

SAM: Central Cross Island Road Upgrading Project (CCIRUP)

Resettlement Plan – Central Cross Island Upgrading Project: Package 2

*February 2022
Version 3.0*

*Tiavi to Siumu
(Chainage 15+500 KM to 19+686 KM)*

Prepared by the Land Transport Authority of Samoa for the Asian Development Bank.

Personal information of stakeholders, such as names, phone numbers and email address, have been redacted before the report was disclosed on the ADB website, as per ADB's access to Information Policy (2018), Exceptions to Disclosure, Section B 3(vii)

*Central Cross Island Upgrading Project – Package 2 (Tiavi to Siumu)
Resettlement Plan*

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Document Author:	Meresaini Siaosi Perina Sila Aso Paletaoga

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***Central Cross Island Upgrading Project – Package 2 (Tiavi to Siumu)
Resettlement Plan***

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**Currency Equivalents
(As of 27 January 2022)**

Currency unit	–	Samoa Tala (WST)
WST1.00	=	\$ 0.38
\$1.00	=	WST 2.59

Abbreviation

AGO	-	Attorney General Office
AoG	-	Assembly of God
AP	-	Affected Persons
CCCS	-	Congregational Church of Samoa
CCIR	-	Central Cross Island Road
CCIRUP	-	Central Cross Island Road Upgrading Project (the Project)
COEP	-	Codes of Environmental Practice
ERAP	-	Enhanced Road Access Project
ESIA	-	Environmental and Social Impact Assessment
GCLS	-	Grievance Complaint Logging System
LDS	-	Latter Day Saints
IR	-	Involuntary Resettlement
LMD	-	Land Management Division
LTA	-	Land Transport Authority
MAF	-	Ministry of Agricultural
MNRE	-	Ministry of Natural Resources and Environment
MOF	-	Ministry of Finance
MWCSD	-	Ministry of Women, Community and Social Development
OHS	-	Occupational Health and Safety
LTA-PMD	-	Land Transport Authority - Project Management Division
PMU	-	Project Management Unit
PUMA	-	Planning and Urban Management Division of MWTI
RC	-	Roman Catholic
RP	-	Resettlement Plan
TCE	-	Tropical Cyclone Evan
WST	-	Samoa Tala
MWTI	-	Ministry of Works, Transports and Infrastructure

Weight and Measures

km (kilometer)	–	length relevant to road
m (meter)	–	Length or width relevant to road
vpd (vehicles per day)	–	Traffic volume
m ² (meter square)	-	Area

Notes

In this report, "\$" refers to Samoa Tala (WST)

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Glossary

Affected Household/Family	–	All members of a household residing under one roof and operating as a single economic unit, who are adversely affected by the project or any of its components; It may consist of a single nuclear family or an extended family group.
Affected Persons	–	Individuals that are directly or indirectly affected by the project through land acquisition, relocation, or loss of income; includes any person, household [sometimes referred to as project-affected family (AF)], firms, public or private institutions; The APs, therefore, include: <ul style="list-style-type: none">• Persons whose agricultural land or other productive assets such as trees or crops are affected;• Persons whose businesses are affected and who might experience loss of income due to the project’s impact;• Persons who lose work/employment as a result of the project’s impact; and• People who lost access to community resources/property as a result of the project.
Assistance Support	–	Assistance support, rehabilitation, and restoration measures extended in cash and/or kind over and above the compensation for lost assets.
Compensation Payment	–	In cash at the current market value or in kind for an asset or a resource that is obtained or affected by a project, in which, the affected people are entitled to in order to replace their lost property or income.
Cut-off date	–	The limitation period for affected persons to claim compensation is 5 years after the date of proclamation of taking lands (Ref: TLA 1964, S27). Negotiations must be completed within 30 days from the effective start of negotiations.
Detailed Measurement Survey	–	The detailed inventory of losses that is completed after the detailed design and marking of project boundaries on the ground.
Inventory of Losses	–	The pre-appraisal inventory of assets as a preliminary record of affected or lost assets.
Limit of Works	–	The footprint including road pavement, shoulder and drainage infrastructure
Rehabilitation Compensatory Measures	–	Measures provided under the policy framework on involuntary resettlement other than the payment for the replacement cost of obtained assets.
Replacement Cost	–	The amount needed to replace an asset and the value determined as compensation for the following: <ul style="list-style-type: none">• Agricultural land at the pre-project or pre-displacement level, whichever is higher and is the market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes;• Land in urban areas: the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services located in the vicinity of the affected land, plus the cost of any registration and transfer taxes;• Houses and other related structures based on the current market price of materials, transportation of materials to construction sites, cost of labour and contractor’s fee, and any cost of registration and transfer taxes. In determining the replacement cost, depreciation of assets and value of salvaged building materials are not taken into account. No deductions are made for the value of benefits to be derived from the project; and• Crops, trees, and other perennials based on current the market value; and other assets (i.e., income, cultural or aesthetic) based on the replacement cost or cost of mitigating measures.
Resettlement	–	All impacts associated with the loss of physical and non-physical assets, including homes, communities, productive land, income-earning assets and sources, subsistence, resources, cultural sites, social structures, networks and ties, cultural identity, and mutual help mechanisms.
Road Reserve	-	The legally surveyed public road reserve set aside for road construction

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- | | | |
|-------------------------|---|--|
| Sao or Chief of the day | - | The head matai in the extended family |
| Significant Impact | – | If 200 or more people experience major impacts, which are defined as: (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating assets). |
| Structures | – | All buildings including the primary and secondary structures such as houses and ancillary buildings, commercial enterprises, living quarters, community facilities and infrastructure, shops, businesses, fences, and walls. |
| Village Fono | - | Village Council of chiefs and orators of a village in Samoa |
| Vulnerable Individuals | – | Those who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement including: <ul style="list-style-type: none">• Female-headed households with dependents;• Disabled household heads;• Poor households that fall on or below the poverty line (within the meaning given previously);• Landless;• Elderly households with no means of support; and• Households without security of tenure. |

I. EXECUTIVE SUMMARY

The government is seeking to strengthen the safe access and resilience of its roads and bridges by reconstructing the most critical transportation links to higher standards so that they can better withstand the impacts of climate change and extreme weather events. The Central Cross Island Road Upgrade Project (CCIRUP) forms part of this program, with funding support provided by the Asian Development Bank (ADB). The Ministry of Finance (MOF) is the Executing Agency and the Land Transport Authority (LTA) is the Implementing Agency.

The preparation of the CCIRUP involves a Technical Assistance consultancy (TA) project (*TA-9519 SAM: Preparing the Central Cross Island Road Upgrading Project*) to address social and environmental safeguards, survey, design and civil works bidding documents for provision of an enhanced, safer and more sustainable road between Tanugamanono and Siumu – the Central Cross Island Road (CCIR). The findings will contribute to the ADB's project appraisal and RRP (Report and Recommendation of the President to the Board of Directors). Design and documentation completion is a separately provided consultancy directly to the LTA (*Consulting Services: Completion of Surveys and Investigations, Design and Documentation*).

The CCIRUP covers a stretch of approximately 20km of the CCIR. The CCIRUP commences (KM 0+000) on the northern side of the Ifiifi Street intersection in the outskirts of Apia. It then progresses southwards across the central highlands of Upolu to the project upgrading end point at the intersection with the South Coast Road in Siumu (KM 19+686).

Following preliminary road design, review and discussions with LTA, stakeholders, communities and the ADB it was resolved that a nominal i.e. target right-of-way (ROW) width of 16.0m will be adopted for the entire road upgrade. This is the minimum acceptable width for achievement of road upgrading objectives that include road widening for safety reasons. While the *LTA Act 2007* legislates a standard of 22.0m width for arterial roads (such as the CCIR), in accordance with *ADB Safeguards Policy Statement 2009*, the adoption of this 16.0m width will minimize environmental disruption and resettlement or social impacts. Irrespectively, land still needs to be formally acquired as the existing ROW is as narrow as 10.0m in some locations, and its location and width relative to the existing roadway is largely inconsistent. As part of this project, it is the intent of the government to establish a new uniform ROW over the entire 20km road upgrade length.

This Updated Resettlement Plan (RP) has been prepared specifically for Package 2-Civil Works 2 (CW2). The Civil Works 2 Package will be extending from the Siumu intersection connected to the south cross island road to Tiavi which stretches at approximately 4km. This Updated Resettlement Plan (RP) will also include 4 lots that are located within the Civil Works (CW2). This was following redefinition survey works by the Surveyor to assist LTA with boundary markings to assist with the assessment of affected crops and structures. It outlines the land acquisition and resettlement policy principles, procedures, and institutional arrangements to mitigate risks to the people impacted by the Project. It is based on applicable Samoan law, regulations, and policies, and the *ADB's Safeguard Policy Statement, 2009*.

Land use is predominantly classed as rural at the outskirts of Apia beyond 7km from the project starting point. Beyond 7km to the project end point (KM 19+686) adjacent land use includes scattered residences and institutions but is dominated by mixed-use farmland. Customary land is far more prevalent in this rural area, with a distinct notable section from about KM 15+850 to the end point.

There will be no resettlement for the proposed project; identified areas of land parcels will be acquired in order to accommodate the overall CCIR road improvements. For affected fixed assets (e.g. fences, hedges, trees, and temporary structures, etc.) situated within the nominal 16.0m road ROW, owners will receive compensation, or they can choose to have the asset relocated (maintaining the same condition or better).

Affected Persons (APs) include those individuals who own, tenant, or have business interests that will be affected by the CCIRUP-CW2. They may be affected through land acquisition, temporary land use, land easements, or removal of existing fixed assets such as fence lines, vegetation, and structures.

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No severe impacts have been identified to date, nor expected through further development of the Project. For Package 2 there are approximately 43 land lots (with the inclusion of 4 lots located in CW1) that will be affected by the project. In order to minimize impacts on assets, land will be acquired on both sides of the road, with approximately 48,002m² of land needed. The project will also require extending easement areas, totaling 1,926m², from which 101m² of land located in CW1. The plot of land required to upgrade and construct these easements will not be acquired given easements are somewhat of a temporary land development that will be given back to the landowner should it no longer be in use or following any general or technical reasons to have it no longer utilized. Any new easements will be registered with the MNRE similar to the existing ones. Considering easements will be located on the family land, LTA as the client have in place easement agreements with each landowner or family representative which outlines conditions for both the family and the client to adhere to. Given this there will not be a requirement to change the ownership of this land.

Beyond 11km to the project end point, there is far less adjacent development, it is generally further away from the existing road, and it is dominated by the large customary land area. There are no impacts on house structures, and as a result there will be no forced physical displacement. Most impacts to assets consist of fences and hedges, and a lesser extent productive trees and small structures. Considerable effort has been made to determine the ownership type of affected land lots. Landowners have been confirmed by MNRE, followed by a detailed census and socio-economic survey of affected landowners and asset owners that was conducted – with the results presented herein in Section IV- Socioeconomic Information and Profile.

Details including costs associated with the logistics of removal / relocation of utility services e.g. existing power, water, and telecommunications is not included in this updated RP as this will be undertaken as part of the of the contract prepared for the construction of the CW2.

Final compensation packages will be determined in accordance with replacement value of the lands including assets and compensation amount to disburse have been included in this Financial Year 2020/2021 budget and will not require a Cabinet Submission. A specific grievance management mechanism has been set up for APs and all questions, queries or grievances will be recorded and responded to in a timely manner. Furthermore, an independently evaluated monitoring and evaluation procedure will be set up to measure the effectiveness of the compensation process and livelihood restoration measures.

Legal Agreements with appended compensation details will be drafted by relevant Government offices (LTA, MNRE and AGO). Endorsement of the agreement shall be with the identified legal owner(s) of the land affected or a legally authorized representative and the authorized government representative.

II. INTRODUCTION

Background

The Government of Samoa is implementing the Central Cross Island Road Upgrade Project (CCIRUP), with assistance from the Asian Development Bank (ADB). The project is a priority investment in the transport sector and includes: (i) the upgrade of about 20 kilometers (km) of national road featuring climate proofing considerations, innovative technologies, road safety and gender-inclusive elements, (ii) 3-year routine maintenance commencing immediately after the physical completion of the road upgrade with gender-inclusive elements; and (iii) a gender-sensitive capacity strengthening for the road subsector.

The project was originally part of the World Bank’s assessment of critical road links to be covered by the Enhanced Road Access Project, which the government implemented in 2015 but was not finalized.¹ In 2018, the World Bank approved a \$35.75 million grant for the Samoa Climate Resilient Transport Project to improve parts of West Coast Road and East Coast Road, both identified as vulnerable to climate change impacts.² ADB financing was requested to supplement these efforts to improve the road network infrastructure. This is one of two ADB-assisted transport projects in Samoa, the other is the Enhancing Safety, Security, and Sustainability of Apia Port Project.³

In the aftermath of Tropical Cyclone Evan in 2012 several key roads were damaged. This included parts of the Central Cross Island Road (CCIR), which was completely severed (impassable) in several locations. The CCIR is one of the main economic arterial roads on Upolu Island. Following Tropical Cyclone Evan, three local contractors were hired by the Land Transport Authority (LTA) under emergency funding to restore connectivity and improve the road in the extreme affected areas. A total of five such distinct road sections totaling 3.7 km within Package 1 were upgraded as a result. In the interest of maintaining investment and reducing further project costs, the rehabilitated 3.7 km road sections will not be upgraded as part of the new works.

The Ministry of Finance (MOF) is the Executing Agency and the LTA is the Implementing Agency. The Ministry of Natural Resources & Environment (MNRE) is also a critical government stakeholder of this project, as they are responsible for land management in Samoa.

The scope of the upgrade of about 20 kilometers (km) of national road is broken into two civil works packages, which are: Package 1 Tanugamanono to Tiavi; and Package 2 Tiavi to Siumu. A draft Resettlement Plan was prepared in March 2020 that covered both packages of civil works. The draft RP was submitted and disclosed by the bank in 2020.

However, this updated Resettlement Plan (RP) has been prepared specifically for Package 2 with an additional 4 lots located within CW1 (refer to Table 8: Affected lands and identified affected land owners in CW2) addressed within this document for purpose of land compensation. This updated document has been prepared based on the finalization of the detailed engineering designs for Package 2. The updated Resettlement Plan for CCIR Package 2 outlines the land acquisition and resettlement policy principles, procedures, entitlements and institutional arrangements. It is based on applicable Samoan law, regulations and policies, and the Asian Development Banks (*ADB’s Safeguard Policy Statement, 2009*).

Project Overview

The overall CCIRUP covers a stretch of approximately 20 km of the CCIR. The CCIRUP commences from the northern side of the Ifiifi Street intersection in the outskirts of Apia (KM 0+000). It then progresses southwards across the central highlands of Upolu Island to the project upgrade end point. CW2 progresses from Siumu intersection to the South Coast Main Road towards the northern part of CCIR, Tiavi (KM 19+686 to 15+500) extending at approximately 4km.

¹ World Bank. 2013. Samoa Enhanced Road Access Project. Washington, DC.

² World Bank. 2018. Samoa Climate Resilient Transport Project. Washington, DC.

³ ADB. 2019. Report and Recommendation of the President to the Board of Directors: Proposed Grant to the Independent State of Samoa for the Enhancing Safety, Security and Sustainability of Apia Port Project. Manila

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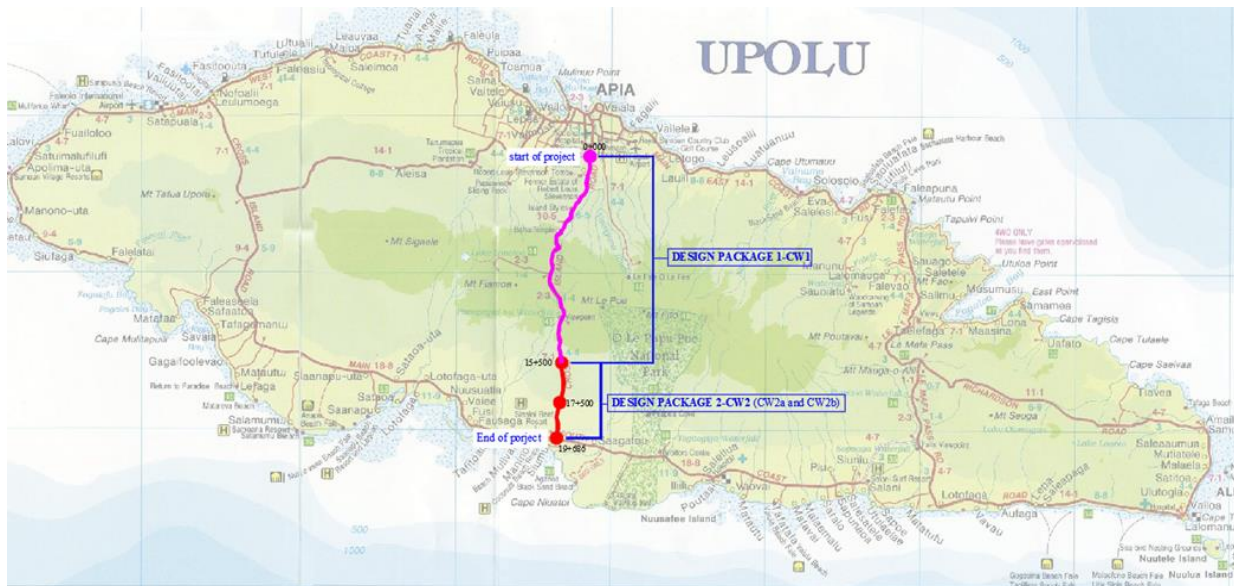


Figure 1. Cross Central Island Road Upgrading Project (CCIRUP) locality map.

While the upgraded road will predominantly follow the route of the current road, it needs to be widened and realigned for safety reasons. In the preparation of detailed engineering designs, the project team has considered:

- An effective road design that improves the safety of pedestrians and commuter's alike;
- Design of road drainage facilities to mitigate the impacts of climate change on both the roadway and adjacent land;
- Where necessary, minimizing land acquisition where possible; and,
- Minimizing physical and economic displacement impacts, where possible, and accurately recording an inventory of affected assets that are unable to be avoided (removal of some trees, fences and small structures, major structure relocation or removal i.e. houses is not required).

Objectives of the Updated RP

The government agrees to implement the CCIRUP in accordance with the policies and procedures outlined in the Draft Resettlement Plan and this Updated Resettlement Plan, Samoan national laws and regulations and ADB's safeguard policies and other requirements. Where there are contradictions between government legal and regulatory processes and ADB policies, the more stringent policy will be applied to the project. Government and ADB requirements are further discussed and compared in Chapter V- Legal Policy and Framework Entitlements, Table 5; Government Legislative Compatibility to ADB Safeguards Requirements including gaps, and a project land acquisition and resettlement policy is outlined.

The project policy includes:

- Avoiding or minimizing involuntary resettlement, wherever feasible;
- Assisting Affected Persons (APs), displaced poor and other vulnerable groups to improve their living standards, earning capacity, and production levels; or at least to restore them (if affected by the project);
- Ensure community involvement in planning and implementing resettlement (if pertinent);
- Assisting APs regardless of the legality of title of land; and
- Providing compensation and resettlement assistance.

Resettlement Impact Categorization

The project has been screened and classified using ADB SPS 2009 classification system⁴. The CCIRUP will require land acquisition due to widening of the road and construction of drainage facilities. As the project involves involuntary

⁴ ADB's categorization system is detailed at <https://www.adb.org/site/safeguards/safeguard-categories>

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land acquisition with economic displacement impacts, the project has been classified as category “B” in terms of involuntary resettlement (IR), and is required to comply with ADB safeguard policies.

Key Principles of the RP

While there will be no physical displacement of households under this project (Package 2), land and assets acquisition are required. Hence, key principles which have guided the preparation of the draft RP and updated RP are as follows:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks;
- (ii) Determine the scope of resettlement planning through a gender appraisal of gender differentiated impacts of the land acquisition and commuting risks; an inventory of losses and/or census of affected persons;
- (iii) Carry out meaningful consultations with APs, host communities, and concerned relevant nongovernment organizations;
- (iv) Inform any affected persons of their entitlements and resettlement options;
- (v) Ensure APs participation in planning, implementation, and monitoring and evaluation of related livelihood restoration opportunities (if required). Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, disabled and those without legal title to land, and ensure their participation in consultations;
- (vi) Establish an appropriate grievance redress mechanism to receive and facilitate resolution of any AP concerns;
- (vii) Support the social and cultural institutions of affected persons and their host population;
- (viii) Where involuntary resettlement or land acquisition impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase;
- (ix) Improve, or at least restore, the livelihoods of all affected persons through:
- (x) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods;
- (xi) prompt replacement of assets with access to assets of equal or higher value;
- (xii) prompt compensation at full replacement cost for assets that cannot be restored;
- (xiii) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status;
- (xiv) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets;
- (xv) Prepare a resettlement plan elaborating on displaced persons’ entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule;
- (xvi) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to APs and other stakeholders. Disclose the final resettlement plan and its updates to APs and other stakeholders;
- (xvii) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project’s costs and benefits;
- (xviii) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation; and,

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- (xix) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by considering the baseline conditions and the results of resettlement monitoring reports.

