

ENVIRONMENTAL AND SOCIAL SCREENING AND ASSESSMENT FRAMEWORK

Enhanced Road Access Project (P145545)

I. Objectives

1. The Environmental and Social Screening and Assessment Framework (ESSAF) provides general policies, guidelines, codes of practice and procedures to be integrated into the implementation of the World Bank-supported emergency reconstruction operations in Samoa. This Framework has been developed to ensure compliance with the World Bank's safeguard policies under the current conditions in Samoa. The objective of the ESSAF is to ensure that activities under the proposed reconstruction operations will:

- ❖ Protect human health;
- ❖ Prevent or compensate any loss of livelihood;
- ❖ Minimize environmental degradation as a result of either individual subprojects or their cumulative effects;
- ❖ Minimize impacts on cultural property; and
- ❖ Enhance positive environmental and social outcomes.

II. General Principles

2. Recognizing the emergency nature of the proposed reconstruction operations and the related need for providing immediate assistance, while at the same time ensuring due diligence in managing potential environmental and social risks, the ESSAF is based on the following principles:

- ❖ The proposed operations will support multiple subprojects, the detailed designs of which may not be known at appraisal. To ensure effective application of the World Bank's safeguard policies, the ESSAF provides guidance on the approach to be taken during implementation for the selection and design of subprojects and the planning of mitigation measures.
- ❖ Environmental category "A" subprojects are not expected in the first year's subprojects. If any do occur, environmental assessments (EAs) for specific subprojects would be prepared during implementation, instead of appraisal. Corrective measures in the form of an Environmental Management Plan will be built into the emergency project. The above is in accordance with paragraph 13 of OP 4.01 and paragraph 5 of BP 4.01.
- ❖ No resettlement issues are expected in any of the operations for the first year's subprojects. If any do occur, Resettlement Action Plans (RAPs), and/or Resettlement Policy Frameworks (RPFs) for specific subprojects will be prepared.

- ❖ The proposed emergency reconstruction operations will finance feasibility and detailed design studies for these subsequent investments, which will include EAs and social studies as required by World Bank safeguard policies.
- ❖ Project design and subproject selection will seek to maintain regional balance and equity among religious groups, considering variations in population density. Employment opportunities within the projects will be available on an equal basis to all, on the basis of professional competence, irrespective of gender or ethnic or religious group. In all projects which require consultations with local communities or beneficiaries, consultations will be conducted to elicit the views of the male and female population.
- ❖ Consultation and disclosure requirements will be simplified to meet the special needs of these operations. This ESSAF will be disclosed in the sector agencies and other public places in Samoa and in the World Bank InfoShop.

III. Project Description

3. Tropical Cyclone Evan (TCE) struck Samoa on December 13 and 14, 2012. Over the two-day period, it caused an estimated Samoan Tala (SAT) 235.7 million (about US\$103.3 million) in damage to physical assets across all economic and social sectors. It is estimated that TCE inflicted about SAT 88.35 million (US\$40.16 million) in damage and losses to the transport sector, much to the country's networks of roads and bridges. The 2012 Post-Disaster Needs Assessment of Cyclone Evan (DALA) that was carried out by the Government of Samoa's (GoS) and key donors documented the high degree of damage incurred from this calamity. Aside from deaths and related injuries, as many as 600 homes were damaged and about 4,000 people displaced. Major roads and bridges were also damaged, which negatively affected the mobility of people and movement of goods around and between the Islands of Upolu and Savai'i, the country's two largest.

4. The World Bank is preparing an emergency project in response to TCE - the Enhanced Road Access Project (ERAP) using the Bank's emergency response procedures (OP/BP 10.00). The development objectives of the ERAP are to provide emergency assistance to enhance sustainable access for all road users by: (i) addressing connectivity challenges caused by TCE; and (ii) improving the resilience of principal roads and bridges on the Islands of Savaii and Upolu.

5. The ERAP consists of the following three components:

Component 1: Road and Bridge Reconstruction (US\$31.50 mil.). This component would help to repair roads and bridges damaged by Tropical Cyclone Evan, and upgrade, rehabilitate and/or reconstruct existing road sector assets to higher standards to strengthen their resilience to climate change and extreme weather events. During the first year of the project, LTA intends to repair or replace the Leone Bridge. The amount above includes an estimated US\$28.00 million for works and about US\$2.45 million for detailed design and supervision activities, which are estimated at eight percent of the cost of works.

Component 2: Technical Assistance (US\$2.50 mil.). Funding would be provided to support institutional and regulatory reforms in how road sector assets are managed and maintained, and to strengthen local capacity to manage the sector. Attention would be given to support for: (i) revising construction standards for road maintenance and construction to reflect measures to strengthen climate resilience; (ii) updating legal and regulatory arrangements for enforcing axle load limits, which would support the Bank’s Development Program Operation (DPO); (iii) strengthening LTA’s technical capacity to effectively plan and manage the sector, including developing a bridge maintenance program; and (iv) addressing emerging priority issues that could have an impact on the Government’s ability to create more climate resilient road sector assets.

Component 3: Project Management (US\$1.00 mil.). The services of a firm to support implementation of the ERAP would be financed through the project. The consulting firm that was selected to provide similar services for CRWCR, which is also implemented by LTA, will also help to manage the ERAP. These cost-sharing arrangements are expected to reduce the overall expense of this component by an estimated US\$1 million.

IV. Environmental and Social Screening and Assessment Framework (ESSAF)

6. This ESSAF has been developed specifically for these proposed operations to ensure due diligence, to avoid causing harm or exacerbating social tensions, and to ensure consistent treatment of social and environmental issues by the Government of Samoa. The purpose of this Framework is also to assist the Project Implementing Agencies in screening all the subprojects for their likely social and environmental impacts, identifying documentation and preparation requirements and prioritizing the investments.

7. The table below describes each of the World Bank’s environmental and social safeguards policies that are applicable under the Project. The third column provides guidance on specific measures and actions required of each party to comply with the specific Bank’s policy and lists the range of safeguard instruments that may be adopted and the manner in which to integrate and verify environmental and social due diligence requirements.

