternatives' is also stipulated for replacing residences and business premises which bears equivalence to the WB principle of replacement cost.</p>	<p>There is agreement on the need for just compensation although RMI policies are not specific as to the method for calculating compensation.</p> <p>WB's principle of 'replacement cost' using current market values for compensation of affected assets will apply, where applicable.</p>
<p>OP 4.12 requires that resettlement outcomes be monitored and assessed.</p>	<p>No specific requirement for the monitoring and assessment of resettlement outcomes.</p>	<p>Where applicable, WB policy applies. RAP/ARAPs will include indicators and baseline data to monitor impacts on living standards of Affected People. The monitoring reports will also be disclosed including to Affected People.</p>
<p>OP/BP 4.11 Physical and Cultural Resources – PCR includes resources of archaeological, paleontological, historical, architectural, religious (incl. graveyards and burial sites), aesthetic, or other cultural significance.</p>	<p>RMI's Historic Preservation Act 1991 promotes the preservation of the historic and cultural heritage of the Republic of the Marshall Islands. Section 206 (b) provides for the issuing or denial of permits, after review by the Council, for use, access, and development of land containing cultural and historic properties...</p>	<p>Equivalent.</p>
<p>OP4.04 Natural Habitats Bank supports the protection, maintenance, and rehabilitation of natural habitats and their functions; expects borrower to apply a precautionary approach to natural resource management to ensure opportunities for environmentally sustainable development.</p>	<p>The RMI National Environment Protection Act 1984 provides for –</p> <ul style="list-style-type: none"> • the protection and management of the environment, and for matters connected therewith or incidental 	<p>Equivalent</p>

<p>Bank promotes and supports natural habitat conservation and improved land use, and rehabilitation of natural habitats.</p>	<p>EIA Regulation 1994 provides for the protection of rare or endangered species, or their critical habitats; as part of the EIA process.</p>	<p>Equivalent</p>
<p>Bank does not support projects that, in its opinion, involve significant conversion or degradation of critical natural habitats.</p>	<p>The same principle is implied in the NEPA 1991 and EIA Regulation 1994.</p>	<p>Equivalent.</p>
<p>Bank expects the borrower to take into account the views, roles, and rights of groups including NGOs and local communities affected by the Bank financed project...in the planning, designing, implementing, monitoring and evaluating of such projects.</p>	<p>Part V of the EIA Regulation 1994 provides for public disclosure of EIA and for public hearings to allow the public to comment..</p>	<p>Equivalent.</p>

6. Methods of valuing assets

58. The following methods for valuing assets are applicable to losses anticipated in PREP Phase 2 -
- (i) For *residential land*,
 - a. Annual rent or lease payment is a negotiated settlement based on the current market value of land of similar type and category, and free from transaction costs (taxes and administration fees);
 - b. permanently lost as a result of the project, replacement cost is equivalent to the current market value of land within the village, of similar type, category and free from transaction costs (taxes and administration fees).
 - (ii) For *productive cultivable land*,
 - a. Annual rent or lease payment is a negotiated settlement based on the current market value of the land within the village, of similar type, category and production capacity, and free from transaction costs (taxes and administration fees);
 - b. Permanently lost as a result of the project, land value is equivalent to the current market value of the land within the village, of similar type, category and production capacity, and free from transaction costs (taxes and administration fees).
 - (iii) For *any houses, fences etc* lost or damaged, compensation will be calculated at full replacement cost using current market prices for materials. The definition of replacement cost will comply with that of the WB²
 - (iv) For *the loss of Crops and Trees* (these refer to crops and/or trees that may be affected either by temporary or permanent land acquisition).
 - a) Cash compensation for crops will be based on market values at the time of anticipated harvest;
 - b) Cash compensation for marketable trees will be based on species and merchantable volume calculated using Diameter at Breast Height (DBH).
 - c) Cash compensation for fruit trees based on type, age and productivity; also reflecting current market prices.
 - (v) *Income losses from employment or business (permanent or temporary interruption)*.
 - a) For permanent impact, cash compensation for one year net business income or salary;
 - b) For temporary impact, cash compensation of net income or salary for the number of months of business or employment

² Operational Manual – Annex A OP 4.12 – Involuntary Resettlement Instruments

- stoppage for a period of up to 1 year.
- c) Assessment to be based on paper evidence or oral testimony and Weto leader confirmation. At least the legal minimum wage will be provided.
- (vi) *Unforeseen impacts.*
- a) All other types of impacts not foreseen will be assessed using the principles of the RPF, and will be consulted with the affected parties and documented in the A/RAP or RAP.
- (vii) *Payment arrangements and methods under the Master Lease –*
- (a) Under the Master Lease, KADA will pay an annual rent of US\$300,000 per year exclusive of taxes, rates, duties etc.. (Master Lease Section III: Rent);
 - (b) All existing and presently designated future utility easement corridors are dedicated for public use in perpetuity, for no additional consideration (cost); with only the following condition – that the dedication of the Dedicated Areas shall at all times be subject only to the condition that such facilities continue to be used for public purposes. (Master Lease Section V (A): Roadways and Utility Corridors.
 - (c) Rent payable under the Master Lease is a cost to KADA, not the Project.

7. Organizational procedures for RAP/ARAP implementation

59. MWIU will be responsible for the implementation of the day-to-day safeguards requirements for all components of PREP Phase 2 as set out in the RPF. MOF/DIDA will have overall coordination and oversight and will ensure the availability of an appropriate budget for RPF implementation including the payment of compensation. Both agencies will be supported in these roles by Project-funded Safeguards Specialist(s).
60. MWIU may need the assistance of other government agencies such as KADA and KALGOV in conducting detailed measurement surveys of any affected assets in Ebeye and to ascertain beneficiaries. Similarly, assistance may be required from NTA in identifying appropriate sites for telecommunication facilities including the use of existing easements for telecommunication lines as needed.
61. In terms of RAP or A/RAP monitoring, the limited safeguards capacity of MWIU justifies the engagement of an External Monitoring Agency (EMA) – usually an independent NGO – to ensure impartial and creditable monitoring, during RAP preparation and implementation especially if relocation and compensation is unavoidable. The EMA will also monitor, assess and report on the effectiveness of procedures and processes for RAP implementation, and the impacts of resettlement on Project AP's.
62. The following table summarizes the roles of relevant institutions during the preparation and implementation of a RAP or A/RAP.