Other considerations. While the road designer has successfully mitigated needs for the civil works to occupy private land for purposes of construction and road upgrade works e.g. for embankments, the need for occupation of private land will apply in the following circumstances:

- (i) Where an existing cadastral boundary forming the ROW edge is located in an inconsistent position to that of a fixed boundary structure i.e. roadside of an existing fence line or hedge. In such instances, it makes practical sense to upgrade the road to the frontage of such physical barrier. In the case of easement works, transparent consultation with the APs is required at the early stages of the project prior to signing of a formal agreement for the use of their land before any works can commence. Design details of this proposed works will also be discussed with the AP for any possible change in design and for their general information.
Affected crops within close proximity of the easement will be compensated. However, there will be no need for the government to officially acquire this area of land. Given this, compensation for the usage of these lands would not be required as these easements would benefit the land owner nearby residence and the general public; and,
- (ii) Where a new vehicle crossing will extend further up the existing driveway within the private property due to geometric design levelling constraints and a design objective to avoid excessively steep vehicle crossings. Especially for the latter, property user / owner would need to be informed and consent would need to be given, but this is not seen as an impediment to the Project. In such a case, negotiation and agreement with the APs will be done in terms of reinstatement-if possible or compensation.

III. PROJECT DESCRIPTION

Rationale for the Project

Samoa's road network provides vital connectivity links that supports the country's development through providing access to economic activities and necessary services for the population. Yet this road network faces a range of vulnerability issues, including:

- (i) Coastal exposure to sea-level rise, storm surge and wave action during cyclones and other extreme events;
- (ii) Inland flooding and landslips during extreme rainfall events; and,
- (iii) Road pavement deterioration due to extreme weather events and sporadic road maintenance regimes.

The CCIR is the main link connecting Apia to many of the main tourist attractions for locals as well as international tourists on the southern coast of Upolu. It also provides for the day-to-day well-being of the people residing along and to the south of the island, increasing their access to economic activities and social services in the main urban hub of Apia.

Current Road Concerns and Recent CCIR Improvement Efforts

Current road condition. The current state of the CCIR varies, but it is generally in poor condition. The first 3km was in a poor state, however, LTA did intervene in 2018 by commissioning asphaltic concrete road overlay works. This improved the ride quality of the road and in many cases, provided an additional width of trafficable carriageway. Some residents assumed that was in fact a result of the planned road upgrade itself, but it is only temporary in nature and in advance of the road upgrade works proper being implemented (the Project). Furthermore, some parts of this overlay have deteriorated with noticeable irregularities in the pavement. The CCIR is characterized by the following general description:

- (i) Urban residential area with a number of businesses scattered throughout, often close to the roads edge;
- (ii) Narrow traffic lanes that barely cater for two cars in some places;
- (iii) Steep and often unsafe large open drains in close proximity to the edge of live traffic lanes;
- (iv) No footpaths or places for pedestrians to walk safely. Many students walk dangerously along the road's edge to go to school or a bus stop. This situation is made worse in the locations where large open side drains also exist;
- (v) Insufficient width and opportunity for safe vehicle overtaking. As is often the case, a slow-moving vehicle will cause traffic to back-up while awaiting such opportunity, or for the vehicle to depart the CCIR;
- (vi) Patchwork road surface repairs, both old and new. This often includes utility owners installing new services under the road without proper road pavement and surfacing reinstatement;
- (vii) Inadequate drainage along much of the road resulting in deluges of muddy water and even rubbish draining onto properties in the lower lying areas, as well as on to the road carriageway; and,
- (viii) No formalized bus stopping areas. This results in buses stopping along the road when requested by passengers, which also causes traffic congestions at peak times.

Traffic. Based on traffic counts recorded at the same locations in 2007, 2013, and more recently in 2018 plus other socio-economic factors CCIR traffic is estimated to grow at a rate of 3.5% per annum. This growth in traffic indicates the importance of this road for commuters, and consequently its access and safety are critical. The 2018 traffic counts indicate that there are presently about 1350 vehicles per day (vpd) using the CCIR beyond the urban area of Apia. Heavy class vehicle (HCV) use of the CCIR is limited due its steep and winding gradient and alternative routes of the West and East Cross Island Roads to the south coast from Apia in the north. The only HCVs regularly using the CCIR are the island's distinctive buses⁵.

⁵ SMEC, 2019. *Economic Analysis Report, CCIRUP*. Apia

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Climatic impacts. In December 2012, Samoa was struck by Tropical Cyclone Evan (TCE). TCE caused substantial damage and destruction to life and infrastructure, with some 4,250 people being temporarily displaced. Physical damage and economic losses to transport infrastructure, houses, and tourism facilities were estimated to be about \$210 million. The CCIR was heavily impacted, as it was temporarily severed (cut-off) in several locations. One local resident along the broader stretch of the road noted the following challenge affecting his family during TCE in 2012: “My son was sick requiring a blood transfusion before the cyclone hit. I took him for treatment to the hospital but was not able to return home due to the road being cut off in several places”. In the period directly following TCE remedial efforts of the LTA restored road access by upgrading five severely affected road sections. These were implemented by the LTA as emergency works using several local contractors. The CCIR remains vulnerable to the impacts of climate change and climatic events. The highest climatic risks to the CCIR include extreme rainfall events and high mean annual rainfall⁶. The proposed road design will mitigate exposure of the CCIR to these risks.

Given the current poor condition of the CCIR, its narrow width, large number of traffic commuters, and a need to provide a safe and efficient access route to Apia for residents and visitors from the southern side of Upolu, the government seeks to rehabilitate and upgrade this critical road link. The CCIR remains a critical link for access to/from the south coast and Apia; especially as a direct-direction mode of travel to either coast or the high-elevation hinterland in the event of significant climatic event to either coastline or side of Upolu Island.

Features of the Road Design

During the preliminary design stage under ERAP a total of six different typical full-width cross sections were considered for the road upgrade. These primarily considered varying width shoulders and drainage arrangements for both urban and rural areas of the CCIR. Alternate ROW widths were also considered for the rural area. From the six options, a summary of the 3 main feasible cross section considered is provided in Table 1 below.

Table 1. ROW Typical Section options.

Option No.	CCIR Road Section	KM (To / From)	ROW Width (m)	Description
1	PACKAGE 2 RURAL	15+500 to 19+678	16.0 (min.)	Unkerbed 10.0 m wide carriageway (including 1.5 m wide unsealed shoulders both sides) with std 3.0 m wide verge each side that includes a 1.0 to 2.5 m wide rip rap lined trapezoidal drainage corridor both sides, and a 0.5 to 2.0 m wide utility in berm corridor both sides against ROW boundary. Water utility and street lighting assumed not applicable.
2			16.0 (min.)	Unkerbed 10.0 m wide carriageway (including 1.5 m wide sealed shoulders both sides) with std 3.0 m wide verge each side that includes a 1.0 to 2.5 m wide RC lined trapezoidal drainage corridor both sides, and a 0.5 to 2.0 m wide utility in berm corridor both sides against ROW boundary. Water utility and street lighting assumed not applicable.
3			22.0 (max.)	Unkerbed 11.0 m wide carriageway (including 2.0 m wide unsealed shoulders both sides) with std 5.5 m wide verge each side that includes a 1.0 to 2.5 m wide rip rap lined trapezoidal drainage corridor both sides, and a 3.0 to 4.5 m wide utility in berm corridor both sides against ROW boundary. Water utility and street lighting assumed not applicable.

Source: SMEC 2017. ERAP Preliminary Design Report. Apia

The LTA selected Option 1 for the urban area and Option 2 for the rural area. These are reflected in Figure 2 and Figure 3 below Although LTA altered Option 2 to suit a nominal ROW width of 16.0m instead of 22.0m. This was to further minimize land acquisition and resettlement impacts, and restrict construction works within the approved ROW and reduce project impacts to the nearby properties and families.

⁶ SMEC, 2019. *Climate Risk Vulnerability Assessment, CCIRUP*. Apia

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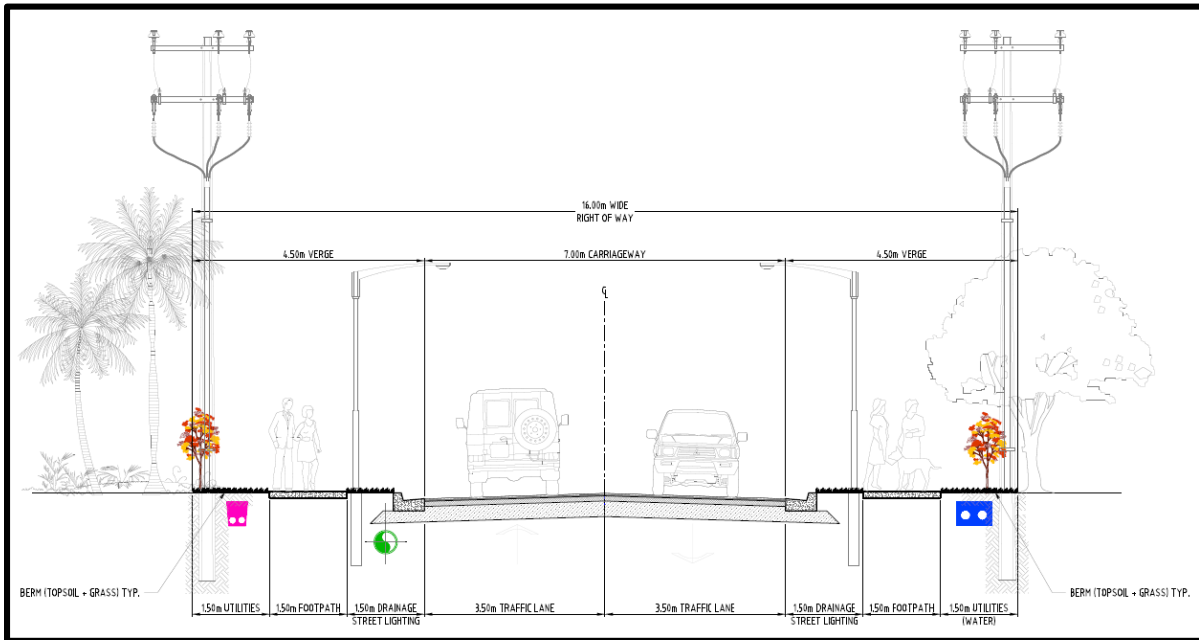


Figure 2. Typical Section Option1 - selected for urban area.

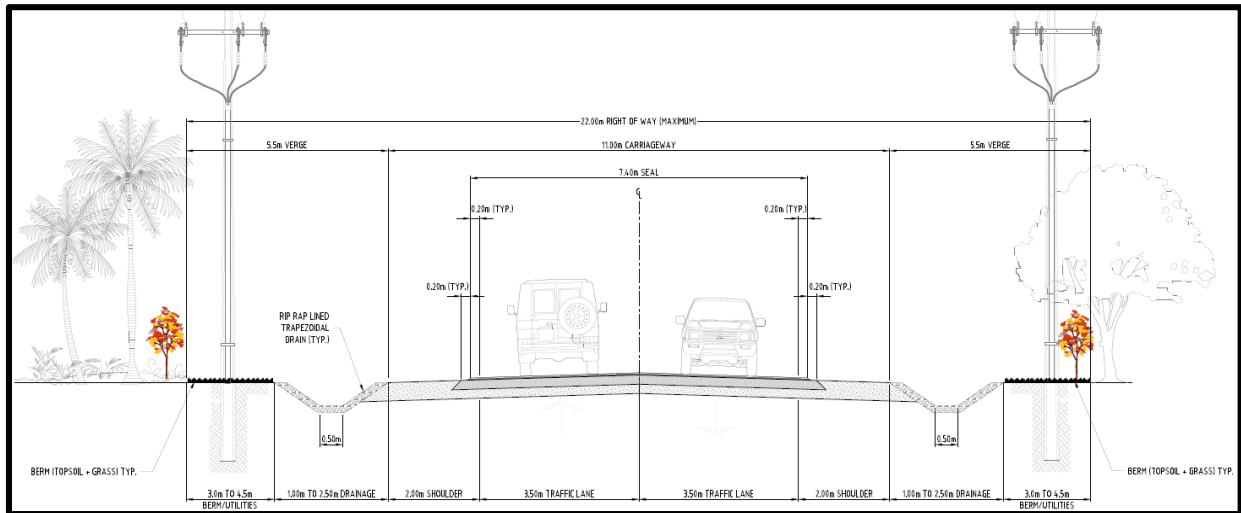


Figure 3. Typical Section Option 2- selected for rural area.

It should be noted that the road ROW is formed as a series of straight lines. The straight lines are cadastral (or survey) boundaries that legally define the limits of the road reserve (the ROW). Because of this, and the winding nature of the road, the ROW width at any given point along the CCIR will vary from 16.0m wide to no more than 20.0m wide along the road centerline, yet 16.0m is not a minimum width. Widest ROW areas will typically be associated with sharp curves where greater width is needed.

Other instances may include locations where the existing or proposed new ROW is better suited to be wider to fit snugly within existing private properties on each side, or where drainage outfall structures exist. Such practice is typical for any given road ROW and clarifies why the term “nominal” (“nom.” for short) is commonly used when referring to ROW width i.e. nominal ROW width of 16.0m.

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MNRE were consulted regarding definition of a clear boundary between urban and rural areas of the CCIR. This was important to establish given the different physical components of the road upgrade for each of the two distinct road-use and adjacent development environments. Based on information provided by the MNRE, an urban/rural boundary of KM 4+420 was proposed by the road design consultant and approved by the LTA in 2016. This highlights the fact that the CW2 is considered as a rural area.

To upgrade the CCIR section in CW2, a substantial utility service relocation exercise is required. This includes water, power, and telecommunications services. All these utility types exist within the current ROW of the CCIR but as the road will effectively be widened and realigned, these utilities will also need to be relocated to the new road boundary. At present, there is little-to-no consistency with existing utility placement relative to the roadway, so other than the necessity to move them for upgrading purposes, the Project also offers an opportunity to formalize a standard utility corridor arrangement for the project road ROW. This will not only aid immediate road upgrading, but will be beneficial for future utility maintenance, upgrade and new-installation plans as future potential for road-user disruption and road damage will be substantially reduced.

To facilitate road upgrading, utility relocation will be undertaken by the utility service provider in close coordination with the road-upgrading contractor(s) as part of the civil works contracts. Utility relocation designs, documentation and cost estimates will be required to be provided by the utility service operator to the LTA for verification and to ensure that relocation works will be within the ROW. For implementation purposes, close coordination with the affected utilities operators/owners and contractors will be heavily emphasized to ensure civil and relocation works run simultaneously smoothly and to ensure that no impacts and works occur beyond the ROW boundary unless absolutely required and authorized and approved by the landowner.

Full utility relocation designs, documentations and cost estimates will be provided in the civil works bidding and subsequent contract documents. Prior to commencement of these works, a utilities coordination meeting followed by site walk through will be conducted. This will provide a clear understanding and layout of the overall design boundaries and mark out any potentially vulnerable areas to avoid. Notices will be placed in the LTA/EPC/SWA facebook page and other media outlets to indicate temporary disturbance prior to relocation activities to avoid inconvenience for APs.

Rainfall runoff will be conveyed away from the road ROW to existing waterways via an integrated road drainage network. Rural area drainage will include open-lined side drains on both roadsides. These will start and end at each outfall location, or localized high point in the roadside. The design includes frequent use of ‘drop-structures’ (small rock rip-rap weirs) to control water runoff flow rates and thus minimize erosion. Frequent use of piped cross-drains located underneath the road carriageway and connected to open side drains and/or outfall locations on either or both sides are a common drainage network feature. These include ingress/egress structures for erosion and sediment control. Similarly, where vehicle crossings (from the road carriageway to private property) span an open side drain, with small box-culverts also included in the design. Outfalls in the rural area feature a rock rip-rap mattress for erosion control within the road ROW area, conveyed to an open-lined ditch towards an existing waterway. All drainage design has proactively accounted for the impacts of climate change, including climatic risks such as extreme rainfall events.

CCIRUP Route

CCIRUP will upgrade the existing road and widen it in sections. The upgrading works within CW2 commences from Tiavi (15+500) and progresses southwards across the central highlands of Upolu Island towards the intersection with the South Coast Road in Siumu (KM 19+686) as shown in Table 2 below. There are only two villages located within CW2.

Table 2. Description of the CCIRUP route.

Package	Section	Villages	Land use	Description	Upgrading works
Package 2	KM15+500-19+686 (End of Project)	Tiavi Siumu	Rural (agricultural)	Includes scattered residences, schools, churches and mixed-use	Section of this road to be widened with

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			and livestock)	farmland. Prevalent of customary land	drainages and easements etc.
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From KM 15+500 to the project end point (KM 19+686) adjacent land use includes scattered residences, institutions, resorts, and mixed-use farmland. This section is classed as rural but for all intents and purposes KM 4+420 onwards is considered as a rural environment. Customary land is slightly more prevalent in the rural environment, with a distinct notable section from approximately KM 11+000 to the end point that is currently borderless according to cadastral mapping.

Background

Originally, the CCIR was a path (simple narrow track) directly linking the central southern coastal area to the central northern area of Upolu Island, where Apia is located. It was first surveyed and understood to have been declared a public ROW (gazette) in 1942. It was again surveyed from 1963 to 1964, as Plans 2795 and 2796 and was approved and legally registered pursuant to *Section 58 Taking of Lands Act 1964* as a legal ROW with the MNRE in June 1964. The current two lane surfaced road was believed to have been built in the mid 1970's.

Over time, it has been progressively upgraded to the existing road that it is, with changes also made to the legal ROW in isolated road sections, but with no apparent major changes to the physical road alignment. Similarly, adjacent land development has changed over time relative to the existing physical CCIR alignment, rather than in strict conformance to legal land boundary locations.

The *LTA ACT 2007* legislates a standard 22.0m ROW for key arterial roads of Samoa, of which the CCIR is one of them. However, both updates of the legal road ROW and adjacent property development has in many instances been haphazard and uncontrolled. From the CCIR start point to the end point, about 20% (4km) is 15.0m wide, 65% (13km) is 20.0m wide, and 5% (1km) is wider than 20km. While most of the registered CCIR ROW is close to the *LTA Act 2007* standard of 22.0m, about 32.5% (6.5km) of the existing physical road is located outside of the registered ROW corridor. This misalignment situation is commonplace over the last 10km i.e. from about the road crest in the highlands to the end point at the South Coast Road intersection in Siumu.

As previously mentioned, the LTA resolved to target a nominal ROW width of 16.0m, thus minimizing both environmental and social i.e. resettlement impacts. The newly upgraded road will generally follow the centerline of the existing road and minor improvements will primarily be made for safety reasons. Because of this, the road centerline will be slightly shifted (improved) in both horizontal and vertical planes.

Measures to Minimize Land Acquisition Impact

Land acquisition and resettlement for the project will be carried out in compliance with the relevant National laws and ADB's safeguards policy for acquiring land and other assets. Under *ADB's Safeguard Policy Statement, 2009*, the policies require that:

- (i) Impacts are identified and assessed early in the project cycle;
- (ii) Plans to avoid, minimize, mitigate, or compensate for the potential adverse impacts are developed and implemented; and,
- (iii) Affected people are informed and consulted during project preparation and implementation.

Thus, the strategy for the project during the detailed engineering designs was to avoid resettlement impacts wherever possible and minimize land requirements by confining the project's construction works to a nominal ROW width of 16.0 m. This is the narrowest ROW width recommended for CCIRUP adoption. While there will be no resettlement of people or major structures (e.g. houses), the project will need to formally acquire land and other assets for road widening and raising of road embankments. To address these resettlement impacts, lands and assets acquisitions information are presented within the updated RP for disclosure and implementation.

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Several land easements for drainage outfalls will be required but their impact is minimized due to the fact that:

- (i) The entire rural area will predominately drain to existing open field areas where water can easily be conveyed as overland flow to existing natural waterways. In some instances, constructed V-ditches will be required within these privately-owned fields to encourage positive flow of road rainfall runoff towards the intended existing waterway. In such instances a formal easement may however not necessarily be required.

Due to current poor road condition, narrow width, and safety concerns residents have overwhelmingly indicated that an upgraded road is of utmost importance, to the residents and commuters as indicated in the responses throughout the Minutes of the public meeting in Appendix 1. Hence the road upgrade is recognized by the respective communities to bring a positive impact and improvement in quality of life for all affected people and beneficiaries.

IV. SOCIOECONOMIC INFORMATION AND PROFILE

A. Overview of Socioeconomic Information on Affected People

A socioeconomic profile has been developed. It is reflected in the separate *Initial Poverty and Social Assessment (PSA)* and is recommended to be read in association with this RP.