Detailed Description of World Bank Environmental and Social Safeguards Policies

Policy	Objectives	Procedures
Environment Safeguards		
WB Environmental Assessment (OP 4.01)	The Bank requires screening of projects proposed for Bank financing to help ensure that they are environmentally sound and sustainable, and thus to improve decision making.	The LTA will do the initial screening of proposed activities. Activities are initially screened through the “negative list of activities.” The subprojects are then screened using the GoS COEPs, and compliance with the COEPs is required. An EA may be required depending on the scale and nature of the subproject. If an EA is not required, further screening is

		<p>done through an Environmental and Social Screening Checklist (ESSC) to assess the levels of risk. For some subprojects, an Environmental and Social Management Plan (ESMP) may be required.</p> <p>Project staff will screen all subprojects early in the identification stage and determine project boundaries and classify projects into the appropriate safeguards category. The ESSC is included as Attachment 2 to this EASSF.</p> <p>When necessary, for all subprojects, preparation of safeguards instruments such as EA, ESMP et al., may be deferred to implementation, but must be completed before civil works commence.</p> <p>The Bank will review and clear the safeguards instruments prepared by the subproject beneficiary for impact identification and appropriateness of proposed mitigation measures.</p>
Involuntary Resettlement		
<p>WB Involuntary Resettlement (OP 4.12)</p>	<p>To assist displaced persons in their efforts to improve, or at least restore, their incomes and standards of living after displacement.</p>	<p>The LTA will do the screening of impacts on involuntary resettlement on the basis of the project's possible architectural and engineering designs taking into consideration that involuntary taking of land or any form of economic displacement must be avoided where feasible, or minimized by exploring all alternative subproject designs. Selection of final design takes into consideration the least number of affected persons. The Checklist for the LARF is found in the Annexes of Attachment 3 to this ESSAF. This will be used to determine the magnitude of impact, types of affected land, and required safeguards instruments. Its formulation should be done in a participatory manner starting with meetings with village mayors who will help in seeking the participation of landowners, including Matais.</p>

		<p>The Bank will prior review and clear all full RAPs, defined as more than 200 persons affected, and the first three abbreviated RAPs.</p> <p>Implementation will be carried out with the Land Management Office of the Ministry of Natural Resources and Environment.</p> <p>All compensation shall be paid a month prior to the commencement of civil works in the particular project component</p>
Indigenous Peoples		
WB Indigenous Peoples (OP 4.10)	<p>This policy contributes to the Bank’s mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples.</p>	<p>The vast majority of the inhabitants in Samoa are considered indigenous. When Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, as in the case for this project, the traditional and customary systems in project locations will be included in the overall project design.</p>

IV. Safeguard Screening and Mitigation

9. The selection, design, contracting, monitoring and evaluation of subprojects will be consistent with the following guidelines, codes of practice and requirements. The safeguard screening and mitigation process will include:

- ❖ a list of negative characteristics rendering a proposed subproject ineligible for support, (Attachment 1);
- ❖ a proposed checklist of likely environmental and social impacts to be filled out for each subproject or group of subprojects (Attachment 2);
- ❖ a land acquisition, entitlements and compensation framework (Attachment 3); and
- ❖ the inclusion of the Codes of Environmental Practice (COEPs) in technical specifications of contracts to help prevent and mitigate potential environmental impacts (Attachment 4).

V. Responsibilities for Safeguard Screening and Mitigation

10. The Land Transport Authority (LTA) will be the implementing agency for the ERAP. The LTA, which has its own Board and legislative framework, became fully functional in July 2009 when it took over responsibility for day-to-day management of road system development and maintenance from the Ministry of Works Transport and Infrastructure. The establishment of the LTA was supported under the Bank's Second Infrastructure Asset Management Project, Phase 2 (SIAM-2).

11. LTA is currently implementing the road components of Second Infrastructure Asset Management, Post-Tsunami Reconstruction, and Enhancing the Climate Resilience of the West Coast Road Projects to a satisfactory standard and is familiar with World Bank safeguards requirements. As in past Bank-financed projects, funding under the ERAP would be provided to support implementation.

VI. Capacity-Building and Monitoring of Safeguard Framework Implementation

12. As part of the capacity-building to be provided for implementing the proposed operation, the relevant staff of the concerned agencies (LTA, MNRE, PUMA) will also receive training in ESSAF's application. During supervision of these operations, the World Bank will assess the implementation of the ESSAF, and recommend additional strengthening, if required.

VII. Consultation and Disclosure

13. This ESSAF will be disclosed locally through the website of the LTA. It will be disclosed in Samoan and English and be made available at the World Bank's InfoShop. Relevant subproject specific safeguard documents/mitigation plans prepared subsequently will also be disclosed.

14. The implementing agency (LTA) will consult project-affected groups and local nongovernmental organizations on the project's environmental and social aspects, and will take their views into account. The implementing agency will initiate these consultations as early as possible, and for meaningful consultations, will provide relevant material in a timely manner prior to consultation, in a form and language(s) that are understandable and accessible to the groups being consulted.

15. For any Category A projects, the implementing agency will consult these groups at least twice: (a) shortly after the environmental screening and prior to finalization of the terms of reference for the Environmental Impact Assessment (EIA); and (b) once a draft EIA report is prepared. For the initial consultation, the implementing agency will provide a summary of the proposed project's objectives, description, and potential impacts. For both Category A and B projects, the implementing agency will provide these groups with a summary of the EIA report's conclusions. In addition, the implementing agency will make the draft reports publicly available to project-affected groups and local nongovernmental organizations.

Attachment 1: List of Negative Subproject Attributes

This negative list has been compiled to exclude certain activities associated with disaster response and post-disaster reconstruction that fulfill one or more of the following criteria: (i) environmentally risky; (ii) may create impacts that require more sophisticated planning and preparation of mitigation measures; (iii) have technical complexities and requirements that would go beyond the capacity normally available in-country; (iv) would trigger additional safeguards policies or change the project's safeguards category; and (v) are not aligned with public interests or do not benefit common goods or public services.

Applying the above criteria to the anticipated context of the disaster response activities under the ERAP, the following list of activities has been compiled:

- activities that would damage cultural property, including, but not limited to, any activities that affect archaeological and historical sites, and religious monuments, structures and cemeteries;
- activities which significantly convert or degrade critical natural habitats, including, but not limited to, any activity within legally declared protected areas;
- activities involving the use of fuel wood, including trees and bush;
- activities involving the use of hazardous substances;
- repair of facilities storing hazardous substances (e.g. fuel depots), except simple clearing of debris or landslide materials on access roads and perimeters;
- any "salvage logging" operations (which might be undertaken as result of storm damage to forests);
- construction of new, or substantial expansion of existing flood protection works, especially when this involves the conversion of floodplains or riverine forests;
- bulk purchase of fuel, lubricants, pesticides, herbicides or other hazardous substances; and
- any activity in a sensitive or protected natural habitats as defined by OP 4.04, except the removal of debris and the repair of pre-existing infrastructure, e.g. access roads or park ranger buildings.

Attachment 2: Checklist of Likely Environmental and Social Impacts of Subprojects

This Form is to be used by the Safeguard Focal Point (SFP) or Project Management Unit (PMU) of the LTA in Screening proposed sub-projects.

Note: One copy of this form and accompanying documentation is to be kept in the PMU office and one sent to the task team leader of the World Bank.

Name of Subproject:

Location:

I. Subproject Screening:

- a. Has the subproject been screened against the list of ineligible activities (negative list)? If yes, proceed. If no, contact LTA to conduct screening.

II. Site Assessment:

- a. When considering the location of a subproject, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable. They do indicate a real risk of causing undesirable adverse environmental and social effects, and that more substantial environmental and/or social planning may be required to adequately avoid, mitigate or manage potential effects.