Table 4: Institutions Involved in Resettlement Implementation

Activities	Agency Responsible
A. Pre-Implementation of RAP	
- Project disclosure and public consultation in Ebeye	MOF/DIDA/CIU, MWIU, KALGOV, possibly a local NGO to assist e.g. WUMTI
- Survey and marking of core subproject sites	MWIU
- Verification survey of affected lands	MWIU
- Census of affected persons; inventory of losses; establishment of replacement value	MWIU
- Consultation and agreement of compensation	MWIU
- Update of the RAP	MWIU MOF/DIDA/CIU
- Concurrence of updated RAP with DPs	MWIU
- Endorsement of updated RAP to WB	MWIU
- Internal Monitoring	MOF/DIDA/CIU
- External monitoring	EMA
B. RAP Implementation	
- Approval and release of funds for compensation	MoF/DIDA/CIU
- Verification of affected agencies and DPs	MWIU

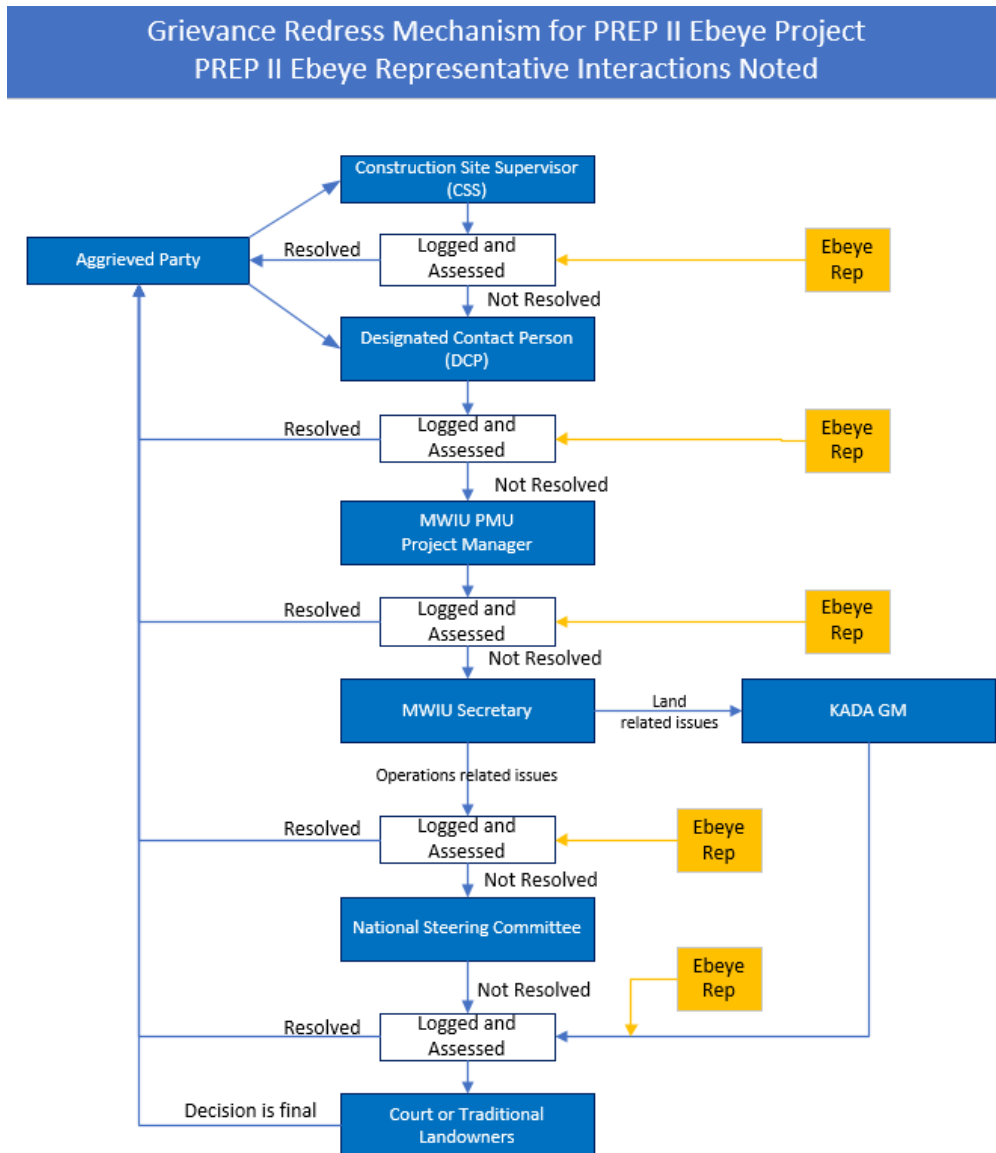
Activities	Agency Responsible
- Internal monitoring/oversight	MOF/DIDA/CIU (C.1., C.3.)
- Grievance and redress	PIU, CIU, MWIU; National Steering Committee
- Payment of compensation	MOF/DIDA
- Submit compliance documents to WB	MWIU and MOF/DIDA/CIU
Internal Monitoring/Oversight	MOF/DIDA/CIU
External Monitoring	EMA
- Validate compliance of RAP implementation	WB
C. Construction Stage	
- Confirm "No Objection" for the award of civil works	WB
- Tendering and award of civil works	MWIU
- Hiring of DPs and mobilization of labor force.	Civil Works Contractor
- Core subproject construction	Civil Works Contractor
- External Monitoring	EMA
D. Post Construction	
- Restoration and return of temporarily affected lands and assets	Civil Works Contractor