According to the CCIRUP draft-final design and IOL, at the time of updating this draft RP, a total of 43 lots/parcels will be affected within CW2 (with additional 4 lots located in CW1). Community consultation on the draft RP provided the opportunity on 12th and 13th February 2020 for those persons that maybe directly or indirectly affected as a result of the CCIRUP, to indicate their vested interest by completing forms. These forms provided the basis to conduct follow up telephone conversation in obtaining socioeconomic information.

A total of 43 lots/parcel responded are under Package 2 with a total of 28 affected families of which 26 of these people have occupied houses built on their land. The remaining 2 lots/lands currently use their land for either cultivation or plantation purposes. During the socio-economic census and DMS assessment it was discovered that two of the landowners located in CW1 reside overseas. MNRE is currently working to contact and negotiate with these 2 landowners in terms of their affected lands. Therefore, 26 affected households out of the 28 affected families were able to conduct the census. The 43 parcels/lots consists of 192 persons affected that will experience impacts in some ways by the project. All the information mentioned above for Package 2 plus 4 additional lots in CW1 are confirmed by our socio-economic census data collection that was carried out on the 30th July 2021 to the 10th September 2021.

Of the total 28 affected families, there are no affected building structures. At this stage the total of 7 affected parcels/lots, maybe classified to be moderately affected on the basis that less than 10% of the land will be acquired of the total land area of 48,002m² addressed within this RP, and largely without major impact on productive land for plantation and farming, as well on households with multiple sources of income (small business shop, plantation, farm, fishing alia & working jobs). Compensation in lieu of land and non-land assets will be provided, alternative route access are part and parcel in managing inconvenience to persons affected.

Based on the most recent socio-economic census that was conducted on the 30th of July to the 10th of September, LTA have confirmed that there is a total of 192 affected persons within Package 2. This amount excludes the additional 4 lots located in the CW1 which consists of 3 landowners who do not reside on the affected lands nor do they have any house structures. In addition, most of the population within the affected area have more males than females as per census data collected.

The most predominant church that the affected community attend is the Catholic Church located passed the Siumu intersection at the village a'ai. Other churches⁷also within the area include CCCS- Congregation Christian Church of Samoa, LDS- Latter day Saints of Jesus Christ and others. From the 28 affected households, 3 land owners have farm houses but do not reside on their lands but however, utilize their lands for cultivation, cattle farming, and plantation activities. From recent socio-economic census, LTA concluded that majority of the affected family rely heavily on the sales of agriculture produce as their main source of income amongst other source of income such as housemaids etc.

⁷ Based on survey plans and re-definition survey works, churches within this project area are not expected to be affected by the project. During construction phase, mitigation measures will also be set in place should potential damages be anticipated or may arise.

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Table 3. Community characteristics.

S. No.	Community	Households	Population	Male	Female	Persons with disability	Predominant Church
1	Siumu	25	192	106	86	4	RC VOC LEM
2	Tiavi	3	0	n/a	n/a	n/a	n/a
		28	1	106	86	4	

AOG = Assemblies of God, CCCS = Congregational Church of Samoa, CCJS = Congregational Church of Jesus in Samoa, LDS = Latter Day Saints, RC = Roman Catholic, VOC = Voice of Christ, Livingstone Evangelist
Source: LTA Census, 2021.

Families residing in Package 2 are mainly in the adult age group which are those who are from the age range of 16 -64 years old whilst minority are from the age group of 5- 12 years old. From the census data collection, majority of the affected persons are categorized in the working age group therefore, most of population of the affected area are either working or in secondary and tertiary age group.

Infants are the third highest age group from 0 to 4 years old that are in this affected area. This raises concerns for the safety of the younger population for the current road condition especially when construction works begin. These concerns were recorded by LTA and will be incorporated into the project social and environmental managements plans for mitigations and controls during the project implementation.

In addition, majority of the families mentioned that an alternative route for the affected people should also be in place during construction phase to provide access to urban area. From this we can say that majority of the people of the affected area will be heavily impacted in terms of accessibility to work, schools and essential services once construction works commence. A summary of all age group in depicted in chart 1 below.

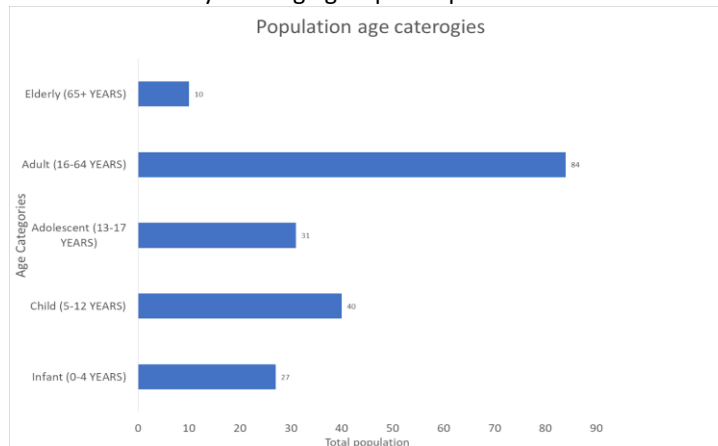


Chart 1. Population age categories.

Socio-economic census data for CW1 – CCIRUP

An additional 4 lots located in CW1 was also part of this recently conducted socio-eco survey from which it was confirmed from MNRE that landowners 1 of these landowners do not reside in Samoa. However, it is confirmed that these landowners do not reside in Siumu but in urban areas. These 4 landowners all utilize their land for agriculture purposes. The crops and DMS assessment have already been conducted by LTA and shown in Table 10 & 13 for affected structures and non-land assets.

Occupation and Income

Occupation

With a total of 43 affected parcels/lots, most households rely on a multiple source of income as indicated in the following tables. This demonstrates the reliance on agriculture and other means of local farming to provide extra financial support to members of households either working for government or private companies.

At the time of revising this updated RP, it was recorded that there will be temporary impacts on livelihoods associated with plantation and farming activities. To supplement for this, transportation from the origin to final destination delivering produce to domestic markets or international markets and household members commuting to work, will have access to alternative routes permitted under the project during construction; thus reducing inconvenience to affected persons.

Findings from LTA’s recent socio-economic census data, it states that 42% from the total employment population are employed under various local government sectors. This suggests that the road upgrade will highly improve accessibility to work facilities as majority of government sectors and headquarters are in the urban area. This is also another indicator that the road upgrade would be a great opportunity for the public to have a safer and efficient road accessibility to work, churches, emergency services and schools and for other additional general public purposes.

Furthermore, majority of affected people who are unemployed within CW2 are currently in school which makes 43% (as per graph 3 below) of the overall percentage of the unemployed group. Remaining percentage of these unemployed groups are due to them being a stay at-home-mother and looking after family elderlies⁸. The below chart 2 and 3 depicts the overall occupation status for the affected persons within the area.

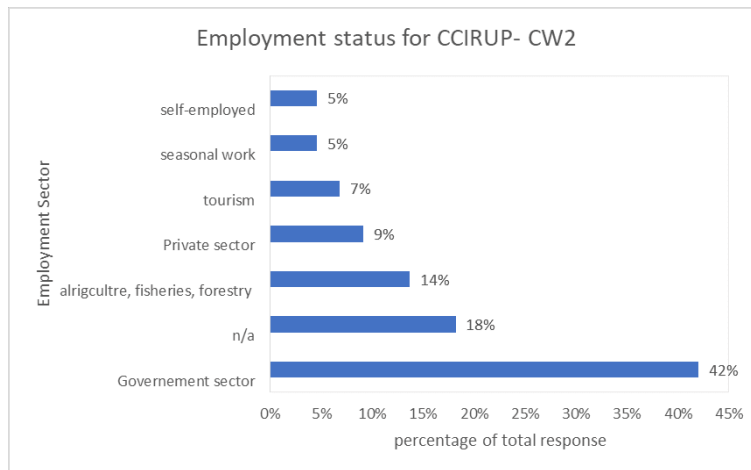


Chart 2. Occupation statuses for APs.

⁸ Source: LTA, 2021. Occupational status is the comparison of the type of industry that the affected people work under to the affected people that don't work and the reasons why they are unemployed.

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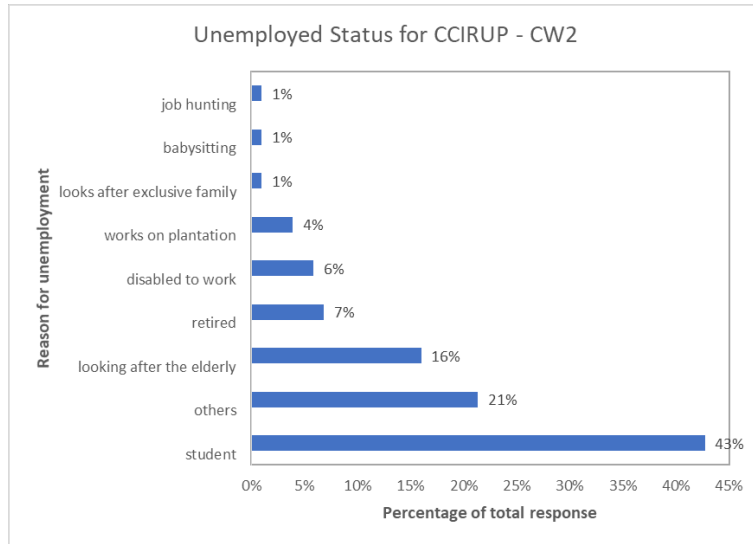


Chart 3. Unemployed statuses for APs.

Income

In reference to the census data collected, it states that 50% of the affected families obtain their income mainly from selling agriculture crops. From the 28 affected families, 9 families own market stands will be affected for this project. These families are eligible for compensations based and calculated as the full replacement costs and will be provided with the option to re-establish their stalls near outside of the road reserve during the construction phase of the CW2. This will help prevent the affected families from losing their main source of income.

The second highest sources of income are the remittances that are sent from overseas which are also considered as a family source of support. Sales from cultivation also are one of the main sources of income for families. Livestock is also a priority for some lands as they are valued highly when considering traditional customs.

From the 28 interviewed families it was confirmed that on a monthly basis, 54% of the family earns below 1000+ SAT dollars. This comes from their sales of agriculture sales produce and employment. These agricultures produce includes taro, coconut, fruits, occasionally wooden broom made from coconut leaves sticks and more. For the affected families that earn the highest income category of \$5000+ SAT, these are mostly APs residing on freehold lands who do not reside in the project area but utilize their land for cultivation and plantation purposes. AP main source of income and overall income data are summarized in charts 4 and 5 below.

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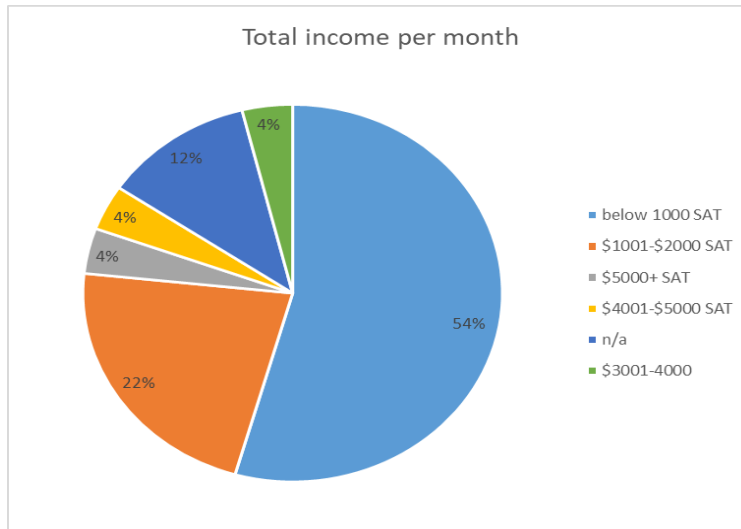


Chart 4. Total income.

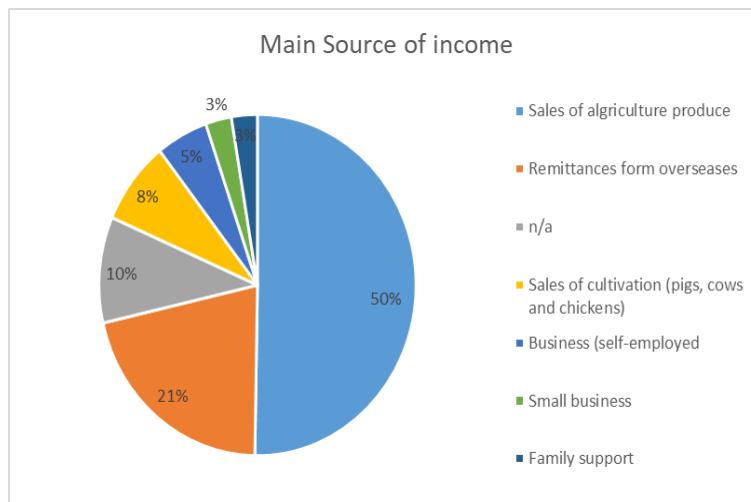


Chart 5. Source of income

Generally, for these rural communities such as Siumu, household income can average between \$150 -\$400 a week (VGA consultation 2019). Consultation with a women’s group of fourteen, Siumu women reported: that none of them worked full-time; and two were Female Headed Households (FHH), suggesting a percentage of CCIR stakeholders also fall within the lower wealth quintile.

While these women may not be directly impacted, they are important to consider for livelihood development opportunities generated by the CCIRUP. In addition, women within this area are not the head of the house and are mostly advisers and counselors within the families and assist with family decision i.e. education, financial matters, health care and more, but do not however, have the final say as this rests heavily on the chief of the family. From the collected data, roughly 7% of the affected families where women have no say in the buying or selling of assets such as land.

From the 26 out of the 28 affected families that were consulted, 83 out of the 192 affected people are students. In more detail, 3 are in pre-school, 50 are in primary school level, 23 are in secondary level also referred to high school and only 7 are studying at tertiary level which is in the urban area.

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As shown in the chart 5 below, 13% of parents consider the safety of their children when walking to school be as a high risk given the condition of the existing road (no pedestrian crossings, speed humps and the narrowness of the road). 9% of parents rated the safety of their children via public transport at an average due to the risk level of traveling along the current road condition. The inclusion of footpaths, road markings and pedestrian crossings will cater to the safety of these children whist traveling on the road. Further clarification is elaborated in chart 6 and 7 below.

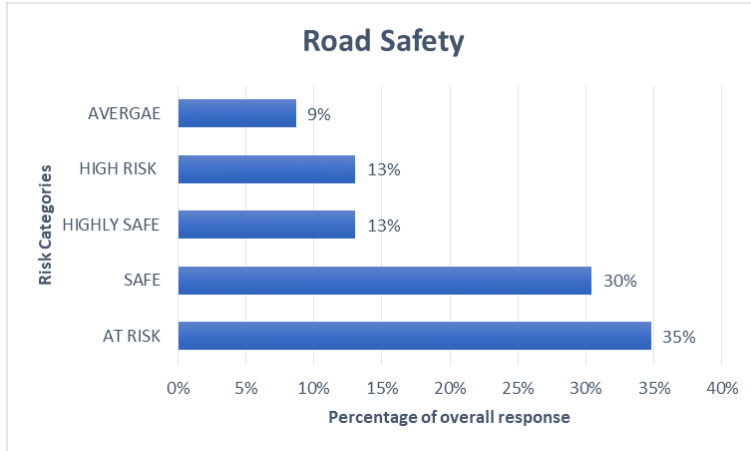


Chart 6. Road safety to school.

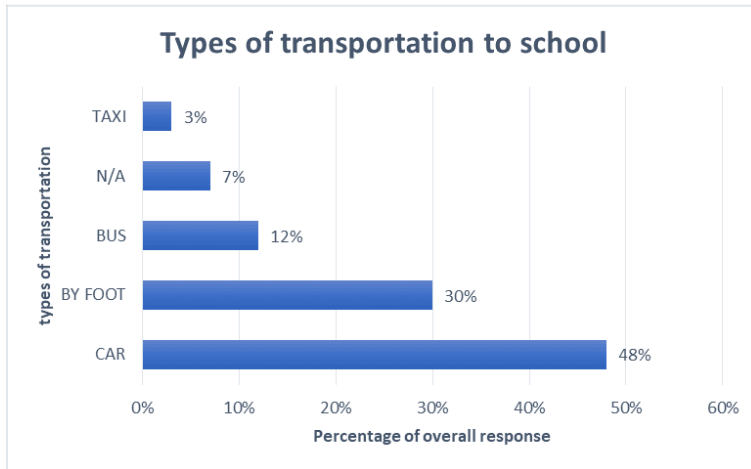


Chart 7. Types of transportation to school.

Healthcare Services

All affected families consider seeking medical help from the public hospital- CCCIR as the main route taken. One household explained that if they can't afford to go to the hospital and medication and often seek help from traditional healers. Only two affected persons from the affected area have long term medical needs such as gout and diabetic, one of whom does not reside within the project area. The nearest hospital is the Poutasi district hospital which is about 30min from the affected families and roughly 45 minutes to travel to the public hospital if/when serious medical help is needed. In saying this, 57% of the affected families stated that upgrading of this road will extremely assist in many ways such taking less time to travel to these essential services.

All APs were noted to have access to all essential services such as water and electricity. All with the exclusion of 2 APs who do not reside on the affected lands but near shore of Siumu (not within project area) have no access to the

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essential services. This side of the village is currently working with the Samoa Water Authority to get water to these homes.

Road Safety

From the total APs consulted, they were given the chance to rate the current road safety; from this total, 13% rated the road at high risk. For the families that rated the road at safe or average, they either lived further from the road or resided at the end of the project site.

All the of the affected people had comments on the current state of the road, in their response the current state of the road is very narrow, there are no streetlight, no pedestrian crossing or any road markings. One of the consulted family in the socio-economic also mentioned that there are too many potholes and no drainages. Some of the people of the affected area walk to and from their families' households and mentioned that the road is not safe for them and their children to walk on especially if there are no road markings and foot paths. The affected families commented that there are poor drainages that need to be upgraded for rainfall run off to the ocean.

For the benefits of the road upgrade all the families mentioned that the road upgrade will help to provide a safer environment for the community and the general public. The most common response that the affected families selected on how the road upgrade will improve their household the most, was the road upgrade will ensure better access to services such as the shops, going to the hospital and towards the urban area. Data on road safety⁹ is summarized in the below chart. The results also take into consideration the general public that uses the roads on a daily basis.

⁹ Source: LTA, 2021. Level of road safety by the affected family in Siumu.

V. LEGAL POLICY FRAMEWORK AND ENTITLEMENTS

Introduction

The government has limited power of ‘eminent domain’, which is the power of the government to take private property and convert it for public purpose. This section outlines the relevant legal and regulatory environment in Samoa which sets the mandate for involuntary land acquisition, consultation and negotiation, compensation entitlement, and grievance resolution.

This chapter briefly discusses:

- (i) The key laws, regulations and policies as they are applied to land acquisition for public development projects;
- (ii) The legal and policy commitments as applied to LTA as the implementing agency for the different types of land acquisition and/or displaced persons;
- (iii) Gaps between national laws and ADB operational policies;
- (iv) Evaluation of land/asset compensation which also outlines the principles and methodologies to determine valuations and compensation rates at replacement cost for land, assets, incomes, and livelihoods. The compensation and assistance eligibility criteria as well as how/when compensation will be provided; and,
- (v) The land acquisition process with a proposed schedule for meeting identified requirements.

Government Land Acquisition Legislation

The key legislative instruments relevant to the CCIRUP activities and consequently environmental and social safeguards pertinent to the CCIR are briefly summarized in Table 4.

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Table 4. Government legislation and relevant policies to social safeguard requirements.