Issues	Site Sensitivity			Rating
	Low	Medium	High	
Natural Habitats	No natural habitats present of any kind	No critical natural habitats; other natural habitats occur	Critical natural habitats present. Within declared protected areas.	
Water quality and water resource availability and use	Water flows exceed any existing demand; low intensity of water use; potential water use conflicts expected to be low; no potential water quality issues.	Medium intensity of water use; multiple water users; water quality issues are important	Intensive water use; multiple water users; potential for conflicts is high; water quality issues are important	
Natural hazards vulnerability, floods, soil stability/erosion	Flat terrain; no potential stability/erosion problems; no known volcanic/seismic/flood risks	Medium slopes; some erosion potential; medium risks from volcanic/seismic flood/typhoons	Mountainous terrain; steep slopes; unstable soils; high erosion potential; volcanic seismic or flood	

			risks.	
Physical Cultural Property	No known or suspected physical cultural heritage sites	Suspected cultural heritage sites; known heritage sites in broader area of influence	Known heritage sites in subproject area	
Involuntary Resettlement	Low population density; dispersed population; legal tenure is well defined;	Medium population density; mixed ownership and land tenure;	High population density; major towns and villages; low income families and/or illegal ownership of land; communal properties.	
Indigenous Peoples	No indigenous population	Dispersed and mixed indigenous populations; highly acculturated indigenous populations	Indigenous territories (CADT), reserves and /or lands; vulnerable indigenous populations.	

III. Areas for Potential Environmental and Social Impact

		Yes	No
A. Environment - Will the Subproject:			
1	Risk the contamination of drinking water?		
2	Cause poor water drainage and increase the risk of water related diseases such as malaria or dengue		
3	Harvest or exploit a significant amount of natural resources such as trees, wood for fuel or water?		
4	Be located within or nearby environmentally sensitive areas, protected areas (e.g. intact natural forests, mangroves, wetlands or threatened species?) or key biodiversity areas?		
5	Create a risk of increased soil degradation or erosion?		
6	Create a risk of increasing soil salinity?		
7	Produce, or increase the production of solid wastes (e.g. water, medical/healthcare, domestic or construction wastes)?		
8	Affect the quantity or quality of surface waters (e.g. rivers, streams, wetlands), groundwater (e.g. wells), or community pools?		
9	Result in the production of solid or liquid waste, or result in an increase in waste production, during construction or operation?		
<i>If the answer to any question from 1-9 is "Yes", please include an Environmental and Social Management Plan (ESMP) with the subproject application</i>			
B. Land Acquisition and Access to Resources - Will the Subproject:			
10	Require that land (public or private) be acquired (temporarily or permanently) for its development?		
11	Use land that is currently occupied or regularly used for productive		

	purposes (e.g. gardening, farming, pasture, fishing, forests)		
12	Displace individuals, families, businesses? Have any individuals, families, businesses been displaced up to 2 years prior to subproject enrolment?		
13	Result in the temporary or permanent loss of crops, fruit trees or household infrastructure such as crop storage facilities, outside toilets and kitchens		
14	Result in the involuntary restriction of access by people to legally designated parks and protected areas?		
<i>If the answer to any of the questions 10 -14 is "Yes", please inform the LTA and prepare appropriate documents required under the LARR Framework.</i>			

CERTIFICATION

We certify that we have thoroughly examined all the potential adverse effects of this subproject. To the best of our knowledge, the subproject plan as described in the application and associated planning reports (e.g. ESMP, RAP), if any, will be adequate to avoid or minimize all adverse environmental and social impacts.

LTA Representative
 (signature).....
 Date:.....

PMU team representative
 (signature).....
 Date:.....

Attachment 3: Land Acquisition and Resettlement Framework

Definition of Terms

Terms commonly used in relation to these guidelines are defined as follows:

Census

A filled survey carried out to identify Displaced Persons in accordance with procedures, satisfactory to the Association, including criteria for eligibility to compensation, resettlement and other rehabilitation measures, and consultations with Displaced Persons.

Compensation

The payment in land, cash or other assets given in exchange for the taking of land and buildings, in whole or in part, and all fixed assets on the land and buildings.

Cut-off Date for Eligibility to Entitlements

The date of the start of the census.

Displaced Persons

Persons who, on account of the involuntary taking of land and other assets under the Project resulting in a direct economic and social adverse impact, whether or not said Displaced Persons must physically relocate, had or would have their: (i) standard of living adversely affected, whether or not the Displaced Person must move to another location; (ii) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, temporarily or permanently, adversely affected; (iii) access to productive assets (including crops) adversely affected, temporarily or permanently; or (iv) business, occupation, work or place of residence or habitat adversely affected.

Involuntary Displacement

Direct economic and social impacts caused by (a) the involuntary taking of land resulting in: (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the Displaced Persons must move to another location; or (b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

Involuntary Land Acquisition

The taking of land by government for public purpose against compensation where the landowner must surrender their land involuntarily and has only the right to negotiate and appeal the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

Land

Agricultural and non-agricultural land and any structures thereon whether temporary or permanent and which is required for the project.

Land Acquisition

The taking of land, buildings or other assets from Displaced Persons for purposes of the Project against provision of compensation and rehabilitation assistance.

Rehabilitation Assistance

The provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable Displaced Persons to improve their living standards, income earning capacity and production levels, or at least maintain them at pre-Project levels.

Replacement Cost

The method of valuation of assets which assists in determining the amount sufficient to replace lost assets and cover transaction costs, as follows: (i) Replacement cost for agricultural land means the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of (a) preparing the land to levels similar to those of the affected land; and (b) any registration and transfer taxes; (ii) Replacement cost for houses and other structures means the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, or to repair a partially affected structure, plus the costs of: (a) transporting building materials to the construction site; (b) any labor and contractors; fees; and (c) any registration and transfer taxes; and (iii) Replacement cost for land in urban areas means the displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

Resettlement Assistance

The measures to ensure that Displaced Persons who need to be physically relocated are provided with assistance during relocation, such as moving allowances, and provided with residential housing or housing sites, or as required, agricultural sites.

Voluntary Land Contribution

A process by which an individual or communal owner agrees to provide land or property for project related activities. Voluntary land contribution may be of two types: voluntary land contribution for compensation or voluntary land contribution without compensation. Voluntary contribution is an act of informed consent made with the prior knowledge of other options available and their consequences, including the right not to contribute or transfer the land. It must be obtained without undue coercion or duress.

Samoan Terms

Matai - title holder and representative of the extended family.

Alii and Faipule - village council of chiefs and orators of a village

Pule - authority over land established by the Lands and Titles Court.

Tautua - service provided by an individual to family, village or country.

Objectives of LARF and Project

1. This Land Acquisition and Resettlement Framework (LARF or “Framework”) establishes parameters for the conduct of land acquisition and resettlement of Displaced Persons (DPs) who may be affected during implementation of the Enhanced Road Access Project (ERAP). While the number of people and magnitude of adverse impacts are expected to be minimal, the Project will work to further minimize the number of DPs and/or adverse impacts of the sub-projects.

2. The Project Development Objectives are to provide emergency assistance to enhance sustainable access for all road users by: (i) addressing connectivity challenges caused by TCE;

and (ii) improving the resilience of principal roads and bridges on the Islands of Savaii and Upolu.