8. Implementation Process

63. All activities for implementing the RAP or A/RAP will precede and will not overlap the activities in the construction of the core subproject. The only exceptions are arrangements for the full restoration of sites used by the contractor(s) before their departure from affected sites. This applies to all RAP/A-RAP prepared under Components 1, 2 and 3.
64. The implementing agency – MOF - will satisfactorily complete the payments for compensation and the lands are free of all obstructions and encumbrances before it requests to WB for its “No Objection” for the award of civil works contract. In support of claim for satisfactory compliance, MOF will submit the following duly authenticated documents to the WB, for each RAPs or A/RAPs prepared and implemented:
- List of Affected / Displaced Persons (DPs) and their corresponding compensation;
 - Copy of Project Information Document (PID) distributed to DPs;
 - Minutes of consultations with DPs including details of gender;
 - Minutes of consultations involved in agreeing the contents of RAP including gender of participants;
 - Individual agreement on compensation reached with the DPs, if applicable;
 - Journal voucher(s) or equivalent document(s) showing the payments for compensation and entitlements to DPs.
65. The WB will issue its “No Objection” for the award of civil works contract should it be satisfied that MWIU has satisfactorily completed the implementation of the RAP. The WB will be assisted in its review of MWIU’s report and supporting documentation by an External Monitoring Agency’s (EMA) report on the same.

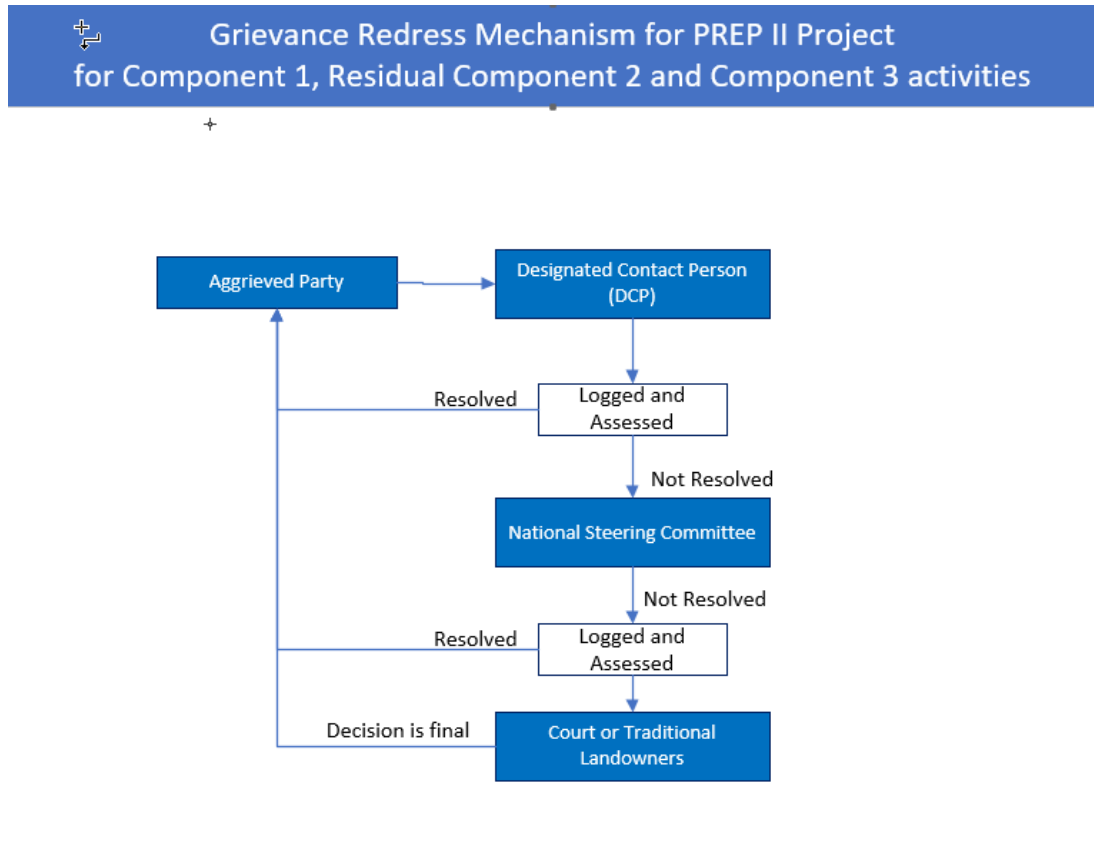
9. Grievance redress mechanism

66. The following GRM applies to the resolution of complaints received. Detailed discussion is provided in Section H of the ESMF.
67. A grievance redress mechanism (GRM) has been developed separately for (i) the Ebeye Seawall Project and (ii) for Component 1, Residual Component 2 (other than the seawall) and Component 3 activities.
68. The GRM for Component 2: Ebeye Seawall is set out in the SEP³, with the decision flow path set out below.



³ \PREP II FINAL\General Project Documents\Stakeholder Engagement Plan\Report\PREP II Stakeholder Engagement Plan 091219 1137 V9.1.docx

69. The decision flow path for the GRM for Component 1, Residual Component 2 (other than the seawall) and Component 3 activities⁴ (in accordance with ESMF Revision 1,) is summarized below.



⁴ \PREP II FINAL\Working Documents\PREP II GRM 290119 1050 V2

10. Resettlement Budget and Financial Arrangements

70. Budget provisions for resettlement impacts include rent or lease payments²⁵ for all voluntary transactions, and financial entitlements for DP for loss of land, other assets including crops and other sources of livelihoods. These are tabulated and summarized in separate sheets as supporting schedule in the RAP or A/RAP document.
71. The costs of implementing an RAP or A/RAP will be RMI's responsibility as it equity contribution to the subproject investments. The MOF/DIDA shall ensure that the total cost of compensation and entitlement are budgeted for and shall cover the following: (a) project disclosure, (b) public consultations and focus group discussions, (c) detailed measurement surveys (DMS) and (f) internal monitoring and implementation of the RAP. In addition, the RMI will cover contingencies for the total of compensation and administrative cost.
72. The budgets for compensation will be approved by the MoF/DIDA (in consultation with MWIU for Component 2) on behalf of RMI Government. It will ensure timely availability of adequate budgetary support and the release of funds for any subproject RAPs. Prior to implementation, the MOF/DIDA will set up the accounting chart of accounts for capturing the expenses for compensation and administrative costs.