Legislation	Key Principles	Relevant Mechanisms
The Constitution	Article 102 of Constitution authorizes (under an Act of Parliament) the taking of any customary land or any interest therein for public purposes, hence the TLA 1964.	Does allow for compulsory acquisition for public purposes with the following provisions: <ul style="list-style-type: none"> • Compensation payment within a reasonable timeframe. • Right of access to the Supreme Court regarding amount of compensation. • Right of appeal to the Supreme Court.
<i>Taking of Land Act 1964</i>	Establishes the taking of lands for "public purposes" (i.e. taking of freehold or customary land). This Act mentions easements - a proclamation is the basis for acquiring an easement. It also provides for compensation entitlements (s11, 25, 37).	Once land is identified for acquisition a survey and plan is carried out to properly identify the land to be taken. Subsequently, reasonable notice must be given to the owner or occupier of freehold land or the matai who has the authority over customary land. Public notice of 28 days is allowed for any objections. If no written objection is received, the Minister may take the land by Proclamation.
<i>Property Law Act 1952</i>	<ul style="list-style-type: none"> • Part IX deals with easements and provides for easements in gross (s122)8; • Power of the courts to modify or extinguish easements (s127); and • Permission for the court to impose easement for encroachment (s129). 	
<i>Land Titles Registration Act 2008 (and regulations)</i>	Regulates the property title registration system and rules for land transactions: <ul style="list-style-type: none"> • Part 9 details easements and deed of restriction due to easements; and • Part 13 outlines government compensation. Terms also describe landowner responsibilities to minimize disturbance over the land and to restore the land, as nearly as practicable to its original condition: <ul style="list-style-type: none"> • Section s67(3) allows a deed of restriction to be registered; and • Section 68-69 details the procedure for the release, modification and extinguishment of easements and restrictions as to user. 	This Act does not apply to customary land (customary lands cannot be registered) but it does apply to registration of leases and licenses of customary lands. Includes the type of water allowed to flow across/under the land, how infrastructure (such as drainage pits, open channel drains) can be maintained and accessed, and responsibility of dominant tenement to restore the land to its original condition after any service or maintenance. Easements must be registered to be considered legally valid.
<i>Survey Act 2010 (and regulations)</i>	Requires existing and proposed easements (either easements in gross, or dominant or servient tenement) to be clearly shown on a survey plan (s19, 24).	Clear inclusions for design mapping

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Legislation	Key Principles	Relevant Mechanisms
<i>Taking of Land Act 1964</i>	The Act is silent on easement or ROW, permitting the leasing and licensing of customary lands for certain authorized purposes. Any issue on easement would come under discussion for terms and conditions for lease agreement.	May add an element of ambiguity into negotiations for customary land acquisition
<i>Land Transport Authority Act 2007</i>	<p>“41. Road Reserves-</p> <p>(1) Subject to subsection</p> <p>(2), the area along the length of a national road being 11 metres on each side of the centre points of the carriageway shall be deemed to be a road reserve for the purposes of this Act.</p> <p>(3) Where a surveyed boundary of privately owned land adjoining a national road is within the 11 metre area on either side of the centre point of the carriageway, the road reserve shall extend only up to the line of that boundary.”</p> <p>“43. Regulations relating to national roads - Regulations may be made:</p> <p>(a) varying the dimensions of the road reserve ...</p> <p>(e) to prescribe means by which disputes over the existence of road reserves, or by competing users of road reserves, may be resolved.”</p> <p>“48. Compensation-</p> <p>(1) Regulations may be made prescribing the payment or assessment of compensation to be paid as a result of any land being acquired for the purposes of this Part...”</p> <p>“52. Powers of the Authority in relation to the use of roads, road reserves, bridges etc (f) approve the use of any road reserve, including for the provision of utility services...”</p>	A number of clauses which are specifically pertinent and support the RP.
<i>Land Valuation Act 2010</i>	Deals with the practice of land valuations and relevant valuation requirements for the registration and licensing of qualified land valuers.	Valuations for the same area of freehold or customary land are guided by current market value overall.
Samoa Code of Environmental Practice (COEP)	Set up to improve environmental management of all publicly-financed works in the planning, design and implementation stages - guide and control the ways in which environmental aspects of all civil engineering works and the private sector are managed and addressed	<p>Mandates LTA’s activities in carrying out environmentally-sound practices included in environmental management plans of design, construction and maintenance phases of a road project.</p> <p>The COEP should be introduced and implemented before the first phase works begin - a condition of project effectiveness.</p>
<i>The Lands, Surveys and Environment Act 1989</i> <i>Survey Act 2010</i>	<p>Includes the process for the taking of government land, including functions of the land board in administration, management, development, settlement, protection and care of government lands.</p> <p>In Samoa, land within five meters of a natural watercourse (<i>Survey Act 2010</i>) is public land over whose property it flows upon and maintenance of the watercourse is therefore the responsibility of the government. The foreshore reserve is also five metres (<i>Lands Survey & Environment 1989</i>)</p>	<p>Government land is a subclass of public land which is not set aside for any public purpose and includes land which has become the property of the Government to be leased out for certain purposes such as for farming, residential and commercial or industrial purposes.</p> <p>There are a variety of controls under this Act on both leases and sales of Government land.</p>

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Legislation	Key Principles	Relevant Mechanisms
<p><i>Planning and Urban Management Act 2004</i> <i>(public participation)</i></p>	<p>18. Consultation-(1) The Agency shall consult with all stakeholders where possible and shall provide them with all relevant information on the environment of the planning area</p> <p>PART VI COMPENSATION. Right to compensation-(1) The owner or occupier of any land may claim compensation from the Government for financial loss suffered as the natural, direct and reasonable consequence of – (a) The land being reserved for a public purpose under a sustainable management plan.</p> <p>65. Taking of Land Act 1964 to apply - Part III - any necessary adaptations and changes, applies to the determination of compensation.</p>	<p>Purpose of development planning such as roads – must inform and consult with affected landowners.</p> <p>Supports rights of owners to compensation for Taking of Land for roads.</p> <p>Incorporate to the project environmental managements plans</p>
<p>Ministry of Works Act 2002</p>	<p>39. Designating public roads and road reserves – “(d) Subject to subsection (3), the area along the length of the road being 11 meters on each side of the centre points of the carriageway shall be deemed to be a road reserve...”</p> <p>42. Identifying areas required for roads, drains, bridges and seawalls – “(1) The Minister may make written determinations specifying areas of land required for road development or for the construction or development of other public assets...”</p> <p>43. Restrictions on using areas required for roads, etc. – “(1) No person, without the prior written consent of the Minister, may erect, alter or extend any building or structure of any description on land to which section 42(1) applies...”</p> <p>45. Compensation –</p> <p>“(1) The Head of State, acting on the advice of Cabinet, may make Regulations concerning the payment or assessment of compensation to be paid as a result of any land being acquired for the purposes of this Part...”</p> <p>“(2) Regulations made under subsection (1) shall relate specifically to the compensation implications of road development...notwithstanding that they may conflict with any provision of Part III of the Taking of Land Act 1964.”</p> <p>“(3) The Minister may, after consultation with the Minister responsible for Agriculture and the Minister responsible for Internal Affairs, approve a scale of compensation to be paid in relation to the destruction of any plants or crops caused due to road development or the development of other public assets to which this Act applies.”</p> <p>“(4) No action may be maintained in any court for compensation relating to the destruction or removal of plants and crops which exceeds the amount prescribed in the scale of compensation approved under subsection (3), as it applies at the relevant time.”</p>	<p>A number of terms pertinent to the road reserve of 11 metres each side of the middle line.</p> <p>Compensation in support of <i>Taking of Lands Act 1964</i>.</p>
<p><i>Water Resources Management Act 2008</i></p>	<ul style="list-style-type: none"> • “the sustainable management of the water resource through coordinated and scientifically sound planning of water resource development and regulated water utilisation for all lawful purposes;” • “Require that certain matters relating to the water resource be considered in the assessment of environmental impacts of proposed developments required under the Environment Impact Assessment requirements applying under the Planning and Urban Management Act 2004, and any other applicable law;” • “State control of water resources-(1) The sole right to permit the use of water.....and to otherwise manage and 	<p>Management of outfalls for the purpose of road sustainability</p> <p>Management of underground water drainage networks</p> <p>Incorporate into Environmental Management Plan</p>

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Legislation	Key Principles	Relevant Mechanisms
	<p>control such waters, remains vested in the Government;” and</p> <ul style="list-style-type: none"> • “The Ministry shall have the right to use the water resource for any purpose associated with the protection or management of the environment, where such use is consistent with the Samoa Water Resource Management Plan.” 	
<i>Samoa Water Authority Act 2003</i>	<ul style="list-style-type: none"> • “To erect or make use of, on or under any roads, ways or other public or other places and any buildings, structures, machinery, manholes and other entrances, light and lamp holes, ventilating grids and such other works and things for the efficient sanitary drainage of any locality, or for the supply of water thereto in accordance with law;” • “To utilise any natural watercourse for the discharge of overflows from any of its facilities, in accordance with law;” and • “To purchase or otherwise acquire and maintain such personal and real property, easements and rights of way as the Authority may deem necessary for the furtherance of its functions.” 	Relevance associated with road design as well as outflow management.
<i>Customary Land Advisory Commission Act 2013</i>	<p>Amends: The <i>Alienation of Customary Land Act 1965</i> 31 December 2014[LEX-FAOC035512] to a small extent.</p>	<p>Provides for establishment of Customary Land Advisory Commission which will:</p> <ul style="list-style-type: none"> • Recommend to Cabinet measures to facilitate, encourage and promote the economic use of customary land in Samoa; and • Review all laws affecting customary land in Samoa and recommend change to Cabinet to facilitate, encourage and promote the economic use of customary land.

COEP = Code of Environmental Practice, LTA = Land Transport Authority, RP = Resettlement Plan.

Source: Relevant Acts & Regulations; West Coast Road LARF; Consultant’s World Bank funded ERAP draft resettlement document.

B. The ADB Policy on Social Safeguards

Safeguard Policy Statement (June 2009). The Safeguard Policy Statement (SPS) became effective and applicable in January 2010. The SPS was formulated to address the emerging challenges of development, respond to lessons learned from its experience with its old safeguard policies, and adapt to its new lending modalities and financing instruments.

The ADB Safeguard Policy Statement 2009 (SPS) requires ADB-assisted projects to (i) avoid resettlement impacts wherever possible; (ii) minimize impacts by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all Affected Persons (AP) in real terms relative to pre-project levels; and (iv) improve the standards of living of the affected poor and other vulnerable groups. It covers both physical displacement and economic displacement.

1. SPS Safeguard Requirement for Involuntary Resettlement. The SPS Safeguard Requirements 2: Involuntary Resettlement aims to avoid or minimize the impacts on people, households, businesses and others affected by the land acquisition required by a project. The scope of the policy includes physical and economic displacement as a result of:

- i. involuntary acquisition of land;
- ii. involuntary restriction on land use; and
- iii. involuntary restriction of access to legally protected areas.

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2. Principles. The key principles of the ADB safeguard policy on resettlement are as follows:

- i. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- ii. Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impact and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- iii. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- iv. Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- v. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- vi. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- vii. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- viii. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- ix. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- x. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- xi. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- xii. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into

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account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

Full and Partial Displacement - Displacement can be full or partial, permanent or temporary (which includes relocation, loss of residential land, or loss of shelter etc). Many ADB projects, such as linear projects like transmission lines, roads and pipelines can affect only a part of land holdings, and result in partial economic displacement. On the other hand, a substation often fully affects a given area and displaces the affected persons both physically and economically.

Whether involuntary acquisition of land affects a full parcel of land or only a part of it, ADB involuntary resettlement requirements apply and resettlement entitlements are commensurate with the severity of actual impact on livelihoods of displaced persons.

Permanent and Temporary Displacement - Displacement affecting people permanently or temporarily is also considered within the scope of the SPS. Temporary displacement generally occurs in linear projects involving communications networks, electricity transmission lines, gas pipelines, and transport systems. For example, roadside shops are sometimes forced to move a safe distance during earth moving, heavy machinery activity, and other construction operations before returning once work is complete.

Involuntary Resettlement - The SPS considers resettlement involuntary when the displaced persons have no right to refuse the land acquisition by the state that result in their displacement. This occurs when “when displaced individuals or communities do not have the right to refuse land acquisition that results in displacement”. This applies in cases where: (i) lands are acquired through expropriation based on eminent domain; and (ii) lands are acquired through expropriation when negotiated settlement processes have failed (SPS, Appendix 2, paras. 4 – 5).

Voluntary Resettlement - Voluntary resettlement, on the other hand, refers to any resettlement not attributable to eminent domain or other forms of land acquisition backed by powers of the state.

Negotiated Land Acquisition - Negotiated land acquisition or negotiated settlement/agreement is normally achieved by providing fair and appropriate compensation and other incentives to the willing seller, negotiated through meaningful and well documented consultations. The Policy encourages the borrower/client to reach a negotiated agreement with people affected by involuntary resettlement, and this specifically applies to customary landowners and Indigenous Clan Groups (ILGs) in PNG.

Types of Displaced Persons - The Policy identifies the following three types of displaced persons who are affected by partial or total land loss: i) persons with formal legal rights to land and/or structures lost entirely or in part; ii) persons who lost the land and have no formal legal rights to such land, but who have claims to such land that are recognized or recognizable under national laws, and (iii) persons who lost the land they occupy and have neither formal legal rights nor recognized or recognizable claims to such land. According to the Policy, all three types of displaced persons fall under the protections of the involuntary resettlement safeguard provisions (SPS, Appendix 2, para. 7). These groups can be further defined as follows:

- **Type 1: Displaced persons with formal legal rights**, who are generally defined by the possession of individual freehold titles duly recorded in title registries and cadastral records in most countries.
- **Type 2: Displaced persons whose rights are not formal or legal but whose claims are recognized under national laws**, such as customary landowners, tenants (or block holders) or community owned land, structures or cultural resources (including community-operated schools, bathing and washing places, community centers, fishponds, wells, monuments, burial grounds, and places of cultural or religious importance).
- **Type 3: Displaced persons without formal legal rights**. This category includes encroachers, squatters, tenants, sharecroppers, and wage laborers who depend upon the land acquired. They have neither legal rights to the land nor recognizable ownership claims to the land but because land acquisition destroys their livelihoods they are considered displaced persons and are entitled to receive resettlement assistance.

Resettlement Strategies - The Policy ties the trigger for compensation and protections under the resettlement safeguard requirements to physical and economic displacement that is caused by land acquisition. In cases of physical displacement, the Policy stipulates that compensation should preferably be land-based (rather than

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cash). The replacement land must have at least the same characteristics in terms of productive potential and advantageous location (e.g. access to markets) as the land taken (SPS, Appendix 2, para. 9).

Assistance for physical displacement - The assistance required by SPS for physical displacement includes relocation assistance, secured tenure to relocation land, better housing with accessibility to employment and production opportunities, transitional support and development assistance, and opportunities to derive development benefits. Relocation assistance may include support for transportation of people, belongings, livestock, equipment, and other movable property to the new settlement site. Resettlement assistance is broader in scope and includes relocation as well as transitional/subsistence allowances of food, fodder, and fuel that may be needed until new production systems are working well.

Assistance for economic displacement - Economically displaced persons can encompass those with title or recognizable title to land and those who are without title to land or landless. Assistance to economically displaced persons includes compensation at full replacement cost for the loss of income or livelihood sources—often called income restoration or livelihood support measures. These people depend directly on the land and are often the poorest and most vulnerable of a DMC’s citizens. They can include sharecroppers, renters, tenants, and wage laborers, as well as artisans, shopkeepers, and small businesses occupying land they do not own. They are entitled to compensation for the loss of their income or livelihood sources at full replacement cost. Their lost assets may be crops, irrigation facilities, trees, livestock pens, fences, shops, and vendor stalls, among other things.

Resettlement assistance for such persons may include a subsistence allowance for food, fodder, and fuel until incomes are restored, and programmatic access to credit, training, and employment opportunities. For land acquisition affecting commercial structures, the resettlement assistance for the owners will include the cost of reestablishing the activities, net income lost during the period of inactivity, and the moving cost of materials. Shop owners who have a title to land or have recognizable title to land are also entitled to land or cash compensation at full replacement cost for the land where they carry out their commercial activities.

Compensation - In cases of cash compensation for acquired housing, land and/or other assets, the compensation rate must be the full replacement cost, which includes: (i) fair market value; (ii) transaction cost; (iii) interest accrued; (iv) transitional and restoration costs; and (v) other applicable payments, if any. In cases of economic displacement, the borrower/client is required to provide compensation for loss of income or livelihood sources at full replacement cost. This applies even if affected people have not been physically displaced.

Disclosure - The ADB Access to Information Policy (2018) seeks to promote stakeholder trust in ADB and to increase the development impact of ADB activities. The policy reflects ADB’s commitment to transparency, accountability, and participation by stakeholders in ADB-supported development activities. It also recognizes the rights of people to seek, receive, and impart information about ADB’s operations. The policy applies to documents and information that ADB produces, requires to be produced by its borrowers or clients, or are produced and provided to ADB by other parties in the course of ADB operations.

SPS Safeguard Requirement for Indigenous peoples - The Indigenous Peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset. The term Indigenous Peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

- (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- (iv) a distinct language, often different from the official language of the country or region. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.

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Gender equity - The other policy of relevance to this project is the ADB's Policy on Gender and Development, which requires that all ADB financed projects ensure where possible and practicable special design features and strategies will be built into projects to facilitate and encourage women's involvement and ensure tangible benefits for women. It adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring participation of women and that their needs are explicitly addressed in the decision-making process for development activities. For projects that have the potential to have substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project.

C. Government Legislative Compatibility to ADB Safeguards Requirements

While land tenure in Samoa is based predominantly on customary land (81%) with a small yet growing freehold land proportion, the national laws and regulatory framework are consistent with the principles as described under the *ADB's Safeguard Policy Statement, 2009*, albeit gaps exist. Table 5 highlights the main pertinent legislation to land acquisition necessary for the CCIRUP as well as its compatibility/comparability to the *ADB's Safeguard Policy Statement, 2009*.

Table 5. Government legislative compatibility to ADB safeguards requirements

Government Legislation	ADB Safeguards	Comment	Policy gap filling measures
Part IIA Taking of Land Act 1964 (TLA) Section 24F note the following '.....the Minister or his officers, workers or others by his direction shall do as little damage as may be	<ul style="list-style-type: none"> • Avoid adverse impacts of projects on the environment and affected people, where possible. • Minimize, mitigate, and/or compensate for adverse project impacts on the environment and affected people when avoidance is not possible. 	They support each other in minimising damage in taking land yet under GOS legislation there is no provision specifically for livelihoods resettlement	The project will comply with government legislation and ADB policies, particularly as it relates to explicit efforts to recognize and address negative impacts on livelihoods of APs – in particular – local procurement and maintenance
TLA Part IIA Section 24F: Any estate owner suffering from land acquisition shall '.....be entitled to full compensation to be ascertained in the same manner as compensation for land taken under Part III of this Act'	<p>Improve, or at least restore, the livelihoods of all displaced persons through.</p> <ul style="list-style-type: none"> • land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at full replacement value for land when the loss of land does not undermine livelihoods. • prompt replacement of assets with access to assets of equal or higher value. • prompt compensation at full replacement cost for assets that cannot be restored. • additional revenues and services through benefit sharing schemes where possible. 	No provision specifically for livelihoods – however land compensation can support ADB Safeguards	The project will comply with government legislation and ADB policies, particularly as it relates to efforts to recognize and address negative impacts on livelihoods of APs – in particular – local procurement and maintenance ADB policies requiring compensation for affected land and assets at replacement value will also be provided.