Project Description

1. The ERAP consists of the following three components:

Component 1: Road and Bridge Reconstruction (US\$31.50 mil.). This component would help to repair roads and bridges damaged by Tropical Cyclone Evan, and upgrade, rehabilitate and/or reconstruct existing road sector assets to higher standards to strengthen their resilience to climate change and extreme weather events. During the first year of the project, LTA intends to repair or replace the Leone Bridge. The amount above includes an estimated US\$28.00 million for works and about US\$2.45 million for detailed design and supervision activities, which are estimated at eight percent of the cost of works.

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Component 3: Project Management (US\$1.00 mil.). The services of a firm to support implementation of the ERAP would be financed through the project. The consulting firm that was selected to provide similar services for CRWCR, which is also implemented by LTA, will also help to manage the ERAP. These cost-sharing arrangements are expected to reduce the overall expense of this component by an estimated US\$1 million..

Context

5. The Enhanced Road Access Project is a US\$35.00 million project consisting of US\$15.00 million from an IDA Grant, US\$5.00 million from the IDA Crisis Response Window, US\$13.00 million in co-financing (grant) from The Government of Australia, and US\$2.00 million in counterpart funds.

6. The project responds to damages brought by Cyclone Evan in December 2012 that struck Samoa and other Pacific nations. In Samoa, there were five reported deaths and an estimated 4,000 people made homeless. It affected the Island of Upolu most. Guidelines for due diligence to ensure that these civil works have complied with national law are included in the ESSAF, Annex 1.

7. A framework approach has been adopted for the ERAP, as the possible impacts and the extent to which the project will directly affect people in Samoa cannot be clearly defined prior to the approval of the project. The World Bank's Operational Policy 4.12 on Involuntary Resettlement outlines the following principles, which have been adopted in the preparation of this document and will govern the project implementation:

- Avoid or minimize involuntary resettlement where feasible.
- Assist displaced persons in improving their former living standards, earning capacity and production levels or at least restoring them.
- Encourage community in planning and implementing resettlement.
- Provide assistance to affected people regardless of the legality of title of land.

8. This framework includes guidelines for land contributed in return for compensation, for land contribution without compensation and for involuntary land acquisition by government for sub-projects. The Framework also provides guidelines for land contributed voluntarily.

9. The Government of Samoa (GoS) will take every step to ensure that no land is acquired against the will of the person exercising pule over the land. In the event that such acquisition is unavoidable, it shall be done according to the process outlined below.

Institutional Arrangements

10. Overall responsibility for the implementation of this Framework will reside with the Land Transport Authority. The LTA will ensure that the framework is publicly disseminated.

Land in Samoa

Land Tenure

11. There are three types of land tenure in Samoa namely customary, freehold and public land. Since gaining independence in 1962, Government has released several hundred acres of public land to be sold to the general public. In other instances, Government land has been designated for the use of certain villages and communities for various reasons, such as when villages adjoining Government lands have claimed that they no longer have sufficient land to cultivate and cater for a growing village population.

Customary Land

12. Most of the land in Samoa is held under customary ownership and is protected by the Constitution for the "customs and usages" of the people of Samoa. Customary land is held in the name of the matai or head of the family, who has the authority or pule over the family land that is similar to a trustee. The matai determines the distribution of family land among members of the family for their use. It is believed that every Samoan has rights to land that will provide him with a means to earn a living and support his family. It is uncommon for a Samoan to be without rights to some land as a descendant of Samoan parents. It is also uncommon for a Samoan not to have access to alternative areas of land on which to relocate or to cultivate. However these rights to customary land are dictated by one's blood connections. Consequently, one does not have a choice about the location of customary land to which one is entitled. Most commonly, people will have access to large areas of land within their rural village while seeking to purchase a piece of freehold land within proximity to the urban centre and the facilities and amenities provided there.

13. Alienation of customary land is possible by only two methods:

a) By lease of the land to a person determined by the matai of the family. The Minister of Lands is appointed by the Alienation of Customary Land Act 1965 to act for and on behalf of all beneficial owners in signing a lease for registration.

b) By the Taking of Lands Act 1964 for a "public purpose." The boundaries of customary land are known to the family from years of use and traditional knowledge. The majority of customary lands have never been registered or surveyed. Although the Alienation of Customary Land Act requires the Registrar to

register the alienation or lease of customary land there is no other provision for register of customary land. Any determination of title over customary land is held in the records and decisions of the Lands and Titles Court. This Court is an independent Court specifically established to deal with customary lands and titles. Lawyers are not permitted to appear before this Court unless they are representing their personal interest in any customary land or title. The records of the Lands and Titles Office are accessible exclusively to the members and descendants or heirs to the land or title. One can only access the records by providing proof to the Registrar of Lands and Titles that one is an "heir" to the land or a descendant of the family to which the land or title belongs. The register of customary land is not a public record.

14. There are many instances where the authority or ownership of customary land is uncertain or disputed. Such disputes are referred to the Lands and Titles Court for decision about the pule over the land or title in dispute. The majority of Samoans do not favor the idea that the records of the Lands and Titles Court should be open to the public as they jealously guard their genealogies and land entitlements. However the idea of registration of the "pule" over land is gathering favor.

Freehold Land

15. Freehold land is registered under a Deeds registration system established prior to Independence in 1962. This involves the registration of Deeds of Conveyance in the name of the purchaser. The Registrar of Lands registers and retains a copy of the Deed of Conveyance and the registered proprietor retains the original. The Register of freehold lands is a public record which can be accessed by the payment of a search fee at the Lands, Surveys and Environment Department. There are shortcomings to the Deeds registration system. For example, the registered title is only as good as the strongest link in the chain of registration and there is no guarantee of indefeasibility of one's title by registration of a Deed of Conveyance in the Deeds system. In contrast, indefeasibility of title is guaranteed in a Torrens system and the indefeasibility of a registered Title is a fundamental cornerstone of such a system. In Samoa the Deeds registration system operates in principle. However, in practice the Samoan legal profession applies the principles of the Torrens system to registration of title. It would not be an unfair assessment to state that a hybrid Deeds/Torrens system has developed in Samoa. Reform of the land registration system is long overdue and would be welcomed by those most familiar with it.

16. Freehold land is situated mainly within the Apia urban area and the outskirts of Apia. The acreage of freehold land has increased since the Government has made several hundred acres of Government land available for purchase by the Public. Ownership of freehold land can be determined by conducting a search of the volumes of the Land Register. There is limited amount of freehold land coupled with an ever increasing number of people willing to purchase freehold giving rise to a situation over the past ten years where the development of a robust real estate market has occurred. Freehold land is highly valued and the current market value of the land is determined by the price a willing buyer will pay for it and factors such as comparable land sales and the services and amenities accessible to the area in which the land is located. Residence on freehold land is not subject to the authority of the chiefs and orators of a village, even if it is located in a village.

Government or Public Land

17. A Land Board established by the Lands Surveys and Environment Act 1989 administers government land. Records of Government land taken from "Reports on Administration" 1925, 1926 and 1928, estimated that the total area of Samoa comprised 725,000 acres with Government land at 85,630 acres. While no recent study has been undertaken to obtain more accurate figures or determine any major changes in these acreage numbers it can be assumed that there have been only slight variations over the past 60 odd years as customary land cannot be sold or mortgaged and the only significant change or movement in acreage of Public lands would be where Government has released several hundred acres of land for sale to the general public and instances where Public lands have been leased on a long term basis to villages and communities.