11. Mechanisms for consultations with and participation of affected / displaced persons

73. Consultation for PREP Phase 2 is a process that starts with the preparation of the ESMF and RPF and continues with the preparation of specific safeguards instruments including any resettlement plans that may be required. Reference to potential resettlement impacts will be made during these early discussions. The main purpose at this level is simply to raise awareness of the Project, its objectives, other essential details, and its potential resettlement impacts.
74. Consultations with key stakeholders KADA and the Traditional Landowners have been discussed earlier in this Framework.
75. An outline for the preparation of a Stakeholder Engagement Plan (SEP) is provided in the ESMF. As part of the SEP, details of consultations with local relevant government agencies and institutions, local authorities and local communities will be spelt out. MOF/DIDA is responsible for engaging a consultant to prepare the SEP and will work closely with MWIU to ensure the needs of consultations for safeguards instruments, in particular of Displaced People, are considered.
76. Following is a matrix to guide consultations planning in the preparation of a RAP/A-RAP which MWIU and MOF/DIDA can take on board when preparing the SEP.

⁵ This does not include lease payments or rent associated with the Master Lease between the Kwajalein landowners and KADA including any new easements which requires no additional cost

Table 5: Matrix to guide consultations for RAP/A-RAP preparation

Stage	Subject of Consultation	Role(s) of landowners, community leaders and DPs, including Women	Reasons for Community Participation
PRE-IMPLEMENTATION			
Consultation and focus-group discussions	<ul style="list-style-type: none"> Understanding the subproject. Gaining affected people's support. 	<ul style="list-style-type: none"> Participate in subproject disclosure, public meetings and consultations. Encourage and invite women to attend Project disclosure, public meetings and consultations. 	<ul style="list-style-type: none"> Ensure that participants fully understand the proposed subproject, its potential impacts and its benefits to the community. Promote an informed and collective decision-making process.
Consultations with affected landowners	<ul style="list-style-type: none"> To gain their support for the use of land; To explore options for the voluntary agreement of land use. 	<ul style="list-style-type: none"> To engage landowners about the project's objectives and expected benefits and beneficiaries. Agree to voluntary use of land. 	<ul style="list-style-type: none"> Not applicable
Planning for RAP	<ul style="list-style-type: none"> Subproject design, and any identified land needs 	<ul style="list-style-type: none"> Understand and preferably support the land requirements and the technical design of the project. Agree on the compensation and entitlement packages. Review and agree on the contents of the RAP/ARAP before submission to the Bank. ditto 	<ul style="list-style-type: none"> To inform, generate interest and support.
Formulating compensation and entitlement packages.	<ul style="list-style-type: none"> Compensation and entitlement packages 		<ul style="list-style-type: none"> To obtain agreement on the RAP.
Agreement on content of RAP	<ul style="list-style-type: none"> Contents of the RAP/ARAP 		<ul style="list-style-type: none"> To obtain agreement on the RAP.
IMPLEMENTATION			
Additional assistance to	<ul style="list-style-type: none"> Types of additional assistance where 	<ul style="list-style-type: none"> DPs or any of their household members shall 	<ul style="list-style-type: none"> Strengthen community support for

DPs.	relevant	be offered employment during the construction of the subproject.	project implementation, and ensure project benefits are maximized for displaced persons.
Grievance and redress.	<ul style="list-style-type: none"> Grievance and redress mechanism. 	<ul style="list-style-type: none"> Provide information to assist in redressing of grievances 	<ul style="list-style-type: none"> Ensure that problems are address within reasonable time.
POST IMPLEMENTATION			
Monitoring and evaluation	<ul style="list-style-type: none"> Monitoring and evaluation system. 	<ul style="list-style-type: none"> Provide inputs to monitoring and evaluation. 	<ul style="list-style-type: none"> Gain experience and lessons in shaping resettlement policies for future MPW subprojects

12. Capacity Building

77. Capacity gaps have been filled by recruiting experienced safeguards specialists for key roles in the project. Two Environmental Safeguards Advisors have been recruited in the MOF/DIDA Centralized Implementation Unit (CIU). An international Social Specialist will be recruited by the CIU to support the RPF implementation and to perform the roles and responsibilities assigned in this RPF and the Project's ESMF to MWIU's Project Management Unit (PMU), for the full duration of the project. An External Monitoring Agency (EMA) will also be engaged by MWIU to monitor and report on the implementation of the RPF and in the preparation and implementation of other social safeguards instruments required for specific subprojects. Other short term consultants may be engaged from time to time to perform specific tasks including, as necessary, the preparation of safeguards instruments for subprojects.
78. The CIU Safeguards Team MOF/DIDA will train and mentor local counter-part staff and others. They will also contribute to capacity building of RMI EPA through the technical support and advisory role delivered during the screening of proposals, the review of safeguards instruments, and in ESMP monitoring and reporting.
79. Areas recommended for MOF/DIDA/CIU, MWIU and RMI EPA training include the following
- World Bank's Safeguards Policies, in particular those triggered and relevant to the Project;
 - Roles and responsibilities of different key agencies in safeguards implementation.
 - How to effectively review WB safeguards instruments and to implement the ESMF and RPF⁶
 - Detailed measurement surveys of losses for RAP preparation and entitlement calculation;
 - Training on how to prepare TORs, review consultants proposals, and manage consultant's outputs.
80. Training in the above areas is recommended to be held within three (3) months of project effectiveness.
81. On-going support will be provided by the World Bank Task Team for the duration of the project including for the initial activities environmental screening, categorization and review of prepared safeguards instruments.