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Government Legislation	ADB Safeguards	Comment	Policy gap filling measures
<p>TLA Section 14 stipulates ‘public notification and specifically requires direct notification of each owner, occupier and person having an interest in the land’ or their agent.</p>	<ul style="list-style-type: none"> • Carry out meaningful consultations with APs, host communities, and concerned NGOs. • Inform all displaced persons of their entitlements and resettlement options. • Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. <p>Particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children and those without legal title to land and ensure their participation in consultations.</p>	<p>While consultation is stipulated in both, GOS fall short in the timing, the depth and the target audience. ADB is more inclusive of vulnerable people, land users and informal settlers who may or may not be the legal owners</p>	<p>Consultations will follow ADB safeguards policies</p>
Compensation			
<p>TLA Part III – Section 25 – the right for ‘full and just compensation for all affected people’ – basis for determining value of affected land</p>	<p>Improve, or at least restore, the livelihoods of all displaced persons through</p> <ul style="list-style-type: none"> • Land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods. • Prompt replacement of assets with access to assets of equal or higher value. • Prompt compensation at full replacement cost for assets that cannot be restored. • Additional revenues and services through benefit sharing schemes where possible. 	<p>GOS does not include any explicit consideration of livelihoods in determining compensation</p>	<p>The project will include efforts to improve livelihood opportunities for vulnerable groups – including local procurement and maintenance.</p> <p>Compensation for customary land will follow Samoan protocol and ADB policies of replacement value.</p>
<p>Displaced persons only those with formal legal rights to land</p>	<p>Displaced persons:</p> <ul style="list-style-type: none"> • With formal legal rights to land; and • Ensure that displaced persons without titles to land. <p>Or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.</p>	<p>ADB much more inclusive – includes those APs without legal rights as well as non-land assets.</p>	<p>ADB policies regarding inclusion of those without formal legal rights to land will be followed.</p>

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Government Legislation	ADB Safeguards	Comment	Policy gap filling measures
Legislation allows for compensation - not transitional assistance	Provide physically and economically displaced persons with needed assistance, including the following: <ul style="list-style-type: none"> • If there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities. • transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities. • civic infrastructure and community services, as required. 	ADB takes compensation includes transitional assistance where applicable.	ADB policies regarding assistances provided to physically and economically displaced persons will be followed. Temporary local procurement opportunities and relevant hands on training will be provided to affected communities, if needed. Further training will be identified on a case by case basis.
Broad definition of impacts regarding taking of lands	Impacts – direct economic and social impacts as well as impacts on the standards of living of displaced persons.	ADB extend impacts to include impacts on standards of living.	ADB's policies regarding assistance to be provided to address impacts on standards of living, where relevant.
TLA Section 28 – fair compensation for all displaced people	Improve, or at least restore the livelihoods of all displaced persons through land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods.	ADB extends terms to include livelihoods replacement /supports.	ADB policy regarding compensation based on replacement value and additional efforts considered to include activities that strengthen livelihoods of vulnerable APs will be undertaken
TLA Sections 52, 53 and 54 provide for the exchange of land as compensation in part of in full – ‘.....for the land taken and the damage done if compensation for the same were made wholly in money...’	Land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land	Government and ADB is comparable	No additional action required

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Government Legislation	ADB Safeguards	Comment	Policy gap filling measures
<p>TLA section 14 and 14b require public notices to be ‘sent to each landowner, occupier or persons having an interest in the land’ stating governments proposal to take the land and the public purpose for taking the land. Affected people can give written notice of objection to the CEO within 28 days of the first public notice. Section 37 stipulates a cut-off date for the calculation of compensation</p>	<ul style="list-style-type: none"> • Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. • Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks. • Inform all displaced persons of their entitlements and resettlement options. • Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. 	<p>Government and ADB policies consistent – identify DPs early and setting cut-off dates for compensation determination.</p>	<p>Both policies will be applied, as required.</p>
<p>TLA Section 28 stipulates who can make claims:</p> <ul style="list-style-type: none"> • Any person (including executor or administrator) who possesses or are entitled to lands or estate or has an interest therein, whether they have or do not have the power to sell and convey the same. • Any such claim on behalf of beneficiaries, infants or mentally defective persons may be made by a trustee, guardian or committees • If the beneficiary, infant or mentally defective person does not have a trustee, guardian or committee in Samoa, the Public Trustee shall be deemed to their trustee, guardian or committee... 	<p>‘Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land.’</p>	<p>ADB much more inclusive – includes those APs without legal rights as well as non-land assets.</p>	<p>Eligible affected people will follow ADB policies. Livelihoods clauses will be included.</p>
<p>N/A</p>	<p>The full cost of resettlement activities required to achieve the Project objectives are included in the full cost of the Project – like the cost of other project activities are treated as a charge against the economic benefits of the project. Resettlement components need not be economically viable but must be cost effective.</p>	<p>No equivalent clause on the government policy and needs to be integrated into RP if relevant.</p>	<p>Not required as no resettlement, but if there are unanticipated impacts then ADB policies will be applied.</p>

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Government Legislation	ADB Safeguards	Comment	Policy gap filling measures
N/A	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	No equivalent clause on the government policy and needs to be integrated into RP if relevant	Compensation and entitlements will be paid entirely before physical works commence, including land clearance activities.
LTA Section 27 2(b) The value of the land shall, subject as hereinafter provided, be taken to be the amount, which the land if sold in the open market by a willing seller on the specified date. LTA also stipulates that compensation shall be full and fair.	<ul style="list-style-type: none"> • 'Land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods. • prompt replacement of assets with access to assets of equal or higher value. • prompt compensation at full replacement cost for assets that cannot be restored. 	GOS does not include any explicit consideration of livelihoods in determining compensation	Compensation will be based on replacement values and entitlements will include efforts to improve livelihood opportunities for vulnerable groups – including local procurement and maintenance.

ADB = Asian Development Bank, AP = affected person, NGO = Nongovernmental organization, TLA = Taking of Land Act 1964, RP = resettlement plan.

Sources: Adapted from Consultant's World Bank funded ERAP resettlement document; Gap Analysis of National Legislation West Coast Road 2015; ADB's Safeguard Policy Statement, 2009.

D. Resettlement Policy Principles for the Project

There will be a requirement to acquire parcels of land along both sides of the road's edge. Specific aspects of the abovementioned legislation in Samoa relevant to the acquisition of land parcels for the CCIRUP include:

- (i) Key legislation in Samoa relevant to involuntary resettlement and compulsory land acquisition include the *Taking of Land Act 1964*, the *Lands, Surveys and Environment Act 1989 (LSE Act)*, and the *Codes of Environmental Practice (COEP)*;
- (ii) The *Taking of Land Act 1964* establishes the taking of lands for "public purposes" (i.e. taking of freehold or customary land) Leases of public land and customary land are administered by MNRE and are based on standard terms. The Minister of Lands is appointed by the Taking of Lands Act 1964 to act for and on behalf of all beneficial owners in signing a lease for registration; and
- (iii) The *Customary Land Advisory Commission Act 2013* provides a support for the use of customary land where there are links to economic development or income generation.

Where the laws of Samoa are not clear or where there are gaps between the policies, a project-specific set of resettlement principles consistent with ADB policy has been adopted, and for all other matters, the ADB SPS policy or the more stringent should be followed. The resettlement principles adopted are as follows:

- xiii. Land acquisition and resettlement will be avoided or minimized through careful engineering design.
- xiv. If impacts are unavoidable, the affected persons losing assets, livelihood or other resources (including productive agricultural land, trees and gardens) will be fully compensated at replacement value and assisted so that they improve or at least restore their pre-project economic and social conditions.
- xv. Where displacement of business enterprises or impacts on business income is unavoidable, all eligible affected persons losing assets, income, livelihoods or resources will be fully assisted so that they can improve, or at least restore, their pre-project standards of living.
- xvi. Absence of formal title will not be a bar to compensation or assistance.

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- xvii. Additional assistance will be provided to poor and other vulnerable affected persons, including women, to help them improve their socio-economic status.
- xviii. If the impacts to a structure or asset are partial, affected persons will not be left with residual portions that would not be viable for continued use for the original purpose. If the remaining portion of a partially affected structure or land lot is not technically viable for continued use, the entire structure or land lot will be compensated.
- xix. People temporarily affected shall be considered as affected persons.
- xx. Contractors shall enter into lease agreements for facilities such as construction and stockpiling areas and should there be a need for compensation for affected assets and improvements due to the impacts of these facilities, the Contractor shall comply with the provisions in this Resettlement Plan, the project's Environmental Management Plans and national laws and regulations.
- xxi. Compensation will be provided at full replacement cost, free of depreciation, transfer costs or eventual salvaged materials.
- xxii. Compensation for affected persons that are dependent on agricultural activities will be land-based, wherever possible. Land-based strategies may include provision of replacement land, ensuring greater security of tenure, upgrading livelihoods of people without legal titles or those not belonging to a customary land group. If access to replacement land is not available, other strategies may be built around opportunities for re-training, skills development, wage employment and self-employment, including access to credit.
- xxiii. Transitional assistance will be provided, in addition to compensation, to assist affected persons to restore their livelihood and standards of living, if needed. This support may take the form of short-term project related employment, subsistence support and a transitional allowance.
- xxiv. Information on the preparation/implementation of Resettlement Plan will be disclosed to all affected persons and people's participation will be ensured in all planning and implementation stages.
- xxv. Before commencing construction and prior to displacement/impacts on assets, compensation to exceed 80% completion rate, in accordance with the provision described in the Resettlement Plan and a compensation completion report will be submitted and cleared by ADB.
- xxvi. A GRM will be established to resolve any conflicts or concerns which may arise during the compensation process, as well as throughout the implementation of the project.
- xxvii. AP consultation will continue during the preparation and implementation of the Resettlement Plan. To the extent possible, affected persons should be involved in the decisions concerning the impacts from the project.
- xxviii. Resettlement impacts, including any unforeseen losses that may occur during construction will be monitored and remedial steps taken as required. Adequate monitoring and evaluation will be conducted, and reports submitted for clearance to ADB.
- xxix. Adequate budgetary support will be fully committed and made available to cover the costs of implementing the Resettlement Plan and providing entitlements and assistance, including the livelihood restoration measures, within the agreed implementation period. The funds for all resettlement activities will come from the Government of Samoa. Additional budget will be allocated for unanticipated impacts and a contingency amount included.
- xxx. Arrangements for the implementation of the Resettlement Plans will be in place prior to the commencement of the implementation. This includes adequate human resources for implementing, supervising and monitoring of the resettlement activities, and for conducting consultations.

E. CCIRUP links to Involuntary Resettlement and Compulsory Land Acquisition

VI. LAND AND ASSETS EVALUATION AND COMPENSATION AND ENTITLEMENTS

This chapter describes the process of determining the compensation for acquiring land for the project. The Land Registrar is empowered by *Section 15 of the Land Titles Registration Act 2008* to register all public land, freehold

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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 (local traditional authority) or authority over it has been established.

In the case of easements, the MNRE Chief Valuer has the task, on a case-by-case basis, to assess the value of the proposed easements based on freehold sales with full-use land rights and then making appropriate adjustments (if any) for the restrictions that the landowner will have over the narrow strips required for drainage purposes.

While the processes and steps are similar for both types of land ownership (private freehold and customary), the level of complexity can vary in Samoa. This is due to several reasons including community ownership of land (versus individual) under customary land ownership; and in some instances, unclear boundaries (or lack thereof). Land disputes are common and are often settled outside common law courts through the Land and Titles Court or Village councils. In the case of land ownership disputes the compensation will be placed in an escrow account managed under the MOF until the dispute resolution process has ascertained ownership.

A. Evaluating Land and Assets Compensation

The evaluation methodology for compensation will be determined in accordance with national legislation and regulations as highlighted in Table 5 above under government legislation, as well as ADB SPS and as approved by the government and ADB.

Both processes for the acquisition of land from customary or freehold landowners are similar from a government perspective and this is elaborated in Table 3. What differs is the degree and type of consultation to the landowners. Respect and following the fa'a Samoa principles is inherent throughout both processes. However, the customary land as previously mentioned in the project overview chapter, it will involve consultation with all affected persons, whilst acknowledging that the paramount chief is responsible person for final land decisions. Once the compensation is to be dispensed it will be to the head of the relevant village family.

While freehold land compensation will be directly dispensed to the affected person or registered land owner in the case of the traditional land it is up to the head of the family to distribute benefits as is pertinent.

B. Affected Persons

For the purposes of this Resettlement Plan, affected persons (APs) include those individuals who own, tenant, use, or have business interests that will be affected by land acquisition for the CCIRUP. They may be affected through land acquisition, temporary land use, easements, or through impacts on existing fixed assets such as fence lines, vegetation, and structures.

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Affected persons define those owners affected through lost land, assets or both. Lost assets may include existing structures that are in the current ROW e.g. trees, hedges, fence lines, and temporary structures e.g. road-side vendor shacks. While elaborated further under the APs entitlement matrix, these APs can be summarised to include:

The main categories of affected persons eligible for compensation include:

- i. APs with formal legal rights. These are generally the individual members of clans and families who are shared owners of customary land or those with individual freehold titles. This category also includes any leaseholders with formal legal rights as tenants, as well as owners of affected registered businesses.
- ii. Persons whose rights are not formal or legal, but whose claims on land or assets are recognized under national or customary practices, such as those having usufruct rights or informal leases on customary land. (Type 2). Customary land is owned by the community in accordance with traditional custom and usage. Within customary land lots, some land is allocated to each extended family members for their houses or farming. Where formal land records do not exist for such an arrangements, documentation and testimony from customary land group leaders and/or would determine eligibility for compensation for affected assets, replacement land, or other assistance. This category also includes informal businesses that operate on the land that they own.
- iii. Persons with no legal rights to land or assets at the time of assessment or census. (Type 3). This may include internally displaced people, squatters, or wage laborers, informal businesses who use the land acquired. They have neither legal rights nor recognizable ownership claims, but if the project land acquisition impacts their livelihoods or affects their assets, they are considered affected persons and are entitled to receive assistance.
- iv. Local community or local authority owning community property, infrastructure or resources.

Table 6 provides the entitlements matrix. It establishes all different categories of affected persons and the assistance, compensation and livelihood restorations they are entitled to receive. Public consultation meetings have informed the affected people of these entitlement measures. The Office of the Attorney General has reviewed and approved this entitlement matrix containing compensation schedules. A cut-off date has been established for eligibility according to ADB and government national legislation. Information regarding the cut-off date has been widely publicized throughout the CCIR Project affected area. The DMS period was conducted from the 30th June- 2nd August, 2021. The team informed the families regarding their affected crops and structures and ensured they were satisfied with their overall count, informed regarding the cut-off date (crop count date) prior to signing off on the final crop count form.

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Table 6. CCIRUP affected person entitlement matrix.

Loss Type	Entitled Persons	Entitlements	Intent/Requirement	Responsibility
A. AGRICULTURAL LAND				
Loss of agricultural land such as taro and bananas upon which income is derived	Owner with title deed or registration certificate	All payments for land will be at full replacement costs. Government payment for loss of productive land at market prices will be deposited into nominated bank account	Payment for lost assets and restoration of livelihood.	LTA, MNRE, MOF, OAG
Loss of access to agricultural land such as taro and bananas upon which income is derived	Tenant, user with lease	No payment for land. Bank deposit for temporary loss of income if critically timed access is restricted during construction, and if cultivated by tenant or user with lease.	Payment to cover lost crops and restoration of livelihood LTA to ensure temporary access are available for the affected people	LTA, MNRE, MOF, OAG
Loss of crops	Person who cultivates crops and/or owns trees (regardless if the land is owned or not)	For relevant APs as follows: <ul style="list-style-type: none"> • Owner, payment for crops at market price. • Tenant, payment for crops shall be paid to tenant. • Sharecropper, payment for crops shared between owner and sharecropper as noted in the sharecropping agreement. • All: advance notice for harvest of crops: • Payment for net value of perennial crops and fruit bear trees where harvesting is not possible. Compensation is determined by the based annual net product market value multiplied by fraction or number of years of disruption. • Payment for timber or non-fruit bearing trees at market prices. 	Payment for losses Payment for trees calculated on market value on the basis of type of crops on the local market value. The crops rates were provided by the MAF for the Vaitele Street Project funded by the World Bank in 2016. These rates can be subsequently increase under the approval of the Project Management Division's Manager (LTA) depending on the increase market value at the time of the project. A revised summary of these crops rates are provided in Annex 01.	LTA, MNRE, MOF, OAG, MAF
B. RESIDENTIAL LAND AND STRUCTURES				

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Loss Type	Entitled Persons	Entitlements	Intent/Requirement	Responsibility
Loss of Residential land and structure	Owner with title deed or registration certificate	<p>All payments for land and structure will be made at full replacement cost</p> <p>All payments at replacement cost in material, cheque, or a combination of both according to the actual loss to repair or rebuild the structure to original or better condition when remaining land sufficient to rebuild upon.</p> <ul style="list-style-type: none"> • Includes option to be compensated for entire structure if remaining structure is no longer viable • Includes right to salvage materials from structure without any deduction from compensation. 	Payment for lost assets, assistance to reorganize on existing land or relocate on alternate land and support for transition period.	LTA, MNRE, MOF, OAG
C. COMMERCIAL LAND AND STRUCTURES				
Loss of commercial land and structure	Owner/operator of registered business	<p>All payments for land lost at full replacement cost</p> <p>Payment at replacement cost in material, cash, or a combination of both according to the actual loss to repair or rebuild the structure to original or better condition where remaining land sufficient to rebuild upon.</p> <ul style="list-style-type: none"> • Includes option to be compensated for entire structure if remaining structure is no longer viable • Includes right to salvage materials from structure without any deduction from compensation • 	Project shall give a reasonable time for APs to continue their business operation while rebuilding their structures.	LTA, MNRE, MOF, OAG
Loss of commercial Structure	Tenant/operator of registered business	<p>If there is partial loss of structure, AP has the option to stay with the owner's agreement OR</p> <ul style="list-style-type: none"> • If AP choses to move out, financial assistance for 6 months' rental allowance. • Assistance in finding new affordable rented premises to re-establish business. 	Payment for rental allowance or payment for value of remaining lease, assistance for alternate rental accommodation and support for income losses and during transition period.	LTA, MNRE, MOF, OAG

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Loss Type	Entitled Persons	Entitlements	Intent/Requirement	Responsibility
Loss of commercial Structure	Owner or operator of non-registered business/squatter	For structures – all payments for structure lost at full replacement cost in material, cheque, or a combination of both according to the actual loss <ul style="list-style-type: none"> • Includes right to salvage materials from structure • Transfer and business disruption allowance • Cost of structure repair to original or better condition 	Payment for lost assets, transition assistance and income restoration	LTA, MNRE, MOF, OAG
D. OTHER PRIVATE PROPERTIES OR SECONDARY STRUCTURES				
Partial or complete loss of other property or secondary structure (i.e. shed)	Owners of structures (regardless if the land is owned or not)	All payments for affected structure at replacement cost; Cost of structure repair to original or better condition; and Financial assistance for relocation of structure.	Payment for loss and relocation if required	LTA, MNRE, MOF, OAG
Loss of graves	All owners	Compensation to cover the cost of exhumation (including any religious ceremonies if required) and relocation – no grave is expected to be affected	Payment for loss and relocation if required	LTA, MNRE, MOF, OAG
E. LOSS OF INCOME OF EMPLOYEES OR HIRED LABOURERS				
E.1 Temporarily Affected				
While business re-establishes (i.e. reorganizing or relocating)	All affected employees, wage or daily labourers in private businesses	Payment for lost salary/wages for each month AP cannot work; or Assistance in securing new employment including relevant skills training if required	Businesses will be encouraged to retain existing employees Payment for lost income during business re-establishment	LTA, MNRE, MOF, OAG

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G. COMMUNITY ASSETS				
Loss of buildings and other structures (fences, walls, etc.), common resources (such as water supply)	Local community or local authority owning or benefiting from community property, infrastructure or resources	Restoration in existing location of affected community buildings, structures, infrastructure and common property resources to original or better condition; Replacement in alternative location identified in consultation with affected communities and relevant authorities; or (Cheque) Payment at full replacement cost.	Full restoration of buildings, structures, infrastructure, services or other community resources by contractor if agreement for local authority or community to undertake the restoration works.	LTA, MNRE, MOF, OAG
Any other loss not identified	Family members who may or may not be tenants of the land	Unanticipated involuntary impacts shall be documented and mitigated based on the principles provided in ADB's involuntary resettlement policy.	Opportunities such as local procurement and maintenance contracts can assist with livelihood options for these APs	LTA; Contractor; ADB, OAG

AP = affected person, LTA = Land Transport Authority, MOF = Ministry of Finance, OAG = Office of the Attorney General, MNRE = Ministry of Natural Resources & Environment, MAF = Ministry of Agriculture and Fisheries
Source: Consultant

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C. Freehold Land Compensation

Determining compensation to be paid for freehold land is a straight forward process as 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". Land is valued according to the availability of amenities such as water, electricity, and telephones; its proximity to facilities such as schools and hospitals and the comparable sales of similar sized land in the same area. MNRE-Land Management Division as the main focal point for land matters, will be solely in charge of conducting the land valuation for all affected lands. As part of MNRE due diligence, MNRE will also be responsible with consulting and negotiating with all the affected persons regarding the family affected lands. For this project, replacement value will be calculated, based on (i) fair market value, (ii) transaction cost, (iii) interest accrued, (iv) transitional and restoration costs, (v) and other applicable payments, if any.

Freehold land is registered under deeds registration system with a public record maintained with the Register of Freehold Lands. Freehold land is situated mainly within the Apia urban area and on the town outskirts. Residences on freehold land are not subject to the authority of the chiefs and orators of a village, even if it is in a village.

D. Customary Land Compensation

Acquiring customary land can be challenging, especially as there can be uncertainty or dispute over land ownership. Disputes are referred to the Lands and Titles Court for decision about the Pule over the land or title in dispute.

Customary land also presents difficulties for valuation because it cannot be sold, mortgaged or alienated other than by lease. Furthermore, as customary land has never been subject to rates, it is difficult to ascertain the "market value" other than by using the market value of freehold land as a basis, a recognized process previously applied to past similar in nature road projects. The *Taking of Lands Act 1964* states that compensation should be paid at the "market value" and in practice customary land value has been measured in comparison to the market value of freehold land in the same area. For this project, replacement value will be calculated, based on (i) fair market value, (ii) transaction cost, (iii) interest accrued, (iv) transitional and restoration costs, (v) and other applicable payments, if any.

Taking of customary land is possible by only two methods:

- (i) By lease of the land to a person determined by the paramount chief of the family. The Minister of Lands is appointed by the *Taking of Land Act 1965* to act for and on behalf of all beneficial owners in signing a lease for registration. The Minister may grant a lease or license of customary land for authorized purposes (which are defined). The maximum lease in aggregate for a public, commercial, business or religious purpose is 40 years; and
- (ii) By the *Taking of Lands Act 1964* for a "public purpose". The Lands and Titles Court is an independent court specifically established to deal with customary lands and titles.

Section 9 of the Land Titles Registration Act 2008 states clearly that no provision of that Act is to be seen as disposing of any customary land.