18. The Land Registrar is empowered by section 15 of the Land Registration Act to register all Public land, freehold land or customary land that is leased or alienated. There is also provision for the Registrar to record and register any customary land where the pule or authority over it has been established. However, this is rarely utilized.

Legal and Institutional Framework

19. The following are relevant pieces of legislation that have informed the development of the LARF:

- Taking of Lands Act 1964
- Alienation of Customary Land Act 1965
- Alienation of Freehold Land Act 1972
- The Lands Surveys and Environment Act 1989

Relevant Legislation

20. The Constitution, as the Supreme law of the land states in Clause 14 that:
No property shall be taken possession of compulsorily and no right over interest in any property shall be acquired compulsorily except under the law which of itself, or when read with any other law

- a) Requires the payment within a reasonable time of adequate compensation;
- b) Gives the person right of access to the Supreme Court regarding the amount of compensation;
- c) Gives the right of appeal to the Supreme Court.

21. Taking of Lands Act 1964.

i.) General Provisions

The Taking of Lands Act 1964 establishes the taking of Lands for "public purposes." Part III, section 25 refers to the fact that "every person having an estate or interest in any land taken under this Act for any purpose, or injuriously affected thereby or suffering any damage from the exercise of any of the powers given by this Act shall be entitled to full and just compensation... for the same from the Minister as soon as reasonably possible after any person becomes entitled to compensation under this Act, the Minister shall offer such sum "as he thinks fit."

If the owner does not accept the offer from Government, the Supreme Court shall ascertain the compensation payable and the decision may be appealed to the Court of Appeal. In ascertaining the amount of compensation the fact that the land is taken compulsorily is not a factor to be taken into account and sub section 37 of the Act states that: "the value of the land shall be taken to be that amount which the land, if sold on the open market by a willing seller on the specific date might realize."

Claims are barred after five years after the date of the Act of Proclamation taking the lands. Claims for compensation may be "made by any person including the executor or administrator.. .to an estate whether that person has or has not the power to sell and convey (the) same. Sub section 28.

"A claim for customary land or any estate therein.... may be made by the person who has pule over that land at the date of taking on behalf of all persons interested..."

ii) Notice to Owners.

Upon a determination of the land to be taken, reasonable notice is required to be given to the owner or occupier of the land or the matai who has the pule over customary land. Public notice is also given and 28 days is allowed for any objections. If no written objection is received, the Minister may then proceed to take the land by Proclamation.

iii) Valuation - as Basis for Compensation.

The Government of Samoa does not undertake annual valuations of freehold land on an annual basis and registered proprietors of land will only request a Government or private valuation of their land if it is required for bank security purposes or to determine the stamp duty to be paid if the land is being conveyed or assessed for the administration of a deceased's estate.

Determination of compensation to be paid for freehold land is easily valued because it is regularly sold and conveyed, mortgaged as collateral for loans and its value is determined by the fluctuation of the open market of "willing buyer and seller." Currently, a quarter acre section can fetch up to \$40,000.00 Samoa tala depending on location and other factors.

Land is valued according to the availability of amenities such as water, electricity and telephones, its proximity to amenities such as schools and hospitals and the comparable sales of land in the same area of similar size.

Current market value of customary land presents many difficulties from a valuer's point of view because customary land cannot be sold, mortgaged or alienated other than by lease. Such land has never been subject to any rates or land tax payments (nor has freehold land). However, the Taking of Lands Act 1964, states that compensation should be paid at the "market value" when customary land is rarely, if ever, given a market value.

The valuation of customary land has, in the past, been measured by initially considering the current market value of freehold land in the same area. An adjustment of the market value should be considered for factors including the location, the likelihood of multiple beneficial owners, the fact that customary land cannot be sold or mortgaged and its utilisation, which is bound by "Samoan custom and usage" under the Constitution. Since the matai of the family and the village council of chiefs and orators usually have authority over the land, this factor should also be taken into account. Consequently, a retail business situated on customary land will be subject to trading hours determined by the village curfew hours and the sale of alcohol or other products may be banned by the village council. Such restrictions will directly impact on the earning potential of a business because of its location on customary land.

Traditional Methods of Negotiation and Grievance Procedures

22. Consensus and negotiation are part and parcel of Samoan life and decision making. Generally, Samoan people are keenly aware of their standing or vafealoa'i with any other person. Tautua or service to the country and to one's village and family are central to one's life as a citizen of the country. For that reason, many Government initiatives relating to the establishment of infrastructure, water, electricity and other amenities and services have been completed without interruption or obstacles being placed before Government by PAP's. From experience of the Government Departments and service Corporations, the nature of the initial contact made by the Government's representatives with a village or community, is crucial to the success or failure of any project.

23. Negotiation and agreement by consensus should provide the best avenue to iron out and resolve any grievances expressed by the individuals, the matai or households whose land might be affected by sub projects. Grievances are commonly made known to the Government representatives or implementing agency in the first instance.

24. Many PAPs do not know where to direct their grievances and it is not unusual for land surveyors as the first people "on the ground" to bear the brunt of complaints and be required to explain the nature of the work or project being undertaken. The general public should be advised clearly by the implementing agency or Government representative as to who is responsible for and the procedure for handling grievances or compensation claims.

25. Direct approaches to the Government are common. Many village councils or individuals will approach the relevant Minister of State directly for a resolution to any grievances. Being a small island

nation has its advantages in allowing for direct contact with Ministers of State to seek resolution of grievances. Members of Parliament may also be approached to make representations on behalf of their constituents or PAPs, to the Government.

26. The Taking of Lands Act 1964 provides that the Minister of Lands shall make an offer of compensation as he "thinks fit." If the offer is unacceptable to the PAPs, they have the option of taking their claim to the Supreme Court in the form of an action against the Government. If necessary the decision may be appealed to the Court of Appeal, which is the country's final appellate jurisdiction. This is usually the last resort for many reasons, not least of which is the legal expense of mounting a civil claim or case for compensation against the Government. Such cases are rarely brought before the Supreme Court for determination. The Court will be bound by the provisions of the Taking of Lands Act 1964 which refers only to "market value" and makes no provision for resettlement costs or payment of earning capacity or loss of income. Compensation is more commonly negotiated and determined by consensus.

27. The Land Ordinance 1959 s.25 allows the Government to prepare land for settlement and s.36 provides for the exchange of land by Government for "the fee simple of any other land..." and may pay or receive any sum by way of equality of exchange. While the provision of Government land for settlement has seldom if ever, been exercised, for resettlement purposes, there are other examples of the Government transferring public lands to community groups, villages and individuals when there has been a lack of land available to the village for communal use. This is usually leased to the chiefs and orators of a village who in turn allocate the land to villagers.

28. The grievance procedures defined by the Taking of Lands Act 1964 are only utilized as a last resort. It is more common for any differences to be settled by negotiation and consensus reached between the Government and the village or villagers involved and this is usually the first step in the resolution of any grievances.