⁶ Resettlement Policy Framework

13. Arrangements for Monitoring and Reporting

Internal Monitoring –

82. MWIU's PMU will be responsible for the internal monitoring and reporting of RPF and RAP/ARAP implementation. Twice yearly monitoring reports shall be prepared and submitted as part of its reporting responsibilities. The information on internal monitoring reports shall contain the following: (a) accomplishments to-date; (b) objectives attained and not attained during the period; (c) problems encountered / complaints received and progress with resolving grievances; and (d) targets for the next period.

External Monitoring -

83. It is estimated that the level of compensation likely to be paid will not be significant. However, the lack of safeguards expertise and capacity with the MWIU justifies the engagement of an independent external monitoring agency (EMA) to ensure close monitoring of RPF and RAPs, and in particular to keep a close scrutiny on payment of required compensation entitlements. MWIU will be responsible for the recruitment of a competent and credible EMA for this task and for ensuring that it receives the appropriate level of logistical and financial support for it to perform its role effectively.
84. The EMA will assess the implementation of the RPF and of each subproject's RAP/ARAP and the social safeguards requirements of the ESMPs. It will report the key findings directly to the World Bank. External monitoring shall be conducted twice a year during the implementation of the project, and will liaise closely with MWIU and the CIU Safeguards Team regarding any issues that may require immediate PMU, PIU or CIU response. Related to operational procedures, the EMA will monitor and report on issues and problems associated with capacity for safeguards implementation, including the adequacy of consultations associated with the preparation and implementation of resettlement plans and grievances resolution, as well as the critical operations procedures such as the provision of adequate budgetary support. External Monitoring Indicators are given in Annex 6. A draft TOR for the External Monitoring Agency is set out in Annex 7.

Annex 1: References

World Bank. 2005. *Safeguards Policies Basics*. QACU, OPCS. World Bank. Internal Document.

Pacific Islands Legal Information Institute (2014) PacLII Documents Collections, Marshall Islands Laws, *Marshall Islands Consolidated Legislation, Constitution of the Republic of the Marshall Islands*, http://www.pacii.org/mh/legis/consol_act/cotrotmi490/ [accessed 24 – 27 Nov, 2016]

Annex 2: Voluntary land acquisition and resettlement for PREP Phase 2

1. Component 1: Institutional strengthening, early warning and preparedness

Land for the siting of telecommunication posts and related facilities will use existing easements otherwise land will be acquired voluntarily. No involuntary resettlement impacts are involved.

2. Component 2 : Strengthening coastal resilience Ebeye

(i) Land for coastal protection works

The Master Lease has set aside and designated areas as easements for roads, and other public utilities.. KADA as the lessee has the power to authorize the use of these lands and easements for development activities and projects in accordance with the conditions of the Lease.

KADA, on behalf of MOF(Component 2 implementing agency), will engage with the landowners as per local custom for land access. Land access will be agreed between KADA and the landowners, and there are three possibilities:

1. The Master Lease will already cover the rights for KADA to authorise MWIU to undertake the works;
2. The Master Lease will be amended to cover the proposed coastal protection works.
3. A separate lease arrangement will be voluntarily negotiated.

The transfer of access and use rights from KADA to MWIU for project purposes will simply be formalized by an exchange of letters between MWIU and KADA to this effect.

Land occupiers and land users within the project footprint will be identified and the involuntary resettlement impacts will be managed under an Abbreviated Resettlement Action Plan (ARAP) or Resettlement Action Plan (RAP) (see the next section for explanation of this process).

(ii) Land for the temporary use by contractors

KADA, in consultation with MWIU, will allocate an area under its control, or otherwise work closely with local landowners to secure alternative sites. Voluntary land access will be negotiated between KADA (in consultation with MWIU) on behalf of the Project and the landowner. Land will be fully restored before the end of the Project.

3. Component 3 Emergency Response

Activities under Component 3 are not expected to require land occupation or use, however if necessary for activities such as temporary stockpiling voluntary agreements will be sought with land owners.

4. Majuro

Land acquisition on Majuro will be negotiated voluntarily with land owners in the absence of existing easements. Lease arrangements or similar instruments will be prepared and signed before works begin. No involuntary land acquisition will be undertaken.

Annex 3: Terms of Reference for the Resettlement Specialist

Objective/Purpose of the Assignment:

The objective of the assignment is to support the World Bank preparation of a grant assistance to the Government of Republic of the Marshall Islands for the implementation of PREP-Phase 2.

Scope of Work:

The consultant will assist the Government's Implementing Agency – MOF to prepare Resettlement Action Plan(s) that may be required for relevant subprojects/activities under this Project. The RAPs/ARAPs will comply fully with WB requirements as set out in Social Safeguards Policy OP 4.12. The consultant will use the Resettlement Policy Framework (RRF) developed during the Project Preparation phase. Subprojects requiring RAPs or A- RAPs are those identified during the subproject screening and categorization process by the Safeguards Specialists embedded in MWIU and MOF/DIDA.

Detailed Tasks:

The Resettlement Planning Specialist will:

1. Prepare and finalize questionnaires for socio-economic survey, census of affected persons and inventory of affected assets.
2. Conduct a half-day to one-day workshop for selected MWIU and MOF/DIDA staff to assist him/her in implementing the required surveys; to familiarize them with questionnaires and the recording of survey data;
3. Conduct due diligence to confirm ownership of relevant lands as necessary.
4. Implement the required data surveys with the assistance of trained local staff.
5. Analyse socio-economic data and compute compensation entitlements for each Displaced Persons (DPs) based on the RPF Entitlement Matrix.
6. Develop a Compensation Entitlement Form summarizing this information for each DP, including a signature space for DPs to sign on when receiving compensation.
7. Develop a Resettlement Action Plan using the Outline in Annex 3 of the RPF, and using the survey results and entitlement matrix derived from surveys conducted.
8. Ensure that, in preparing RAP, the displaced persons are i) informed about their options and rights pertaining to resettlement; (2) consulted on available choices for compensation and provided with technically and economically feasible resettlement alternatives; and (3) provided prompt and effective compensation at full replacement costs for losses of assets attributable directly to the project.
9. Work closely with MWIU and or MOF/DIDA as required, to conduct consultations with DPs to discuss the draft Resettlement Plan.
10. Finalize Resettlement Plan taking into account comments received from public consultation and in consultations with MWIU and or MOF/DIDA.
11. Liaise closely with the in-house Project Safeguards Specialists in MOF/DIDA and MWIU in reviewing the draft RAP.
12. Finalize RAP/A-RAP budget estimated in the ESMF taking on board the entitlements derived.
13. Finalize the draft RAP following consultations proposed in (9) above, and submit finalized Resettlement Action Plan to MWIU.
14. Ensure that the RAP/ARAP is translated into Marshallese for subsequent disclosure by MWIU.