E. Easements

1. Legislation

Easements are the grant of a 'non-possessory property' interest that grants the easement holder permission to use another person's land. There are different kinds of easements including the affirmative easement (most relevant for the CCIRUP) which gives the easement holder the right to do something on the grantor of the easement's land. Laws and regulations relating to easements include:

- (i) *Part IX of the Property Law Act 1952* deals with easements and provides for easements in gross (s122); power of the courts to modify or restrict easements (s127); and permission for the court to impose easement for encroachment (s129);
- (ii) The *Taking of Lands Act 1964* does not permit the creation of easements over customary land, but provides provisions for the granting of leases and licenses;

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- (iii) *Part 9 of the Land Registration Titles Act 2008 (LTRA)* details easements and deed of restriction due to easements, whereas Part 13 outlines compensation by government. It however falls short of specifying compensation for drainage outfalls, especially those underground. This Act indicates what type of water is allowed to flow across or under the land, how the infrastructure (such as drainage pits and open channel drains) can be maintained and accessed, and what responsibility the dominant tenement has to restore the land to its original condition after any service or maintenance;
- (iv) The terms also describe the responsibility of the landowner (grantee) to minimize disturbance over the land and to restore the land, as nearly as practicable to its original condition. Section s67(3) allows a deed of restriction to be registered. Easements must be registered to be considered legally valid; and
- (v) The *Survey Act 2010 (and regulations)* requires existing and proposed easements (either easements in gross, or dominant or servient tenement) to be clearly shown on a survey plan (s19, 24).

2. Compensation

The process for open drainage easements is included under the *Lands and Titles Registration Act 2008*- relevant to both Freehold and Customary Lands. Note that landowners shall not build any permanent structures or plant trees which may constrain future site maintenance on easement sites. Consultations responded to public questions as follows:

In accordance to the design, there are a total of 9 easements to be upgraded and newly constructed easements. In both situations, LTA have consulted transparently regarding the conditions with all the APs on the overall objective and benefit of upgrading and constructing all these easements. This is followed by the signing of an easement agreement between the landowner and LTA.

When conducting land valuation, surveyors survey the land to be used, calculate the value, and negotiate with landowners on market value. This is an exception for easements. Conditions imposed on the easement are in place, such as no rubbish or littering or planting allowed on top of the easement. The owner of the land still has legal ownership over the easement, but when the Government wants to come in to maintain the drainage, they cannot stop the works from taking place. All these terms and conditions are relayed to the APs and stipulated in the easement agreement. Landowners are not compensated for drainage easement considering the Government is not buying the land or permanently acquire the lands for these easements, and the land remains as the property of the landowner. However, crops that are affected along these easement sites will be compensated. Several queries were asked and responded to by the consultant as follows:

- (i) **Involvement of local communities.** "...the legal framework is adequate to create easements for drainage but that the framework cannot achieve perfect results without sensible and sensitive application of the laws and procedures, with a special focus on communications and engagement with villagers and affected land holders";
- (ii) **Amendment to the laws.** "There is no need to amend any legislation in the immediate future to allow drainage easements to be created and registered. However, the laws should be amended within the next few years to clarify the matters described in this report regarding the creation of drainage easements, particularly easements in gross, and also the registration of such easements";

In conclusion, no compensation will be given for land that will have drainage easements as it is determined to benefit the landowner, this process will include negotiation with APs followed by disclosure of RP to APs. Consultation with the APs will highlight that the easement will need to be available for maintenance access and to ensure that no building restricts such access to the easement. Detail of easement agreement form is in annexure 3.

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VII. SCOPE OF LAND ACQUISITION

Within CW2, the Government will compulsorily acquire partial land areas from 43 lots owned by private and customary owners to accommodate the new road upgrade requirements and 9 lots to be affected by easement works. The affected landowners were consulted by MNRE and LTA throughout the preliminary stages of the project. All affected landowners and acquired land were negotiated and signed by MNRE before the release of land compensation. Sections of lands affected by easement works will not be acquired by the government, however, affected land owners will need to sign an easement agreement form for the legal registration of the easement under MNRE and for maintenance works in the future by the contractor.

There are impacts on existing privately-owned physical assets (e.g. fence lines, hedges, trees, etc.) that will need to be removed or relocated, and compensation with assistances will be provided before the start of any physical works. There will be no requirement to resettle people, households or major structures e.g. residential houses or business structures as a consequence of the proposed upgrade. In addition to land acquisition and removal/relocation of fixed assets, property owner agreements will also be needed for drainage outfall easements. Drainage easements are necessary for instances where road rainfall runoff needs to be conveyed to an existing waterway outside of the existing ROW.

F. Overview of Land Ownership in Samoa and along the CCIR

The islands of Samoa cover a total area of 2,800 km² over two large (Upolu and Savai'i) and two small islands. Of this total land area, 81% is held under customary ownership, 15% by the government, and 4% as freehold. Land Tenure or categories under the Constitution Article 101 outline three types of ownership. These are reflected in Table 7 below.

Table 7. Types of land ownership in Samoa.

S. No.	Land Type	Description
1	Freehold	Privately owned. Can be transferred, leased, mortgaged or otherwise.
2	Government	Government owned/public lands. Can be leased and in certain circumstances transferred.
3	Customary	Under customary ownership. Protected by the constitution for the "customs and usages" of the people of Samoa. Customary land is owned by the community in accordance with traditional custom and usage and may be leased but may not be otherwise sold or transferred. Expropriation by the Government for projects for the public benefit is permitted by law.

Source: Constitution Article 101

Information regarding customary land boundaries is handed down through a family by word of mouth and in some cases mapping. A considerable proportion of customary land is communally owned land by villages and aiga (family). Customary land can be awarded through historic claims and by family genealogy and connections. Communal village land is governed by the village "Fono" (village council) and is comprised of:

- (i) **Village controlled customary land.** Normally the undeveloped hinterland that is used by all members of the village; and,
- (ii) **Land allocated to each extended family member.** For their houses or farming. Extended family land is allocated by the "Sao" (chief matai) in consultation with members of their extended family.

G. Summary of Impacts for Package 2

There are 43 lands lots within Package 2 that will be partially affected by the project. To minimize impacts on land lots and assets, the reduced standard ROW from 20 m to 16 m, a total of 48,002 m² of land will be acquired on both sides of the road, where it is possible. As a result, the impacts of land acquisition on affected landowners are partial and comprise of a minor piece or portion of the entire land lots.

The project will also require extending easement areas within 8lots, with an additional easement located within the 4 additional lots in CW1 is included within this updated RP but again these are partial impacts, with a cumulative total length of 1,926 m required. The easements will not require a change in the title of ownership of the land. Affected crops along this area of land will be compensated with affected assets either reinstate or compensate depending on the best decision agreed by the affected owner. However, lands affected by easements works will not be acquired by the government thus, not needing any compensation for lands.

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There are no resident structures affected by the project works within Package 2, and as a result there will no forced physical displacement. However, there are impacts to assets consisting of 15 fences within 43 lots (owned by 15 households), 13 hedges (owned by 13 households), 6,944 productive trees within 31 affected lots (owned by 31 owners and easements) and 8 small structures (roadside vendor shack owned by 9 households), 6 rubbish stands owned by 6 owners. Landowners have been confirmed and signed by MNRE, with the detailed census and socio-economic survey of affected landowners and asset owners completed by LTA-Safeguard Team

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Resettlement (relocation of people and/or major structures such as houses and large businesses) has been avoided in the CCIRUP, and the majority of affected assets will be able to be relocated outside the road boundary or rebuilt to a similar or better condition than it was before. While residents and commuters alike will experience some nuisance, safety and income generation impacts (e.g. roadside vendors) during the implementation phase of the project, all those consulted emphasized that the upgrading of the road was their priority. They requested for it be upgraded as soon as possible.

3. Impact on Land

The project will not result in the permanent acquisition of entire land lots, instead there will only be partial land acquisition comprising of small land areas of lots located along the existing road.

Freehold land - There is a total of 4 freehold land lots within CW2 that will be partially impacted with an additional 4 lots located within CW1. The average amount of land to be acquired for freehold land lot is 106m² (with the smallest being 3m² and the largest area being 305m²). The lots are owned by 8 individual owners/households.

In addition, 8 freehold lots will be partially affected by new easements required for the project with one additional easement lot located in CW1 (as part of the lots already being re-defined along with DMS conducted). The average amount of land required for easement is 214 m² (with the smallest being 19 m² and the largest area being 386 m²). The lots affected by easements are owned by 5 individual owners/households.

Government land - There are no Government owned lands affected within CW2.

Customary land - There will be partial impacts on 39 lots of customary land, located in the rural areas of the existing road. The average amount of land to be acquired per customary land lot is 1,309 m² (with the smallest being 145 m² and the largest area being 2,433 m²). 36 partially affected customary land lots are all allocated to individual registered land families.

In addition, customary land lots will be affected by new easements required for the project all of which are privately managed by the individual affected families. The easements will affect 8 customary landowner groups and 1 private land.

The following types of land will be required for the CCIRUP:

- (i) **Type 1 – Permanent acquisition of land.** For construction and operation of the CCIRUP with total lots of 43 belonging to the following land categories.

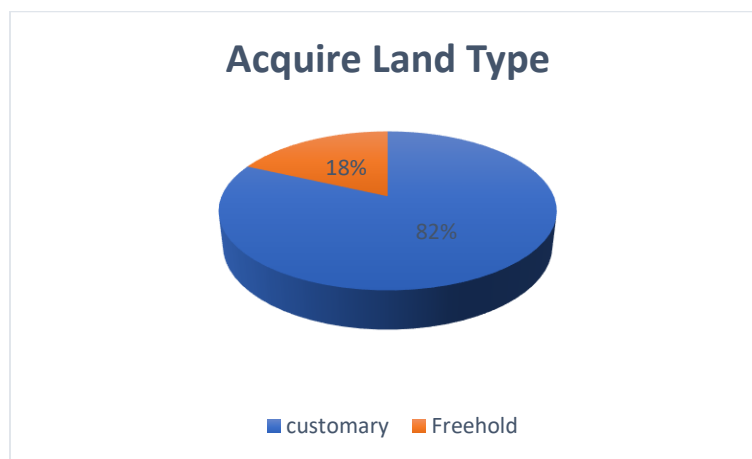


Chart 8. Acquired lands for CW2.

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From the total of 43 lots, a total of 48,002 m² of land will be acquired by the Government for road upgrade and road widening purposes only. A separate 9 lots will be required for easements with a cumulative total of 1,926 m². Incorporating the land used for easement, this will bring the total usage of land to 2% acquired from freehold land, 94% acquired from customary land and 4% of land used for easements (8 customary and 1 freehold)- depicted in the charts below.

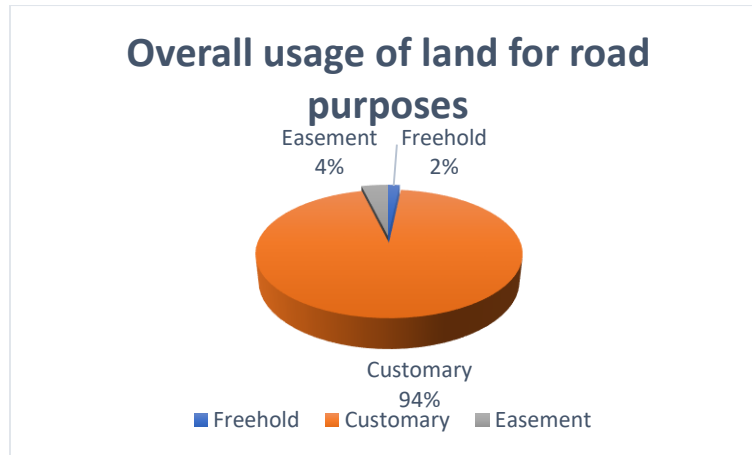


Chart 9. Overall usage of lands for the road project.

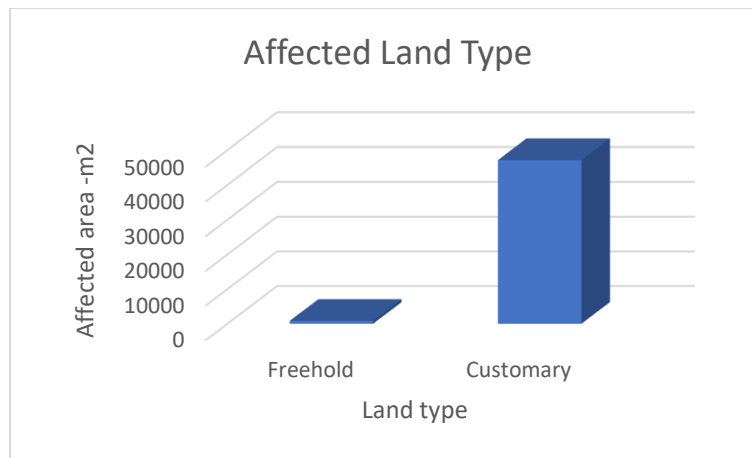


Chart 10. Affected land structures.

According to the Inventory of Loss (IOL), there are a total of 28 affected households which were identified and consulted from the 30th July 2021- 10th September 2021. A depiction of the overall acquired land for these specific land types is shown in the Chart 9 above.

The degree of impact on land and vegetation may be classified to be moderately affected as none of the identified affected landowners will lose 10% or more of their lands or any major productive assets. This was achieved through the survey works by ensuring that affected landowners alongside the road received the same moderate impacts of land taking by acquiring equivalent sections of lands from both side of the existing road in order to avoid major land loss impacts of one particular land owner. To satisfy all the proposed road requirements for CW2, the overall total land area to be acquired was calculated at 49,928 m². As a result, this may not have a major impact on productive lands for plantation and farming, as well on household multiple sources of income (small business shop, plantation, farm, fishing alia & working jobs). Compensation in lieu of land and non-land assets will be provided.

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- (ii) **Type 2 – Temporary occupation of land.** Temporary occupation of land will include the need to utilize the family land to cater for detour routes. In this case, the contractor will need to consult the landowner and have in place a lease agreement or consent to ensure that the contract will rehabilitate the disturbed lands to an equal or better condition than it was before. Temporary occupation will also include the need to store away machinery on family lands. Lease agreements or consents will also be required between both the family and the contractor. All these temporary disturbed lands will also be required to be part of the rehabilitation/restoration report prepared by the contractor.
- (iii) **Type 3 – Easements for drainage outfalls.** These do not require formal acquisition i.e. complete ownership by/transfer of land title to the government but do require granting of certain access rights by the incumbent property owner to the government for purposes of installing and thereafter maintaining the outfall and all associated infrastructure. Drainage easements total area of 1,926 m² applies to both freehold and customary lands.

4. Impact on Structures and Fixed Assets

Privately owned fixed structures and assets will be permanently impacted. In some instances, these assets may be able to be relocated or compensated, such as for wire boundary fences. Majority of the affected assets are located on customary land. This is further elaborated in the Inventory of Losses Section-Affected structures by type.

Affected assets were identified to be within the existing ROW and will be required to be removed for the new alignment of the road. Commonly occurring existing fixed assets that will require removal include:

- (i) Fence lines of various forms e.g. chain & wire mesh, ornamental, concrete block, agricultural, and hedges. Fences range from barbed-wire fences to corrugated iron, mesh wire, chain-link, and concrete block fences. They also include a number of hibiscus hedge fences; and,
- (ii) Temporary structures i.e. small road-side vendor shacks.

Families may decide to carry out the demolition and reinstate the fence in which case compensation in lieu of the works will be provided; otherwise the successful contractor will undertake the works by reinstating the affected assets behind the ROW during construction phase.

5. Impact on Income Generation due to Land Acquisition

Most impacts on income generation have been cited as positive after the initial construction along this section. Negative impacts due to land acquisition include minor impacts on productive trees and crops that will affect 28 households (all of which are located in CW2) and 9 small businesses (market stalls). Assessments of the impacts on these households/businesses indicate that economic impacts are moderately to low risk for families and road stalls during the project construction phase. However, families with road stalls will be provided with an option to re-establish the affected stalls/markets outside of the government road reserve in a safe location (outside of the limit work zone) during the construction phase of the project. This option will allow these affected families to receive some income as the project works are implemented. Given there are no large business in the area, the project will have no impacts on any car parks.

The environmental management plan for the project includes mitigation strategies for construction and operational related activities that will impact on the income generating capacity of residents and businesses including:

- (i) **Farms produce transportation.** Those farming communities on the southern side of Upolu will face temporary disruption in transporting their produce to Apia markets during construction activities. This will mean a longer drive through the Alafa'alava Road or Lemafa Road for the south eastern part of Upolu. A notice will be prepared and will be posted by LTA prior to any temporary road closure of the CCIR is required during construction with the suggested detour through Alafa'alava

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Road and Lemafa Road. This will provide detour information as well as inform residents along this detour road of the potential heavier traffic. This impact will be minimized through sound temporary traffic control (TTC) practices under the approved Traffic Management Plan prepared by the civil work contractor/s, and will be supervised, updated and regularly monitored by the construction supervision consultant (CSC) and LTA. Heavy trucks currently avoid the CCIR due to its steepness, sharp curves, poor road conditions and safety concerns; hence this will be of limited concern.

- (ii) **Clientele Visits.** Disturbance along the road during construction is expected at minimum level due to no major businesses or service. However, in case this impact occurs during the construction period, it will be minimized in the same manner as explained above i.e. through sound temporary traffic control. Additionally, the contractor/s will be required to maintain access to such businesses and farms during normal operating hours, and to closely coordinate and agree to any required temporary closures; and,
- (iii) **On-street parking.** Due to the currently informal nature of the CCIR regulations, road users are more or less free to park on the roadside in any given location. This will not be possible in many locations following the upgrade. Small businesses such as market stalls will be relocated behind the road boundary. All market stalls will be relocated and compensated prior to works commencing, and will be allowed to operate throughout construction phase depending on the stall owner's decision. Stall owners will still be provided with the option to reinstall their market place/stall outside of the legal road reserve in a safe location from the project works.

6. Income Opportunities and Restoration

During the construction stage, households who will experience negative impacts on their incomes/livelihoods, as well as vulnerable affected households will be given preference over other recruits to become engaged in project activities suitable to their skills. To make the APs employable, LTA will identify required skills for construction activities prior to commencement of the civil works and identify any existing or any planned schemes under any government ministries or NGOs to conduct the training to men and women that are interested. Note that such training will follow the specific scope of works. The civil works contract document will include a provision for local procurement opportunities under the social safeguard requirements and encourage both men and women to apply.

7. Impact on Common Property Resources

There will be no impacts on community owned structures.

The customary lands in the villages comprise the common property resources forming the basis of a communal benefit system. There is a strict code of controls, management, utilization and access under the auspices of the chiefly (matai) system. Where the road development will need to acquire lengths of customary land along the existing road, the paramount chief of the relevant village or customary landowner group will be the representative; however village members and customary landowners will be meaningfully consulted by MNRE, LTA and Supervision Consultant. Consultation with customary landowners suggested the following actions are important to ensure that land acquisition of customary land operates seamlessly:

- (i) **Respect and follow cultural protocols.** Ensure that cultural protocol is maintained during construction. This is through constant and meaningful consultation with community pulenu'u (mayor), sui tamaitai (women's representative) and matai (chiefs), letting them know what land is required, progress is being made or any constraints that may affect the community and with curfew times and village by-laws within villages must be observed and respected.
- (ii) **Customary Leader Consultation(s).** This includes informing the customary leaders, Sui o le Nuu and/or landowner to the proposed affected areas and gaining their insights into land acquisition requirements, on further upgrades required like signage, bus bays, solar lighting, road humps and

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other potential safety features during design to ensure that their inputs are included. Once the landowner approves the land acquisition, the decision is final and cannot be overturned; and,

- (iii) **Security.** Where possible, utilize community members for such roles as security, unskilled and semi-skilled labor roles in road construction. These include the storage of mobile construction equipment at the pulenuu's place in Siumu for safe keeping or appointing a member of the village for security purposes at the contractor laydown area on site.

Compensation for land acquisition on customary land will follow similar process to freehold in the sense that affected persons residing on affected properties commonly have similar needs. Although slight difference in terms of management of family affairs concerning land and compensation often requires direction by the Sa'o leading the family clan of a customary land without land deed, while a freehold land have single/multiple owners but with names clearly stated in a land deed. In the case of the affected customary lands, landowners have been consulted and have agreed for land compensation to be given to the landowner/Sa'o of the family.

Majority of the affected landowners have already been consulted, negotiated and have agreed to the acquisition of their land for project purposes. In addition, approximately 5 families have requested for the subdivision of their residue lands to allow compensation to be disbursed evenly amongst family members residing together on one land; MNRE will be responsible to survey these residue plans prior to the subdivision of these lands by the contractor's surveyors. MNRE continue to contact landowners who have yet to be consulted and negotiated regarding land price. A summarized list of affected lands and landowners is shown in table 8 and 9 below for the purpose of road widening and easements.

Table 8. Affected lands and identified affected land owners.