29. In addition to compensation, it is not unusual for payments to be made to certain individuals and also to the Alii and Faipu.le (councils of matai) of a village as part of the traditional gifts made by those who approach a village or community with a request to use a village's lands or other resources. The manner in which the delicate issue of taking lands for public purposes is handled often determines the likelihood of obstacles or resistance from PAPs. There is a commonly held understanding that any matter of contention can be resolved with the customary or traditional negotiation and consensus agreement. It is therefore crucial to fully involve local village groups and individuals in a fully transparent process at the inception of any project's implementation.

Gaps and Observations in the Existing Frameworks

30. Past acquisitions of land as provided by the Taking of Lands Act have sometimes been haphazard or done with very little consultation or even notification because of the perceived urgency for the completion of the required works. In some instances, the projects are completed before the land is proclaimed and the land remains un-proclaimed.

31. It has often been the case that compensation has not been paid or people have not claimed compensation because they are not aware of their rights to compensation or because they voluntarily give their land for the public purpose, in the belief that it is in the public interest to do so and furthermore, that this is a way of providing tautua or service to the country.

32. Customary land often has multiple or overlapping land rights and disputed pule sometimes results in the owners not being determined. As a consequence PAPs are not compensated, or compensation is paid to the wrong person.

33. Departments or Corporations have acted unilaterally and with little interdepartmental coordination after obtaining consent from Cabinet to take land for a public purpose. Negotiations with landowners and promises of compensation are made without the involvement of the Minister of Lands or the LA&E Department and are later not honored. As a result, PAPs are disillusioned when they do not receive the compensation initially promised and expected from the Government representatives they were approached by in the first instance.

34. Compensation is sometimes paid to the matai of a family who does not use it for his family or distribute the payment to family members. Several years later members of the matai's family may claim compensation over the same land themselves.

35. No legislation exists to regulate valuers and valuation practices. This results in vast discrepancies between individual valuers and the valuations for the same area of freehold or customary land.

36. Difficulties arise in the valuation of Customary land because such land cannot, by law, be mortgaged, sold or taken to pay debts. It is difficult to ascertain the "market value" of customary land other than by using the market value of freehold land as a basis. Other characteristics of customary land should then be taken into account, including accessibility and location. A comparative determination of sales of similar land in a particular area would be difficult to assess and a deduction of value to take a variety of factors into account may be appropriate.

Procedures for Land Acquisition and Resettlement Entitlement Framework

37. The payment of compensation should be negotiated and determined using the following guidelines:

a. PAPs losing more than 20% or all of their productive assets (agricultural land, house or business) or in cases when the remaining assets are not economically viable are entitled to:

- Full compensation at replacement cost of the entire asset or at direct land/ asset replacement; and
- Rehabilitation assistance that allows them to enhance or at least maintain their standard of living.

b. PAPs losing less than 20% of their productive assets and where the remaining assets remain viable for continued use are entitled to:

- Cash compensation at replacement cost for the affected asset.

38. Specific arrangements for compensation are as follows:

a. Agricultural land will be replaced by:

- Land of equal market value or business potential which is acceptable to the PAP or
- Full compensation at replacement cost where land is not available.

b. Commercial, residential or other real property will be replaced by:

- Land of equal market value or business potential (as the case may be) which is acceptable to the PAP; or
- Full compensation at current market value, where suitable replacement land is not available or at the informed request of the PAP.
- Replacement of damaged or lost crops will be based on full market value for one year and will be paid in cash.
- Temporary acquisition of land will be compensated for at full replacement cost for their net loss of income and/or damaged assets, including a reasonable amount for the opportunity cost/s.
- Appropriate transfer and subsistence allowances will be given during the transition phase as part of the rehabilitation assistance package to allow PAPs to enhance or at least maintain their standards of living.

- Verification of titles to land and any payments (e.g. tax or stamp duty on conveyance) shall be undertaken before land replacement or cash compensation is made.
- c. PAPs losing Residential land and Structures are entitled to:
- The provision of replacement residential land (house site and garden) of equivalent size, satisfactory to the PAP; and cash compensation reflecting full replacement cost of the structures, without depreciation;
 - If the PAP so wishes and the portion of the land to be lost represents 20% or less of the total area of the residential land area; and the remaining is still a viable residential lot, cash compensation, at full replacement (market value), will be provided to the PAP;
 - If after acquisition, the residential land and/or structure is insufficient to rebuild the residential structure lost, then at the request of the PAP the entire residential land and structure will be acquired at full replacement cost, without depreciation;
 - Tenants who have leased a house for residential purposes will be provided with cash grant of three months rental fee at the prevailing market rate in the area and will be assisted in identifying alternative accommodation.
- d. PAPs Losing Agricultural Lands and or/other Crops will be compensated following these guidelines:
- i. The general mechanism for compensation of lost agricultural land will be through provision of "land for land" arrangements of equal productive capacity, satisfactory to the PAP. However, if the PAP so wishes and the portion of the land to be lost represents 20% or less of the total area of the landholding, and the remaining land is still a viable economic holding, cash compensation, at full replacement cost (market value), will be provided to the PAP;
 - ii. If more than 20% of a person's agricultural land is acquired and the remaining holding is not viable, then the Project will acquire the entire landholding and provide compensation of the acquired land at direct land replacement value;
 - iii. PAPs will be compensated for the loss of standing crops and fruit or economic trees at full (current) market price;
 - iv. PAPs whose land is temporarily taken by the works under the Project will be compensated for their loss of income, standing crops and for the cost of soil restoration and damaged infrastructure, including a reasonable amount for opportunity cost/s.
 - v. PAPs who will lose their income will be provided opportunities for alternative livelihood through skills and entrepreneurship training, job matching or business development assistance.
- e. PAPs Losing a Business will be entitled to:
- The provision of an alternative business site of equal size and accessibility to customers, satisfactory to the PAP;
 - Cash compensation for lost business structure reflecting full replacement cost of the structures, without depreciation;
 - Cash compensation for the loss of income and opportunity during the transition period; and
 - Cost of money in case of delays of one year or more in releasing payment.
- f. Voluntary Land Settlement. Where donations of lands for the Project are made, there should be arrangements to ensure that the donation is indeed voluntarily given, that the donor is the legitimate owner of such lands and that the donor is fully informed of the nature of the sub-project and the implications of donating the property. The following safeguards would be applied according to the circumstances of the donation of land and the project requirements:
- An assessment that the affected person does not suffer a substantial loss affecting his/her economic viability as a result of the donation.
 - In the case of Customary land, confirmation from the appointed matai and any beneficial owners in writing, that the land is free of claims or encroachments from any third party;

- Deed of donation, witnessed by a person authorized under the Oaths, Affidavits and Declarations Act 1963.
 - Declaration of Ownership with waiver of rights.
- g. Other Cases.
- i. In cases where community infrastructure such as schools churches, health centers, water sources, roads or electrical and water supply connections are damaged, the Project will ensure that these are restored or repaired as the case may be, at no cost to the community.