Output/Reporting Requirements:

The following outputs are required:

- (i) A Resettlement Plan
- (ii) Brief consultant's report discussing the work undertaken, issues faced and conclusions with recommendations on how similar work can be improved in future. Include as annex a report of training conducted for MWIU staff.
- (iii) Documentation of the consultations, noting attendees, feedback and concerns.

Annex 4: Outline of an Abbreviated Resettlement Plan

An Abbreviated Resettlement Plan covers the following minimum elements:

- a. A census survey of displaced persons and valuation of assets;
- b. Description of compensation and other resettlement assistances to be provided;
- c. Consultations with displaced people about acceptable alternatives;
- d. Institutional responsibility for implementation and procedures for grievance redress;
- e. Arrangements for monitoring and implementation; and
- f. A timetable and budget.

Annex 5: ESMF and RPF Stakeholders Consultations

The PREP II ESMF Version 2 sets out details of the range of consultations undertaken to date.

Findings are summarised below

Stakeholder Consultations 2019

A Stakeholder Survey programme has been initiated on Ebeye. The target population is the residents living oceanside of Ebeye; specifically, all the households situated oceanside of the main road starting from the beginning of the Causeway rock wall (behind Public Works) to just before the Power Plant on the south-end, as seen below. This target population was chosen as they are the most vulnerable group on island due to their proximity to the ocean and to the future project site.

People were asked a series of basic demographic and satisfaction questions and were also asked to rate the trade-off variables of a seawall. The questionnaire was translated to Marshallese for ease of comprehension.

Interim Survey results

86 percent of the households identified for surveying (i.e. households from behind Public Works to north of the Power Plant) were interviewed. Forty-nine percent of the individuals surveyed were men, and the remaining fifty-one percent women. Of this group, thirty-eight percent claimed themselves as head of households. Specifically, eighteen percent of the population surveyed are male head of households and nineteen percent women.

Fifty-one persons claimed their homes have been damaged by waves; one hundred eight individuals stated that their homes have never been damaged by waves.

Male household heads, hold high regard to the proximity of the wall to the shoreline (23.4 weighted average) and close behind is the safety of children during the construction period (23.3). Similar to male household heads, female head of households put great weight to the safety of children (29.1) and the least concern over the strength of the wall (26.2).

Besides the risks and opportunities that could result from the seawall project that have already been identified, such as increased protection of homes and people, and increased hazard to children during the construction period, there were a great number of points that were brought up in the surveys.

Ebeye oceanside residents are more concerned about the length of the seawall and how far inland the seawall will be. On the other hand, the height and strength of the seawall fell short on their list of priorities.

Depending on the location, the priorities vary. Areas that have homes situated on the high tide mark prioritize extending the seawall outwards to the sea to give them more buffering space. Areas with more land between homes and the high tide mark prefer a seawall that is closer to shore.

Women are more concerned with the welfare of the children during construction, while men are more keen on the functionality of the seawall. Head of households put more weight to the length of the seawall and the safety of children during construction. Regular householders prioritize seawall length over the height of the seawall.

Stakeholder Consultations Report, 5 – 9 December 2016

Consultations with government agencies – 5 Dec 2016

Issues raised and discussed –

Land ownership and Master Lease Kwajalein landowners and KADA

- a. Land is owned by three levels of traditional owners;
- b. Ebeye is unique in terms of the role of the traditional owners – traditional land owners are extremely powerful with considerable influence on local politicians;
- c. There was general concern about amending the Master Lease again to incorporate new changes. Don't introduce new language. Concern is mainly regarding likely delays in getting the Master Lease finalized and signed.

Roles and responsibilities of different agencies in ESMF and RPF

- a. The different roles and responsibilities were discussed and clarified; there was general agreement on the proposed roles which mirror their statutory responsibilities;
- b. MWIU – expressed concerns about the lack of capacity for safeguards;
 - o MOF/DIDA explained that a Safeguards Consultant will be procured and embed in MWIU to assist the Ministry;
 - o MOF/DIDA will also house the Project Implementation Unit wherein two project specialists plus a Safeguards Specialist will be placed.
- c. EPA – explained that the environmental screening and approval process takes between 3 to 6 months;
- d. Funding of compensation – who pays? Government of RMI is responsible for the compensation budget; not the World Bank.
- e. Role of the National Steering Committee in the ESMF – NSC has overarching oversight and is directly engaged in the Grievance Redress Mechanism to resolve any complaints which cannot be resolved at the site level, and following that, by the Secretary of MWIU for Component 2 complaints, or MOF/DIDA for complaints on Components 1 and 3 activities.

EPA's process of obtaining permits for development –

- a. EPA explained their process in response to a NDMO question;
- b. It was explained that WB encourages the use of national processes except where there are differences. In such cases, the Bank's requirements prevail.
- c. The ESMF and RPF are based on the RMI laws and regulations and the Bank's safeguards policies.

NDMO –

- a. Expressed interest in a new NDMO center;
- b. Other priority needs - equipment upgrading; communication equipment and a back-up generator.
- c. Training of personnel a high priority.

Consultations with local NGOS, civil society groups and others in Majuro, 5 Dec 2016; Marshall Islands Hotel.