Summary of Lands to be Acquired							
Plan No.	Landowner	Village	Acquired area (m ²)	Compensation Amount	Land Type	Purpose	Civil Works Package
12575	[REDACTED]	Siumu	512	44,000	Customary	Road widening	CW2
	[REDACTED]	Siumu	2,222	189,000	Customary	Road widening	CW2
	[REDACTED]	Siumu	1,696	144,000.00	Customary	Road widening	CW2
	[REDACTED]	Siumu	1,083	92,000.00	Customary	Road widening	CW2
	[REDACTED]	Siumu	1,033	88,000	Customary	Road widening	CW2
	[REDACTED]	Siumu	1,154	98,000	Customary	Road widening	CW2
	[REDACTED]	Siumu	1,229	104,000.00	Customary	Road widening	CW2
12576	[REDACTED]	Siumu	435	37,000	Customary	Road widening	CW2
	[REDACTED]	Siumu	2,288	194,000.00	Customary	Road widening	CW2
	[REDACTED]	Siumu	1,879	160,000.00	Customary	Road widening	CW2

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Summary of Lands to be Acquired							
Plan No.	Landowner	Village	Acquired area (m ²)	Compensation Amount	Land Type	Purpose	Civil Works Package
	██████████	Siumu	1,121	95,000.00	Customary	Road widening	CW2
	██████████	Siumu	644	55,000.00	Customary	Road widening	CW2
	██████████	Siumu	1,223	104,000.00	Customary	Road widening	CW2
	██████████	Siumu	1,720	146,000.00	Customary	Road widening	CW2
12577	██████████	Siumu	393	33,000.00	Customary	Road widening	CW2
	██████████	Siumu	2,433	207,000.00	Customary	Road widening	CW2
	██████████	Siumu	1,123	95,000	Customary	Road widening	CW2
	██████████	Siumu	945	80,000.00	Customary	Road widening	CW2
	██████████	Siumu	145	12,000.00	Customary	Road widening	CW2
	██████████	Siumu	2,113	180,000	Customary	Road widening	CW2
	██████████	Siumu	2,260	192,000.00	Customary	Road widening	CW2
12578	██████████	Siumu	979	83,000.00	Customary	Road widening	CW2
	██████████	Siumu	1,018	87,000.00	Customary	Road widening	CW2
	██████████	Siumu	1328	113,000.00	Customary	Road widening	CW2
	██████████	Siumu	1,287	109,000.00	Customary	Road widening	CW2
	██████████	Siumu	2,295	195,000.00	Customary	Road widening	CW2
	██████████	Siumu	1,480	126,000	Customary	Road widening	CW2
	██████████	Siumu	841	71,000.00	Customary	Road widening	CW2
12579	██████████	Siumu	423	36,000	Customary	Road widening	CW2

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Summary of Lands to be Acquired							
Plan No.	Landowner	Village	Acquired area (m ²)	Compensation Amount	Land Type	Purpose	Civil Works Package
	[REDACTED]	Siumu	1,703	145,000.00	Customary	Road widening	CW2
	[REDACTED]	Siumu	1,222	104,000.00	Customary	Road widening	CW2
	[REDACTED]	Siumu	800	68,000.00	Customary	Road widening	CW2
	[REDACTED]	Siumu	883	75,000.00	Customary	Road widening	CW2
	[REDACTED]	Siumu	1,954	166,000.00	Customary	Road widening	CW2
	[REDACTED]	Siumu	2,193	186,000.00	Customary	Road widening	CW2
12580	[REDACTED]	Siumu	41	3,000.00	Freehold	Road widening	CW2
	[REDACTED]	Siumu	204	17,000.00	Freehold	Road widening	CW2
	[REDACTED]	Siumu	13	1,000.00	Freehold	Road widening	CW2
12581	[REDACTED]	Siumu	212	18,000.00	Freehold	Road widening	CW2
12582	[REDACTED]	Siumu	305	26,000.00	Freehold	Road widening	CW1
	[REDACTED]	Siumu	58	5,000.00	Freehold	Road widening	CW1
	[REDACTED]	Siumu	3	300.00	Freehold	Road widening	CW1
	[REDACTED]	Siumu	13	1,000.00	Freehold	Road widening	CW1
Total Area (m²) and Compensation			48,002	3,984,300.00			

Table 9. Affected landowners for easement works.

Plan No.	Landowner/ Recipient	Village	Acquired area (m ²)	Land Type	Purpose	Civil Works Package
12575	[REDACTED]	Siumu	224	Customary	Easement	CW2
	[REDACTED]	Siumu	386	Customary	Easement	CW2
12576	[REDACTED]	Siumu	97	Customary	Easement	CW2
	[REDACTED]	Siumu	561	Customary	Easement	CW2

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12577	[REDACTED]	Siumu	122	Customary	Easement	CW2
12578	[REDACTED]	Siumu	19	Customary	Easement	CW2
12579	[REDACTED]	Siumu	376	Customary	Easement	CW2
	[REDACTED]	Siumu	40	Customary	Easement	CW2
12582	[REDACTED]	Siumu	101	Freehold	Easement	CW1
Total Area (m²)			1,926			

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8. Gender impacts

Men and women have quite different travel patterns, modes of transport access and utilization of infrastructure. This has been showcased through this proposed CCIRUP to also be the case in Samoa. For example:

- (i) More women than men use the buses that commute along the CCIR to Apia (bus drivers 2018);
- (ii) Safety concerns exist in terms of use of road, transport methods and personal safety concerns. This is further discussed in the Rapid Gender Assessment;
- (iii) Employment in terms of local construction opportunities is more likely to favor men. Major employments opportunities (contractors and supervision) for local people under the project implementation for consultancy works and contractor will be dominated by male due to the nature of works and the lack of women within the technical field. However, there are some areas that women can also contribute through such avenues can include: food catering services, cleaning services for office sites, daily clearance of the laydown areas, traffic management, material sorting at the storage areas and roadside maintenance;
- (iv) In terms of freehold land, payment will go to the registered/rightful landowner identified and consulted by MNRE;
- (v) For customary land ownership, land is registered under the Chief of the day or Chief (extended) of the family (a.k.a in Samoan – Sa’o). All customary landowners identified for land compensation under Package 2 are male chiefs. The chief of the day also has the right to allow a female title holder or a non-title holder on behalf of his extended family to receive the land compensation under the proper legal agreements and verification documents require by the MNRE- Land Management Division. However, there are female chiefs sitting within the village council and their interests are protected under the village system; and,

Communities along the CCIR have reiterated the importance of using local labor for construction. However, foreign companies are not favored unless they speak English and respect the fa’a Samoa.

Inventory of Loses

The inventory of losses was initially collected under the World Bank Funded ERAP at preliminary stage of the project in 2016. The IOL was subdivided into two distinct sections based on the planned construction packages at the time with Package 1 starting from Tanugamanono to Tiavi (KM 0+000 to KM 3+127) and Package 2 from Tiavi to Siumu (KM 3+127 to KM 19+686). The split into two packages was for efficiency purposes to avoid the major design stage reworks and anticipating remaining in both civil works bidding and the RP development.

However, the initial split done in 2016 was changed to the existing sub-division with Package 1 starting from KM 0+000 to KM 15+500 and Package 2 from KM 15+500 to KM 19+686. Package 2 is further sub divided into two lots:

- Lot 1 (CW-2A) : km 15+500 to km 17+500
- Lot 2 (CW-2B) : km 17+5000 to km19+686

The proposed change will enable the development and the disclosure of the RP to align with the approved construction contract and approved drawings. This will also allow civil works to start under Package 2 after the approval and disclosure of the RP by the bank.

A final inventory of losses which included the DMS and Crop Counts were carried out in June, 2021 by LTA for Package 2 from Tiavi to Siumu to identity all affected non-land (crops and physical structures) assets for negotiation of compensation packages.

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a. Physical Structures Affected

i. Number of affected structures by types

Status of all affected structures affected in Package 2: From LTA detailed measurement survey; it identified a total of 35 physical structures. From them, 9 (25.71%) structures are market stalls, 7 structures (20.00%) are rubbish stands, 1 (2.86%) structure is a chain linked fence, 14 (40.00%) structures are barbed wire fences and 4 (11.43%) are gates.

Table 10. Type of affected structures in CW2.

Type of Structure	Total Number	Percentage %
Market stalls	9	25.71
Rubbish stands	7	20.00
Chain linked fences	1	2.86
Barbed wire fences	14	40.00
Gates	4	11.43
Total	35	100

ii. Trees and Crop Affected

The implementation of the project in Package 2 also requires removal of 6,941 trees of various fruit bearing species. These affected crops will be compensated based on the market value provided by the Ministry of Agriculture and Fisheries (MAF) to the affected crop owner.

Table 11. Affected fruit bearing crops affected by the project in CW2.

Name of Tree	Taro	Taamu	Soursop	Pineapple	Pepper	Papaya	Orange	Nonu	Mango	Lygiene	Laupele	Guava	Cocoa	Coconut	Breadfruit	Banana	Abiu	Avocado
Total	4513	1733	1	20	1	51	2	102	8	5	7	3	37	118	27	304	5	4
%	65.02	24.97	0.01	0.29	0.01	0.73	0.03	1.47	0.12	0.07	0.10	0.04	0.39	1.70	0.39	4.38	0.07	0.06

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VIII. BUDGET AND COMPENSATION PACKAGES

The proposed budget will cover land acquisition, affected crops and assets compensation as well as 20% contingencies which is covered under the Government of Samoa 2021-2022 financial year budget. The updated budget included the estimated costs for all the land and affected non-land assets compensations within Package 2 and the 4 lots under CW1. This budget totaled at WST \$5,261,891.70 including WST \$3,984,300.00 for land compensations, WST \$61,309.00 for non-land assets compensations and 30% contingencies estimated at WST \$1,214,282.70. Table 6 below gives a summary of this RP Budget.

Table 12. Overall budget for compensation.

Item	Total	Unit	Rate/valuation	Amount(WST)
Land Acquisition	48,002	Square meters	Refer to table 3-Affected land	3,984,300.00
Physical structures	1	each	2,000 (one structure to be compensated)	2,000.00
Crop Count		Each	Refer to table 2- Affected Crops	61,309.00
Total (WST)				\$4,047,609.00
Contingency (30%)				\$1,214,282.70
Overall total				\$5,261,891.70

Land compensation

Total proposed cost of the compensation for the CCIRUP RP were assessed and determined by MNRE based on current market price, while this document will provide a guide for the process and the assets, crops and structures, as well as support and income to APs.

In cases where the affected land owners are not yet confirmed by the ministry, land compensations for these affected lands based on the land valuation report will be deposited into an escrow account and will be released once the rightful landowners are confirmed. The escrow account will be created by MoF upon the receipt of a formal request from the LTA- Chief Executive Officer.

Physical structures

A few physical structures are located within the ROW and will be removed during the project implementation. A single affected gate will be compensated at a proposed cost of 2,000.00 whilst other owners have all agreed to have their affected structures reinstated. A summary of these affected assets is provided in Table 13 below.

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Table 13. Affected non-land assets identified.

No	Affected structure Owner	Types of non-land assets (structures)							
		Market Stalls		Rubbish stands	Chain-linked fence		Barbed wire fences		Gates
		Quantity	Measurement	Quantity	Quantity	Measurement (m)	Quantity	Measurement (m)	Quantity
1					1	132			1
2							1	239	1
3		1	2m x 2.5m						
4							3	663.3	
5		1	2m x 2.5m						
6		1	2m x 2.5m						
7									1
8		1	2.2m x 1.2m						1
9		1	3m x 2m						
10		1	3m x 3.1m				2	582	
11				1					
12		1	3.1 x 3m						
13				1					
14					1	426			1
15		1	2m x 2.5m	1			1	494	1
16		1	2m x 2m	1			1	103	
17				2			2	7920	
18							1	20	

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Affected Crops

Lists of affected crops in Package 2 are recorded in Table 14 below.

Table 14. Lists of identified affected crops and crops owners.

Crop Count CW2 (Land and Easement)																				
No.	Affected Owners	Bananas	Breadfruit	Cacao	Apiu	Avocado	Coconut	Mango	Esj	Guava	Pineapple	Yam (Taamu)	Giant Taro	pepper	Nonu	Laupele	Soursop	Rambutan	Orange	Total
1	[REDACTED]	8									6									14
2	[REDACTED]	49										7	203		6					265
3	[REDACTED]	20	1				6		1			6	700		1	4				739
4	[REDACTED]	32					4	1			5	16	150							208
5	[REDACTED]	1							9		4	20	301		1	2			1	339
6	[REDACTED]								3		7	50	76							136
7	[REDACTED]	11		25					2			4	60							102
8	[REDACTED]	2					1					1	30		4					38
9	[REDACTED]								1			3	50							54
10	[REDACTED]		2	3			5		1			9	17							37
11	[REDACTED]	4	5				2		1			23	15		7					57
12	[REDACTED]		6				3		3						5					17
13	[REDACTED]	10					8		8			17	242		2					287
14	[REDACTED]	7	2							1			30							40
15	[REDACTED]	13					1					40	15		3					72
16	[REDACTED]	80	2				41	2	3			493	98		44					763
17	[REDACTED]	23	2	3	5	4	5	2	4	2		15	1500	1	6	1	1	1	1	1576
18	[REDACTED]	25	3	2			21		1			260	91							403
19	[REDACTED]	1	2						1			66	9							79
20	[REDACTED]			4			9	1	3			24	65							106
21	[REDACTED]						10		1			163	338		7					519

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22		15						2	4				308		13					342
23		3							3			17	110		4					137
24							1													1
25												6	63							69
Total																			6400	
Total per crop type		304	25	37	5	4	117	8	49	3	22	1240	4471	1	103	7	1	1	2	
Rate per unit (WST)		50	80	20	5	30	100	30	30	50	7	4	5	30	20	5	20	tbc	25	
Total Cost per crop type (WST)		15,200	2000	740	25	120	11700	240	1470	150	154	4,960	22355	30	2060	35	20	tbc	50	
Total Compensation for Package 2																			\$61,309	

IX. RP IMPLEMENTATION

INSTITUTIONAL ARRANGEMENTS

Overview

MOF is the Executing Agency and the LTA is the Implementing Agency. Under the World Bank funded Samoa Climate Resilient Transport Project (SCRTP), a Centralized Technical Support Services Unit (CTSSU) has been established under the Aid Coordination & Debt Management Division of the MOF. The CTSSU will provide assistance and service support on project implementation for all development projects including CCIRUP. In addition, a Transport and Infrastructure Sector Coordination Division (TISCD) has been established within the Ministry of Works, Transport & Infrastructure (MWTI). The TISCD will also assist with CCIRUP project implementation and is generally responsible for overall reporting and of the Transport and Infrastructure Sector Plan. It will be guided by the Transport and Infrastructure Sector Advisory Committee (TISAC). The TISAC will not be involved in day-to-day implementation but will instead provide general sector oversight and policy direction for projects in the sector.

As the implementing agency, the LTA is responsible for ensuring proper and transparent implementation of the RP. The LTA will be closely supported by the Land Management Division of the MNRE. The MNRE will determine and use as primary basis current market rates and replacement values for negotiation purposes, according to this Resettlement Plan. As the CCIRUP is the first project in Samoa to have resettlement implemented according to *ADB's Safeguards Policy Statement, 2009*, the government's implementation of the RP by the MNRE and LTA will be closely supported by a dedicated National Safeguards Specialist, as separately funded by ADB, until the Supervision Consultant is on board.

A contracted project team will oversee implementation works as well as safeguards and report progress and any concerns to the LTA and ADB. Within this team there will be a dedicated International Safeguards and Gender Specialist as well as a National counterpart. These specialists will be responsible for ensuring ADB Safeguards are met within project preparation, implementation and evaluation. For example, an effective and transparent GRM – that it is in place and compliant with ADB Safeguards Policy.

The implementation works contractor also has responsibility in terms of safeguards implementation and reporting. They will report directly to the contracted Safeguards Specialists.

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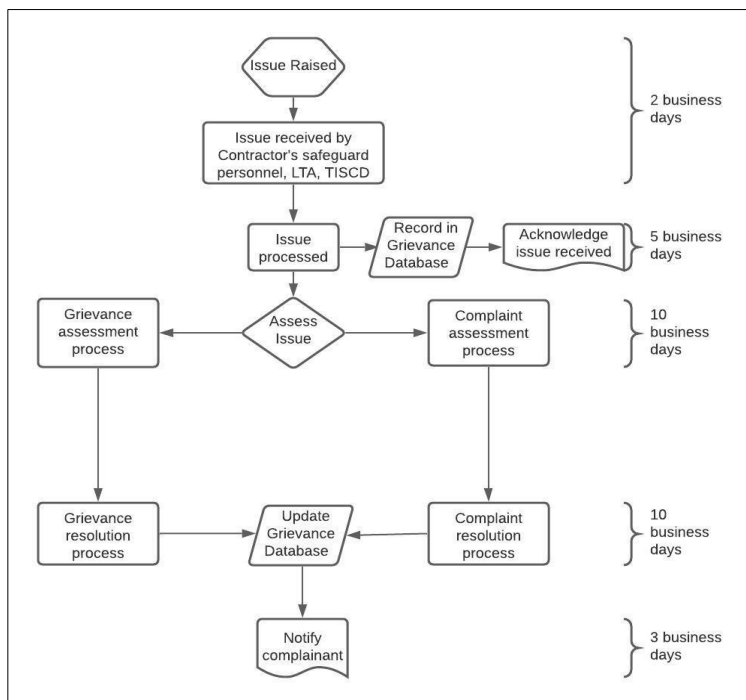


Figure 4. GRM processes approved for the RP

Final RP implementation will commence following clearance of this document by ADB and prior to commencement of construction activities. In general, RP implementation will have three key stages, as follows:

- (i) Addressing legal requirements pertaining to the gazetting of the land to be included in the CCIRUP that does not currently follow the registered ROW.
- (ii) The negotiating process related to AP compensation for land acquisition, easements, and removal/relocations of privately-owned assets.
- (iii) Provision of property rights, payment of compensation, and livelihood restoration (if required).
- (iv) Ongoing monitoring and evaluation, including reporting on a biannual basis of Safeguards.

Process

The Executing Agency (MOF) will be responsible for the timely allocation of funds to compensate APs for land acquisition, and funds have been earmarked and are ready for compensation payments to be made to affected people. The payment of compensation will be disbursed by transfer to bank accounts of affected persons. Alternative arrangements such as government bank cheque can be provided to those who do not have a bank account. In the case of any disputes, compensation will be placed in an escrow account managed under the MOF until the dispute has ascertained a resolution. A completion report will be submitted to ADB for clearance.

Table 15 identifies the key responsibilities of ministries and other agencies for the land acquisition of the CCIRUP.

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Table 15. Major resettlement activities.

Activities	Responsible Agency
1. RP Preparation	
Review and approval of draft RP	LTA / ADB / Consultant
Establish Grievance and redress mechanism – compliant with ADB reporting for Social Safeguards – also including records as well as reporting mechanism in place	LTA PMD / TISCD
Update RP as required if there are unanticipated impacts during project implementation and prepare corrective action plan if there will be non-compliance.	Project Consultant / LTA
Following the award of the civil works contract, arrange a briefing to the contractors to raise their awareness on safeguard requirements	Project Consultant / LTA / TISCD
Finalise RP once road design complete and approved	National Safeguard Specialist ADB consultant/LTA/MNRE
2. RP Implementation	
Approval and release of funds for compensation	MOF
Verification of APs	LTA / MNRE
Monitoring mechanism in place	LTA / MOF
Ongoing information updates and consultations with APs	LTA and Project Consultant
Undertake regular monitoring and reporting on implementation progress of RP and Safeguards	Project Consultant and LTA PMD
Grievance and redress arrangements compliant with ADB and national mechanisms – also including records as well as reporting mechanism in place	LTA
Preparation of deeds of sale/lease	MNRE & LTA
Payment of Compensation	MOF assisted by LTA & MNRE
Compliance Report	LTA , MoF, MNRE and Consultant

ADB = Asian Development Bank, AP = affect persons, CCIRUP = Cross Central Island Road Upgrading Project (the Project), LTA = Land Transport Authority (implementing agency), MNRE = Ministry of Natural Resources and Environment, MOF = Ministry of Finance (executing agency), RP = resettlement plan.

Source: Consultant

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X. MONITORING AND EVALUATION

The following indicators have been identified to monitor the progress of the implementation of the RP. Additional indicators will be added as required as part of the Resettlement Completion Assessment. Note that these indicators can be measured quantitatively and where relevant qualitatively.

Table 16. Monitoring indicators of the resettlement plan.

Indicator	Number	Key elements impacted	Notes
Number of GOS staff working on RP	2 LTA senior staff, 2 junior staff and 1 part-timer 1 ADB funded RP National Social Safeguard Specialist	Support provided to LTA and MNRE to assist in process	Men and women disaggregated
Resettlement team trained to meet ADB SPS 2009	1 training	Overview of ADB requirements in line with GOS procedures	Carried out during Fact finding mission Number women/men trained
Project affected households	28	Land loss Plants Facilities Income generating	Compensation paid
Compensation paid	25 families-crops 17 landowners	Land loss Plants Facilities Income generating	By when and amount
Facilities replaced and improved	1 fence 9 easements	Fences Roofs Plants Easements	Includes easements
Livelihood replacement training	TBC	Potentially this is not required	Number of interested parties
Number of APs employed by contractors and LTA	TBC	TBC	During road construction and for road maintenance
% APs satisfaction with RP	TBC	Once RP compensation and process complete	by the end of March 2022
Road safety perceptions after project construction	TBC	Survey form recording degree of satisfaction	
Records of grievances	TBC	From implementation of the RP	Maintained and updated in LTA
Actions – responses to grievances	TBC	% of resolved issues recorded to the AP satisfaction	Ongoing – 6 monthly updates

Monitoring and evaluation will occur at different levels:

MNRE Monitoring and Evaluation of Resettlement process

Upon completion of the RP, the monitoring and evaluation of the implementation of the RP will be the responsibility of the LTA Safeguard Team together with the National safeguard specialist. A RP compliance report will be prepared and submitted to the ADB for monitoring and the confirmation of all RP activities prior to the commencement of any physical works. This compliance report will be prepared by the PMU social safeguard consultant recruited under the project together with the assistance from LTA safeguard team and MoF-Aid Coordination and Debt Management Division for the confirmation of all compensation payments.