Sequencing and Implementation Procedures

Public Consultation and Participation

39. Public consultation and participation is a hallmark of traditional Samoan life (FaaSamoa, the Samoan way). The first step in any process of designing and implementing a specific land acquisition or resettlement activity should be consultation with the village(s) and PAPs affected.
40. Steps to community dialogue on land acquisition or resettlement should include:
- a. Approaching the Village Mayor (the Pulenuu) who is the government-appointed liaison between villages and Government as the first entry point. The Pulenuu are well informed about all Government projects and activities as a result of their monthly meetings in Apia. At the same time, as members of the Alii ma Faipule of their respective villages, they can assist in the identification of those who have pule over land required for acquisition by the sub project.
 - b. Meetings in the respective villages with the village councils should be held and also with those who are directly affected and have control or pule over any land to be acquired. Verification of the "pule" over customary land may be obtained by cross checking with other sources, e.g. other people in the village or the Lands and Titles Court, the Member of Parliament for the district.
 - c. The actual occupants of the land should also be consulted regarding any possible resettlement or relocation and should also be informed about any compensation to be paid.

These meetings should cover the following at a minimum:

- An orientation and briefing for the community on the Project its objectives and components;
 - The specific subproject proposal, including likely benefits as well as possible negative impacts
 - Schedules for implementation
 - LARF Policy under the project and the implementation arrangements
 - Specific discussions on compensation for impacts on assets
 - Conditions and documentation requirements for sale or donation of specific properties/assets to be affected
 - Grievance mechanisms and processes
41. Written documentation that includes basic information on the project, LARF policies and approaches to entitlements should be distributed ahead of the public meeting(s). This documentation should be accessible to all community members, using a language and form that will be easily understood.
42. Consultations will follow the procedures laid out in the Samoa Code of Environmental Practice (COEP).
43. All consultations and other public meetings should be properly documented. Information that should be recorded and filed includes:
- Logistical information on the consultation (including date, location, mode of invitation of participants, etc.)

- Names of those who attended and information on community representation (e.g. women, youth, the elderly, etc.)
- Project-related information shared with participants and the form and language that was used
- Reactions from participants including questions, concerns, and other issues raised and the provided response from the project team
- Agreements resulting from these meetings, that is the compensation to be paid and to whom it is to be paid (to an individual or matai as decided)

Inventory of impacts

44. An inventory of the likely impacts, the names of people and amounts of land, agricultural land, crops, trees, fixed assets productive assets and temporary damage should be compiled as soon as the specific alignments and project area for sub-projects are known.

45. The information to be included in the inventory should include the following information for each affected household:

- Number of persons and names
- Amount and area of all residential plots lost
- Amount, category/type and area of agricultural land lost
- Quantity and types of crops and trees lost
- Quantity and category of any fixed assets lost
- Productive assets lost as a percentage of total productive assets, and
- Temporary damage to productive assets.

Preparation of Land Acquisition and Resettlement Plans

46. In the event that less than 200 PAPs will be affected by the subproject with regard to the need to acquire land and other assets, an abbreviated Land Acquisition and Resettlement Plan will be prepared.

47. In the event that more than 200 PAPs will be affected by the subproject with regard to the need to acquire land and other assets, a Land Acquisition and Resettlement Plan will be prepared. Annex 6 contains a template for the preparation of a LARAP

48. The World Bank project team will review the LARAPs prepared for the Project.

Compensation

49. Whether PAPs require compensation, or voluntarily contribute and part of their land and/or assets for the sub-project, payment of compensation or completion of deeds of donations and other relevant legal documents shall be satisfactorily completed prior to the Executing Agencies award of contract for civil works.

50. The amount of compensation to be paid will be determined by valuation of the assets at market value or replacement value, whichever is the higher.

Supervision, Monitoring and Evaluation

51. The Land Transport Authority will be charged with implementing the project. The agency will ensure that all project activities adhere to the requirements of the LARF, and that designated social development specialist will be appointed for overseeing the implementation and monitoring of the Framework (including the preparation of LARAPs). A focal person will be appointed for oversight on required clearances and approval of instruments.

52. Monitoring and supervision will include:

- Verification that the baseline information of all PAPs has been done and that the valuation of assets lost or damaged, the provision of compensation and other entitlements, and relocation

has been carried out in accordance with the provisions of this LARF policy and respective inventory and land acquisition plans;

- Verification and follow-up action to ensure that funds for implementing the inventory and land acquisition plans are provided in a timely manner and that such funds are used in accordance with the provisions of the inventory and resettlement plan; and,
- Assurance that all grievances have been recorded and resolved in a timely manner.

53. In order to ensure that these steps have been taken, and that all relevant procedures have been followed in consultation and follow-up with PAPs, the LTA shall visit a sample of at least 25% of PAP households affected by the project during construction work and report to the Executing Agency any grievances or deviations from the agreed process or activities.

54. The costs of compensation will be included in Component 3 (iii) of the Credit.
Complaints and Grievance Procedures

55. There may be instances in which the title or authority over the land is disputed or the matai cannot be determined or resides overseas. In some instances, the family or PAPs concerned do not have a designated matai and it may be necessary for compensation to be held by the Minister of Lands for payment to the beneficial owners of the land, once they are identified and known.

56. Where consensus is not reached or there are genuine grievances or complaints raised, a process of mediation should be engaged as an initial step in resolving these.

57. Promotion of public awareness about the avenues and process for lodging complaints or grievances should be made known to PAPs and all parties contacted during the process of consultation and negotiation. Open dialogue should be encouraged and sought to ensure transparency throughout the implementation of the Program.

Mediation

58. Any objections, complaints or grievances regarding the acquisition of the land, the amount of compensation or any other issues may be dealt with by a mediation process, which should involve the PMU, the PAPs or their representative and a mediator to be agreed upon by both parties. Possible mediators could be identified beforehand to act in this capacity such as: Pulenuu, "Alii Sili" of the village (paramount chiefs,) or public servants or professionals with connections to or local knowledge of the particular village.

Representation to Minister of Lands or Government

59. Failing mediation, the PAP's may be directed to approach the Government directly through making representations to their Member of Parliament or directly to the Minister of Lands. Where mediation has failed, it is important for the PAPs or landowners to know that their grievance is heard personally and at the highest level of Government. The Minister of Lands will also have the opportunity to ensure that all avenues have been exhausted in trying to resolve the grievance presented.

Legal Recourse

60. Under the Taking of Land Act 1964 when a person does not agree with the amount of compensation offered by the Minister of Lands, a claim may be filed in the Supreme Court for the determination of compensation to be paid by Government. Any decision may be appealed to the Court of Appeal.

Communication Strategy

61. A public awareness campaign through local television and radio stations about the proposed project could be launched prior to the project implementation which would provide notice to the PAPs of

the land areas affected by the project and allowing all PAPs the opportunity to be involved in any negotiations for compensation.

ANNEX 1: Checklist for Screening of Land Acquisition and Resettlement Impacts

This Form is to be used by the Safeguard Specialist to screen subproject applications in respect of PAPs/land acquisition. This information will be submitted as soon the as sub-project is identified. Based on the impacts, the need for preparation of sub-project specific Land Acquisition and Resettlement Action Plan will be determined.