- a. Outer islands communications needs strengthening. Options (i) Radionet/HF radios; (ii) FM radio;
- b. Maintenance of existing communication systems a major issue;
- c. Must have a clear Early Warning System first, then develop networks within each atolls.
- d. Two main focal points for outer islanders (i) NTA and (ii) Weather Service.
- e. Red Cross has similar network as NTA and Weather Service – have focal points in all atolls but they need communication equipment.
- f. MALGOV emphasized effective early warning systems based on clear communication protocol; good understanding of what different categories mean, and good awareness and education for communities;
- g. For Component 3, MALGOV recommends tapping into existing Red Cross Early Warning System.
- h. MALGOV lacks capacity in emergency response and needs strengthening in this area.

Consultations with landowners and community leaders

Issues raised and discussed –

1. Disaster preparedness

- a. Radio station is very needed in Ebeye to strengthen communication network. This is a potential activity under PREP Phase 2 Component 1;
2. National government leadership vs Local Government leadership –
 - a. how can the local government be ensured to own more leadership on the project? From previous experience, especially the infrastructure projects, national government played a controlling role and communication and coordination with the local government was limited.
3. Master Lease –
 - a. Does the Master Lease have to be signed for the project to start?
 - b. The Iroj observed that everything depends on the Master Lease and it needs to be signed first before anything happens.
 - c. Only one landowner's signature remains; and there is general optimism that his signature would be secured in the near future;
 - d. Coastal protection structures are not specifically referred to in the lease; the existing easements are not likely to fit, thus new easements are required.
 - e. A new easement along the coastline would be beneficial for PREP Phase 2 and other planned pipeline projects e.g. the Renewable Energy Project;
 - f. A few individuals explicitly expressed unconditional support for the Project and its use of Ebeye lands.
 - g. The three paramount landowners (Iroj) appeared generally supportive although none explicitly expressed support.
4. Design of Component 2 coastal protection structures –
 - a. All participants noted the best option is the revetment wall extending the whole length of Ebeye's oceanside but also accepted it may not be possible because of costs.
 - b. Can we have more funding to cover the whole island including Guugeegue? Guugeegue has value and several public assets such as the schools. In the long run, the development of Guugeegue and protecting the causeway has certain value to the people of Ebeye. We should look at the big picture instead of hot spots only.
 - c. KADA explained that WB would like to see the maximum number of people benefiting from the coastal protection investment which is a significant amount of money. He noted that the Bank has to be accountable to its donors and questions around costs and population will have to be clearly answered with a cost-benefit analysis. Ebeye will have to look at alternative funding for the last 3 miles of the causeway.
5. General comments –
 - a. There was general agreement that this first WB project for RMI must be successful, to more easily leverage additional funds for other areas that need similar protection.
 - b. The Iroj and Senator Mike Kabua thanked the presenters and expressed his interest in the Project. He also requested copies of the presentations.

14. Consultations with local community (Ebeye), 8 Dec 2016

Issues raised and questions asked –

1. Uses of the land and sea on the Oceanside -
 - a. Kids swim on the ocean side. No one has ever died of drowning on the ocean side, whereas the lagoon side recently saw the loss of several kids to drowning.
 - b. Women collect seashells and shellfish on the ocean side for their handicrafts. Sedimentation and other impacts from construction works will destroy this resource and

affect some dependent families.

2. Early warning and disaster preparedness
 - a. Siren warning/bell
 - Development of siren warning/bell sounds for different type of disasters
 - Community education/awareness/workshop on understanding the siren warning
 - Siren warning/bell is needed at Gugeegue also
 - b. Police: expressing the challenge to get information disseminated and having a radio station can be very valuable;
 - c. Communication system should cover the whole atoll and include other islands, not just Ebeye island;
 - d. VHS system users can be trained to be included in the disaster preparedness network for early warning messages communication
 - e. Preparedness training/education should be provided to students and teachers at schools;
 - f. Continuous and regular preparedness training/education should be provided to the current first responders network (WUTMI, KAJUR, KALGOV, YTYIH, and others).
3. Coastal protection
 - a. WUTMI member – will the coastal protection infrastructure change the current at the ocean side to increase the danger?
 - b. Women use the ocean side / reef flat to collect shells for handicrafts. Will the coastal protection infrastructure change the marine life (shellfish)? How do you mitigate?
 - c. Easy access to the ocean is needed and should be incorporated into the design of protection structure such as steps/stairs and ramps;
 - d. Where is the berm going to end? What's the length?
 - e. Side effects – who to mitigate side effects? This project should learn from the mistakes and experiences from the last seawall construction (Gugeegue causeway).
 - f. Project should cover the entire island to prevent side effects.
4. General comments etc. –
 - a. Names of weto can be identified on the map;
 - b. Marine life mapping/analysis/monitoring at the ocean side can be beneficial.

Consultations with KADA and KAJUR; 8 Dec 2016

- a. The latest version of the Master Lease is November 10 version;
 - b. Easy access to the ocean should be incorporated into the Project design. The oceanside reef flat is the playground for kids in Ebeye. Steps or similar access to the ocean should be established for several locations, such as the hospital.
 - c. Land for use of contractors use (staging areas) –
 - KADA will look for appropriate land. How much land is required? Can an estimate be given?
 - There is not much land available to choose from, for this project and others in the pipeline;
 - Need to get KALGOV assist by clearing all the scrap metals left on the PW's yard and dock/stevedore area;
 - d. Mechanism for formalizing land arrangement with MWIU
 - Exchange of letters;
 - The normal administrative process of the Earthmoving Permit
 - Notice to Proceed from MWIU to the contractor once permit is received from EPA which would have KADA's endorsement.
-

1. Amendments to the Master Lease
 - New easement along the coast would be required for planned future development including those required for PREP Phase 2;
 - Specific reference to and inclusion of 'coastal protection structures' in the Master Lease would facilitate things – KADA (Carl Hacker) indicated he has already explored 'wordings' with the lawyer.

Ebeye Seawall Project

1. Stakeholder engagement on the Ebeye Seawall commenced in March 2019, pursuant to the SEP. This engagement was the first of a series of surveys intended to be administered throughout various stages of the Project for project personnel to gain perspective, gauge stakeholders' understanding of the various project phases, and measure satisfaction with information about the project and satisfaction with the overall project. In addition to surveys, one on one meetings and small meetings are taking place regularly between the PIU team (and in particular the Ebeye Representative) and institutions and groups.
2. Initial surveys utilized basic Survey Monkey as the tool, but in late 2019 the questionnaire was migrated to Kobo Toolbox which is intended to provide the ongoing platform. Survey reports are maintained by the CIU Safeguards Advisor.

Land Owner Consultations

3. One on one meetings have occurred since project effectiveness between land owners and the PIU, with support from the CIU safeguards team. In particular the PREP II Ebeye Representative has maintained communications with landowners via direct discussion and updates and via interactions around the ongoing stakeholder survey programme.

Annex 6: External Monitoring Indicators

Indicators	Information Required in Monitoring and Reporting
Process Indicators	
Staffing	<ul style="list-style-type: none"> Amount of safeguards specialist time devoted to project implementation in the field.
Consultation, participation and Grievances Resolution	<ul style="list-style-type: none"> No. of consultations and participation programmes held with Affected Peoples' and various stakeholders; Types of IEC campaign materials distributed to target beneficiaries and AP's; Number and types of grievances received from beneficiaries and APs and the number of days taken in resolving them by various responsible Project personnel/entities as per Grievance Redress Mechanism; Number and names of representatives who participated in the consultations and in the implementation of subprojects safeguards instruments; Number of safeguards related training undertaken and the names and number of people participated;
Operational Procedures	<ul style="list-style-type: none"> Types of forms used in recording the activities undertaken in project implementation; Efficiency of coordination between PMU and project personnel and other stakeholders in the outer islands/field; Type of database being maintained; Efficiency of PMU and outer island staff in RPF implementation; Efficiency and adequacy of compensation payment system; Assess if the project policies in RAPs have been adequately complied with.
Compensation and Entitlements	<ul style="list-style-type: none"> The completeness of the census of affected people and inventory of affected assets, to be implemented by MWIU (via a Resettlement Specialist it will engage and supported by the CIU Safeguards team) to ensure all affected people, and their assets and crops are recorded fully and accurately. Transparency in the calculation of AP's entitlements; Number of AP's beneficiaries and the types of compensation received; Indicate if the type of compensation delivered is either one-off or instalments; Number of relocated APs provided with transportation assistance; Assess the effectiveness and efficiency with which compensation entitlements were delivered.
Impact Indicator	
Social rehabilitation	<ul style="list-style-type: none"> Indicate the number of women who participated in project training, consultations, and other activities; Assess the quality of living of relocated AP's using relevant parameters such as quality of sanitation facilities, access to clean drinking water, etc..
Issues and problems encountered	<ul style="list-style-type: none"> Indicate the issues and problems encountered in the implementation of subprojects safeguards requirements including implementation of ARAP or RAP as necessary, payment of compensation and entitlements and social rehabilitation of APs.
Household Earning Capacity	<ul style="list-style-type: none"> No. of AP's employed in sub-project No. of APs with income generating activities linked to and either partially or fully dependent on the sub- project; Present vs pre-project incomes of AP's employed in the subproject or otherwise benefiting from it; Changes in the numbers of households dependent on seashells for handicrafts; Present vs pre-project incomes of households dependent on seashells for handicrafts
Health and Environment	<ul style="list-style-type: none"> Problems/issues related to waste management disposal and safe drinking water of relocated AP's, and where relevant, workers camps; Improvements on health conditions of women and children;
Changes in socio-cultural patterns	<ul style="list-style-type: none"> Present vs pre-project levels of women participating in subproject dependent microenterprises;

Annex 7: Draft terms of Reference for External Monitoring Agency (EMA)

Background

1. PREP Phase 2 for Marshall Islands is a World Bank funded project aimed at strengthening the resilience of vulnerable coastal communities against natural coastal hazards such as coastal flooding and inundation from wave surges and king tides, cyclones, tsunamis and others. This goal is pursued via a range activities organized and implemented under the following four components –
 - a. Component 1 – Institutional Strengthening, Early Warning and Preparedness;
 - b. Component 2 – Strengthening Coastal Resilience
 - c. Component 3 – Contingency Emergency Response, and
 - d. Component 4 – Project Management
2. The Project triggers the following four WB Safeguards Policies, (OP/BP 4.01 Environmental Assessment; OP/BP 4.04 Natural Habitats; OP/BP 4.11 Physical Cultural Resources and OP/BP Involuntary Resettlement. After an initial WB screening, the Project is assigned a Category B for safeguards which means potential adverse impacts are less significant, site specific, mostly reversible and that a range of potential measures for mitigation can be readily designed in the majority of cases.
3. To guide the preparation of environmental and social safeguards instruments to be prepared at the subproject detailed planning stage, an Environmental and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF) have been prepared. The implementation of both requires close monitoring and reporting. That responsibility is assigned largely to the Ministry of Public Works (MWIU) and its agents.
4. One such agent is an External Monitoring Agency (EMA) who will monitor and report on the implementation of the RPF and any social safeguards instruments addressing impacts of all funded subprojects.

Objective/Purpose of the Assignment:

5. The objective of the assignment is to support the implementation of PREP Phase 2, a World Bank funded project for Government of Republic of the Marshall Islands.

Scope of Work:

6. The EMA will assist the MWIU to monitoring and report on the implementation of the Resettlement Policy Framework, and subproject specific social safeguards instruments that would be required. The focus on monitoring and reporting is set out in the Monitoring and Reporting Indicators described in Annex 6.

Detailed Tasks:

7. The EMA will monitor and report full on all the Monitoring and Reporting indicators described in Annex 6.

Outputs and Reporting requirements –

- Six monthly monitoring reports.
- The EMA Monitoring Report will be submitted directly to the World Bank as part of the Progress Reports of the Project Implementing Agency.