- a. Number/Name of Subproject:
- b. Subproject Location (include map/sketch):
- c. Expected Subproject Activities:
- d. Infrastructure to be Constructed:
- e. Infrastructure to be Rehabilitated:
- f. Estimated Cost:
- g. Proposed Date of Commencement of Work:
- h. Technical Drawing/Specifications Reviewed (circle answer): Yes ___ No ___
- i. Major adverse impacts expected and mitigation proposed:
- j. Will the subproject involve land expropriation or demolition of existing structures? Yes/No, If yes, provide details in Land acquisition assessment sheet
- k. Current land uses of the above affected lands (use)_____ (ha)_____
- l. Will the subproject negatively impact livelihoods Yes/No (If yes, describe impact separately):
- m. Will any common facilities or others structures be affected due to acquisition of above lands;
- n. Type of Plan required: (a) Resettlement Plan..... (b) Abbreviated Plan..... (c) No Plan required.....

Signed by ESSAF Coordinator at PMU

Name: _____

Title: _____

Date: _____

ANNEX 2: Land Acquisition Assessment Data Sheet

(to be used to record information in case of requirement of use of land for sub-projects)

- a. Likely land requirement for the sub-project (Ha):
 - (i) Government: _____ ha
 - (ii) Customary: _____ ha
 - (iii) Private: _____ ha

- b. Method of land acquisition (Land Acquisition Act, Private Negotiations or voluntary donation):

- c. Locations:

- d. No of land owners to be affected:

- e. No. of structures affected:

- f. Current uses of the affected lands:

- g. Users:
 - i. Number of Customary Claimants:
 - ii. Number of Squatters:
 - iii. Number of Encroachers:
 - iv. Number of Owners:
 - v. Number of Tenants:
 - vi. Others (specify): _____ Number:
 - vii. Common facilities affected (describe):

- h. Details of standing crops to be affected:

- i. Any other properties such as wells or trees, etc. to be affected:

- j. In case of voluntary donation, sufficient proof must be obtained (notarized or witnessed statements).

ANNEX 3: Inventory of Displaced Persons and Affected Assets

Component: _____
District: _____ Village: _____
Validity Date: _____

Survey

No. In HH total	Name of HH or Person w/Pule Total Land Held by HH in M2	No. Person Land to be acquired in M2 by type of use	Loss as % of
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Loss of Assets

Loss of Crops

Loss of Other Assets

Other Losses

Temporary Losses (Specify)

No. and Type of lost structures Permanent Structures (in Sq. Meters)

Temp. Structure (in Sq. Meter)

Total Land Lost in Sq. Meters

Fruit trees/Other by type and number

Specify type and number of asset

Residence (Rented)

Business Lost

Income Lost

ANNEX 4: Sample Consent Form – Voluntary Donation

Date: _____

I/We, _____ male household head _____ female household head,

AND/OR person exercising pule over the affected
land _____

Resident/s of _____ Village in _____ District _____, Aldeia,

declare that I/We/the group is voluntarily donating the use of (specify land, assets, location, size, type etc)

For the purpose of: (specify activity)

For the duration of: (specify commencement date and duration)

Of My/Our own free will, I/We are waiving My/Our right to compensation of any kind for the specified duration of the activity.

Signed:

Male household head _____ Female household head _____

Person exercising pule _____

ANNEX 5: Sample consent form – Agreement for compensation

Date: _____

I/We, _____ male household head _____ female household head,

OR Person exercising pule over the Affected Land

Resident/s of _____ Village in _____ District

declare that I/We/the group are consenting to the use of (specify land, assets, location, type etc)

For the purpose of: (specify activity)

For the duration of: (specify commencement date and duration)

For the following agreed compensation arrangements (NB, use the back of form if needed):

Signed:

Male household head _____ Female household head _____

Person Exercising Pule _____

ANNEX 6: Indicative Outline of Land Acquisition and Resettlement Action Plans

Once the sub-projects have been identified and involuntary land acquisition or involuntary resettlement is recognized as an impact of the sub-project, the PMU will be required to prepare a Land Acquisition and Resettlement Action Plan (LARAP). In preparing the LARAP, project staff will ensure that consultations with community members have occurred and the impacts on land use have been discussed (see discussion on Community Consultation Framework).

The scope and level of detail of the resettlement plan vary with the magnitude of land acquisition and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed compensation payment and resettlement of adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

(i) Description of the sub- project. General description of the project and identification of the project area.

(ii) Potential impacts. Identification of: (a) the project component or activities that give rise to land acquisition and resettlement (b) the alternatives considered avoiding or minimizing land acquisition and resettlement; and (c) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

(iii) Objectives. The main objectives of the LARAP.

(iv) Results of census socioeconomic surveys. The findings of surveys to be conducted in the early stages of project preparation and with the involvement of potentially affected people, including:(a) the results of a census survey covering; (b) current occupants of the affected area to establish a basis for the design of the compensation payment and resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;(c) standard demographic and socio-economic characteristics of affected households,(d) the magnitude of the expected loss—total or partial—of assets, and the extent of impacts, physical or economic; (e) public infrastructure and social services that will be affected; and (f)social and cultural characteristics of affected communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

(v). Eligibility. Definition of affected persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

(vi). Valuation of and compensation for losses. The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets

(vii). Resettlement measures. A description of the packages of compensation and other resettlement measures that will assist each category of eligible affected persons to achieve the objectives of the policy. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them. Any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites. The provisions of housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations. Additional measures to ensure that such vulnerable groups as the landless, and women are adequately represented.

(viii) Income Restoration Measures. Wherever the livelihoods are affected, appropriate measure for improvement or restoring of livelihoods including assistance during the transition period will be proposed which should be compatible with the cultural preference and skill of the affected people.

(ix) Community participation. Involvement of affected people for consultation with and participation of in the preparation and implementation; (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan; (c) a review of the alternatives presented and the choices made by affected persons wherever options available to them, including choices related to forms of compensation and resettlement assistance.

(x) Integration with host populations. Measures to mitigate the impact of resettlement on any host communities, including: (a) consultations with host communities and local governments; (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers; (c) arrangements for addressing any conflict that may arise between resettlers and host communities; and (d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

(xi). Implementation Arrangements: The description of agencies responsible for implementation of compensation payment and resettlement activities should be outlined and an assessment of the institutional capacity of such agencies and NGOs; and any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

(xii). Grievance procedures. Affordable and accessible procedures for redressal of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse.

(xiii) Implementation schedule. An implementation schedule covering all payments of compensation and other applicable resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

(xiv) Costs and budget. Tables and descriptions of itemized cost estimates for all compensation payments and associated resettlement activities other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for land acquisition and resettlement.

(xv). Monitoring and evaluation. Arrangements for monitoring of compensation payments and resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

Abbreviated Resettlement Plan

An abbreviated plan covers the following minimum elements:

- (a) a census survey of displaced persons and valuation of assets;
- (b) description of compensation and other resettlement assistance 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

**Attachement 4: Codes of Environmental Practice for Prevention and
Mitigation of Environmental Impacts**

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