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The RP compliance report will be prepared and submitted on two separate phases as highlighted below:

Phase 1: Consist of all the land acquisition activities, resettlement measures, consultation procedures and compensation remedies as highlighted in the disclosed RP prior to the commencement of any physical works; and,

Phase 2: Upon the completion of other resettlement activities including all identified reinstatement works and rehabilitation measures implement by the contractor.

The RP compliance report will be submitted to the bank to ensure the social requirements for ADB to compensate affected landowners and crops owners are satisfy before the commencement of construction works. In addition, the report will also provide the opportunity for the main implementation agency to reflect on the implementation of the RP and identify ways to improve future safeguard works under ADB funded projects.

Semi-annual safeguards monitoring reports will be submitted to ADB throughout the implementation of the project by the TISCD, and LTA safeguard team will provide fortnight or monthly safeguard update during online meeting or when require by the bank.

Safeguards Monitoring

The national PMU Social Safeguards consultant (LTA) together with the Project Social Safeguards Specialist will audit impacts on APs during and post construction to ensure any impacts are managed effectively. These reports will be undertaken biannually and will assess living standards of APs over the project duration. This will be undertaken through a consultative process with APs and other relevant stakeholders. The report will consider such aspects as:

- (i) Changes to livelihoods as a consequence of the project which may include unforeseen impacts as well as potential changes arising from temporary or even permanent employment opportunities;
- (ii) Any undesired impacts that may have been experienced and how these were reported and managed under the GRM as noted above;
- (iii) Road safety related concerns as a consequence of the project. This links the safeguards monitoring to GAP whereby it can encompass efforts to improve access and conditions for vulnerable affected residents;
- (iv) Local procurement opportunities in terms of semi and unskilled labor roles; and ongoing maintenance and improvement opportunities; and
- (v) Sex disaggregated data will be collected to indicate the differential impact on men and women.

This report will be forwarded to ADB six monthly.

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XI. GRIEVANCE REDRESS MECHANISM

The following Grievance Redress Mechanism (GRM) procedure is being followed to address any social or environmental issues that may arise throughout the project.

H. Minor Concerns

- (i) Filed with the safeguards specialist(s) of the construction supervision consultant (CSC) who records the complaint and consult with the contractor for a solution.
- (ii) CSC to maintain and regularly update a complaint's register;
- (iii) Report to safeguards officer from LTA with proposed resolution; and
- (iv) CSC to respond to the AP with a resolution within 48 hours.

I. Major Issues

- (i) AP should file a formal complaint with the LTA Project Manager or to any relevant stakeholders (MNRE, MoF, MAF and MWTI) if they face a major concern e.g. land issues or damage caused by the Contractor.
- (ii) Follow the same process as a minor issue but the time to respond for discussions and meetings with the complainant to reach a resolution must be within 7 days. However, note that for land issues, the timeframe for discussion and meetings may be more than 7 days.
- (iii) LTA Project Manager to maintain a register of complaints, with a duplicate of the relevant complaint given to the AP.
- (iv) If complaint is dismissed, the AP is to be informed of their rights to take their complaint to the next level.
- (v) If the AP is not satisfied with the LTA or any ministry's decision, the AP can take their grievance to the judicial system at their own cost, however, if the Court shows that LTA or the relevant ministry have been negligent, the AP may seek compensation of costs.

Grievances under the RP implementation are usually related to land dispute regarding landownerships, compensations, land & road reserve boundaries, crops ownerships and crops rates. LTA and other relevant agencies to ensure that affected communities and people are consulted and meaningfully engaged throughout all stages of the project. LTA will also conduct household to household consultations for all affected families alongside the road before the start of the construction works. Other site-specific issues occur during the project implementation will be addressed through proper mitigations measures and specific management plans prepared by the contractor and will be monitored on a daily basis.

J. Grievance Procedure

All issues are logged and tracked in the grievance data sheet by the safeguards team and are reviewed as part of the ADB/LTA compliance monitoring systems. Once the issue has been satisfactorily resolved with the member of the public who initiated the complaint (the 'complainant'), then the complaint will be closed. The complainant will be notified in accordance with the procedures as documented in the GRM, and this will be recorded in the GRM data sheet.

The GRM data sheet maintains statistics on number of and types of complaints, time taken to resolve, etc. These statistics can be easily published to a public website or included in reports. Complaints may be lodged through a website, by SMS, in person, by telephone, e-mail, or letter. Website complaints are automatically logged in the system, while other forms are manually entered by the 'Complaints Administrator'. Different levels of grievance management fall under the above process and include:

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1. Samoa village level grievance management

While most grievances follow the above process and are reported directly to LTA-PMD , there is also a traditional grievance process that operates in villages such as Siumu. Some project related grievances experienced by villagers can be dealt with effectively at the village level and need not be referred to the LTA Project Manager/IA unless village level redress mechanisms fail. Common among such grievances are local disputes over land boundaries, claims of ownership over crops and compensation distribution. Other common disputes involve contractors such as where non-land assets such as soil and rocks are used without prior consent of landowners; or where contractors fail to deliver on agreed terms for their use.

The traditional mechanism for grievance redress requires the aggrieved party to take his/her grievance to his/her extended family paramount chief, who will assume responsibility for a resolution on their behalf. Furthermore, their decision is final. The aggrieved party’s paramount chief may seek redress directly with the Contractor or the other/opposing party and would do his/her utmost to secure a satisfactory outcome. Failing this, the ‘paramount chief’ will then take the grievance to the Village Council of Chiefs, through the Pulenu’u/Sui o le Malo. Usually this is discussed during the monthly meeting of the Council of Chiefs. The Council of Chiefs will decide on how best to address the grievance including conveying the concern to the Contractor on behalf of the aggrieved party, or alternatively recommending that the aggrieved party seek a resolution directly with the responsible Government agency (i.e. LTA) and failing that, seeking redress with the Court.

In the case of local disputes over customary land boundaries, and ownership and use of non-land assets, the Council’s decisions are final with the disputing parties aware of the risk of noncompliance. Such decisions of the Village Council are now recognized by the Courts by the *Village Fono Act 2000*. 6 outlines the levels of traditional and government authority that are involved in grievance resolution, depending on the severity of the grievance.

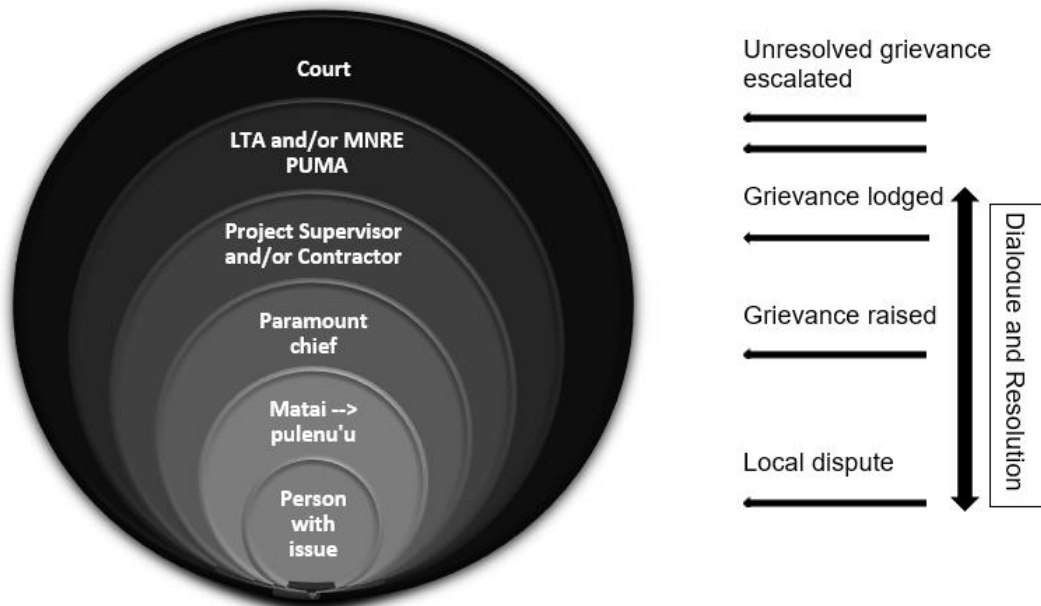


Figure 5. Level of grievance resolution within the community.

2. Legislation

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. As indicated above, the

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complainant can choose to take their grievance straight to LTA, however the traditional system remains important in the villages and in terms of customary land issues.

3. Contractors Responsibilities

The Contractor is responsible for community consultation regarding construction activities and recording complaints as per provisions contracts. At the inception of the project, all employees of the Contractor should be briefed on the GRM and informed they are required to report any grievance to the Site Manager. The contractor/consultant shall nominate a staff member for community consultation who will manage grievances, i.e., the Site Manager. The Site Manager will work in cooperation with LTA PMD and the Public Relations Officer on a regular basis. A phone number will need to be established and be made publicly available on project signage and public relations materials readily accessible and visible to the affected persons and communities.

During construction phase, a suggestion box and complaint forms will be located at the Site Office. The Site Manager will receive grievances on site and respond within 48 hours of the grievance being received. The response should confirm the nature of the grievance and indicative timeframe for resolution. The Site Manager shall record the grievance in a logbook or Complaint Register then provide a copy of the grievance to LTA PMD within two working days of the complaint being made. This logbook will be maintained throughout the construction or contract period. Furthermore, the operational GRM will be monitored and reported on six monthly basis and report submitted to LTA PMU and ADB under Safeguards Reporting commitments.

4. Grievance Mechanism Monitoring and Reporting

Monitoring will be carried out six monthly by the International Safeguards Specialist (Project Supervisors) with LTA and the results communicated to ADB through the Safeguards progress reports.

- (i) reported grievances and subsequent resolution outcomes;
- (ii) consultation with APs;
- (iii) status of land acquisition and payments on land compensation; and
- (iv) compensation for affected structures and other assets.

5. ADB's Accountability Mechanism

People who are, or may in the future be, adversely affected by the project may submit complaints to ADB's Accountability Mechanism. The Accountability Mechanism provides an independent forum and process whereby people adversely affected by ADB-assisted projects can voice, and seek a resolution of their problems, as well as report alleged violations of ADB's operational policies and procedures. Before submitting a complaint to the Accountability Mechanism, affected people should make an effort in good faith to solve their problems by working with the concerned ADB operations department. Only after doing that, and if they are still dissatisfied, should they approach the Accountability Mechanism.

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XII. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION

K. Overview

Public consultations and disclosure allow two-way communication between LTA, MNRE and the impacted communities. They are important to provide a comprehensive, mutual awareness and understanding, and encourage mutual responsibility, ownership and trust among all the stakeholders affected by the CCIRUP and other interested parties. Public consultations have allowed early exposure of potential problems and efforts to address them.

The key objective of the public consultation and disclosure process for the CCIRUP RP has been to encourage the participation of the project-affected people in planning and implementing activities associated with land acquisition. Accordingly, this chapter describes the public consultations undertaken, demonstrating that the CCIRUP is following public consultation and disclosure requirements for projects involving land acquisition in accordance with government and ADB requirements.

Key stakeholders are summarized in the following table. An Accompanying Stakeholder Engagement and Communication Plan will provide proposed consultations in greater depth.

Table 17. CCIR key stakeholders.

Project Phase	Affected Stakeholders
Design and Approval	Affected persons Resource owners Customary leaders and officials from key communities CCIR Residents Siumu Residents CCIR Businesses, including bus drivers Women’s and other vulnerable groups Schools Churches e.g. Baha’i; Catholic; Methodist; Latter Day Saints Embassies e.g. Australian, American Relevant government agencies e.g. MNRE; PUMA, MWCD Relevant NGOs and CSOs Utility owners ADB Other development partners
Land & Assets Compensation	Directly affected residents Directly affected businesses Directly affected land users Directly affected landowners, including customary ADB
Implementation (civil works)	Resource owners Transport/haulage contractors Residents, including nearby from Apia and Siumu Women’s organizations Businesses, including tourism operators Schools Churches Tourists Utility owners ADB Other donor agencies

CCIR = Central Cross Island Road, CSO = Civil Society Organization, MNRE = Ministry of Natural Resource and Environment, MWCD = Ministry of Women and Community Development, NGO = Non-government Organization

Source: Consultant

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L. Consultation Approach

Consultations were undertaken alongside public awareness raising, through several means including the following:

- (i) **Public consultations.** These included formal presentations at the community and inter community levels. These were held at the design stage of the project (2016 and 2018) and included discussions on the proposed road design; environmental; social, and land acquisition/resettlement dimensions. Comments were gathered and those pertaining to design and improved design considered and integrated into the design. The minutes of the second and third public consultation are attached in Appendix 1:
 - a. The meeting was advertised in the local newspaper, the radio and on Facebook a week prior to the meeting;
 - b. A flier highlighting the key message was distributed to participants (see Appendix 2); and
 - c. While no sitting allowance was paid to attendees, it is a custom within a village to hold cultural ceremony for visitors holding workshops, training, consultation etc. for which a donation usually in the form of money is provided to a village in exchange to show respect and demonstrate appreciation for their kindness. In this case the amount of WST500 to the Siumu village in traditional respect.
- (ii) **Focus group discussions and face-to-face meetings.** These were held at homes and community meeting locations to ensure:
 - a. The proposed extent of the CCIRUP is fully understood; and
 - b. Community related ‘power’ differentials do not create feelings of coercion and intimidation among the more vulnerable community members – with the initial part of the CCIR comprising some of the more affluent residents and/or businesses of Apia, it is also important to include the concerns and interests of the more vulnerable affected households who rely largely on subsistence farming with limited commercial sales.
- (iii) **Individual interviews.** These included:
 - a. **Social Profiling.** A sample based on purpose and convenience. The interviews mainly assessed views on the potential project impacts (positive and negative), mitigation measures, and suggestions for improvement. The social profile includes a brief overview of the project and elicits comments on potential impacts. Each respondent was provided with contact details of the LTA office for any follow-up questions; and
 - b. **Land acquisition and compensation.** Stakeholders were informed that all affected stakeholders will be consulted and advised regarding necessary land acquisition for the road and subsequent compensatory payments. Discussions will provide maps of land locations to be acquired; need for removal or transference of key plants and/or items; proposed compensation based on assessment; a grievance redress mechanism and process; as well as answers to frequently asked questions in Samoan and English.

Public information flier - This was developed for the Design Phase (attached to the Social Profile) outlining details of the project, its proposed designs for the road and answers to frequently asked questions. Once the design is endorsed by LTA the information flier can be updated to include the proposed outfall areas to improve drainage from weather events; the project implementation timeline, the grievance redress mechanism, and answers to frequently asked questions which will be updated as the project progresses. Design has been finalized with house-to-house consultation with the affected persons have been completed.

Public disclosure of project impacts and consultations have been carried out since the initial World Bank funded ERAP design phase of the Project, and in the current ADB funded phase of the Project. They have been continued through a combination of public consultations, focus group discussions, and individual consultations. These consultations provide information regarding the status of the Project as well as to gain further insights and design improvements that meet the particular needs of commuters and residents along the CCIR.

The following public consultations have been undertaken. Minutes of these meetings are provided in Appendix 1:

- (i) 13 September 2018. At Siumu Mayor’s Residence.

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- (ii) 12 February 2020. At Siumu Mayor’s Residence

Those consulted have included commuters, residents (that may or may not include APs), community traditional leaders, affected businesses and utilities, bus drivers (from the Siumu side), women’s groups, disabled persons organization, Women in Business Association, and relevant government agencies.

Consultations will continue during the implementation of the RP and the CCIRUP. The following consultations will be undertaken at the appropriate time:

- (i) One-on-one consultations have been conducted by the LTA and MNRE with the APs / community leader’s dependent upon the specific stretch of the CCIR during the AP compensation/negotiations stage.
- (ii) Information provided included:
 - d. the policy on cut-off-date for eligibility to project entitlements;
 - e. land acquisition and compensation process;
 - f. Specific relevant sections of the RP which will need to be disclosed to Aps;
 - g. roles of the MNRE and LTA compensation team; and
 - h. the grievance redress mechanism.
- (iii) Ongoing public consultations by LTA during project implementation.

M. Consultation Challenges

Discussions regarding outfalls posed a challenge during consultation as their placements require cooperation from affected property owners. This is very important for effective drainage, as ‘flood water’ can create the potential for concentrated volumes of water (and debris) near / within downstream properties.

Some landowners were reluctant to allow an outfall to run through their property and may need encouragement to recognize the benefits of supporting the outfalls on their land, especially as the flood waters may not affect them as much as those living downstream. This is especially pertinent to a few houses that divert the flood waters to other homes.

1. Potential incentives can include:
 - (i) Compensation for open drainage;
 - (ii) Less water and debris inundating their land, which can increase property values as the water is diverted safely off the cliff face;
 - (iii) Potential contracts for landowners to maintain the outfall; and
 - (iv) Consultation must emphasize the overall benefits, the assurance on quality structures, and minimal disruption to their land security during construction (as also sought by the New Zealand High Commission).

Families affected by easement construction onto their land have already been transparently consulted and have agreed to the benefits along with the terms and condition to having these easements on their land.

Refer to table 9 for list easements in Civil Works 2; with one additional in CW1.

Refer to annex 3 for easement agreement form.

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N. Disclosure

The draft-final RP and Updated RPs are available at LTA, MNRE and on the ADB website. Key features of the RP; particularly compensation entitlements, institutional arrangements for grievance redress, contact information of the LTA Safeguards Officer, as well as RP implementation schedules have been summarized and distributed among the APs and broader communities along the project alignment. Translations of key sections will also be distributed.

A translation of the RP will be provided to the 28 households identified by LTA and copies will be made available at LTA Office for any interested parties.

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XIII. REFERENCE

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List of Annexes

Annex 1. Summary of Compensation rates

Crop Name	Rate
Esi/Papaya	\$30
Breadfruit	\$80
Soursop	\$20
Laupele	\$5
Nonu	\$20
Taro	\$5
Coconut	\$100
Polynesian Plum/Vi tree	\$30
Chilli Peppers	\$30
Mango	\$30
Guava	\$50
Banana	\$50
Avocado	\$30
Lemon	\$50

(Source: Revised compensation rates approved for compensation of West Coast Rehabilitation Works, 2021)

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Annex 2: Grievance and Complaint Redress Flyer

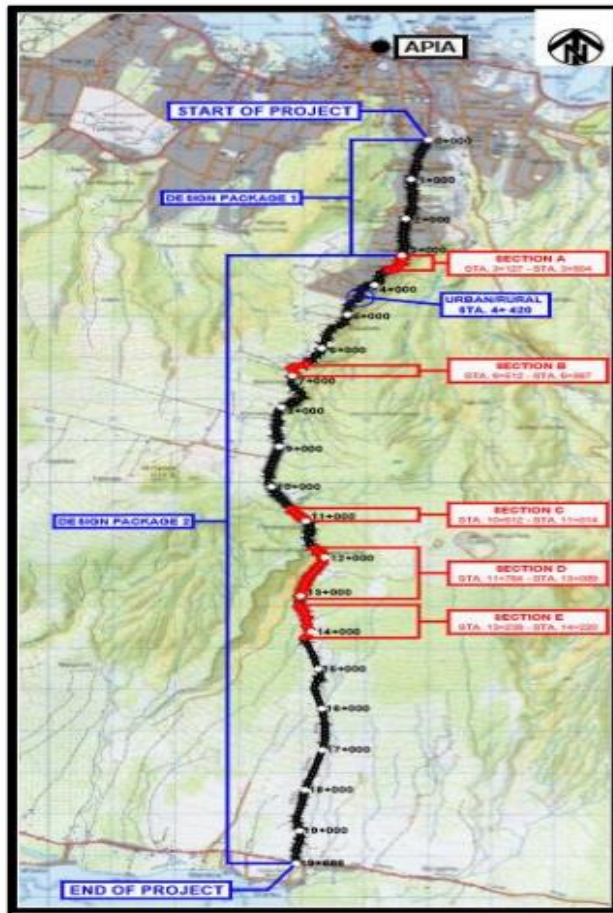


Government of Samoa

Central Cross
Island Road
Upgrade Project.



ASIAN DEVELOPMENT BANK



PROJECT BACKGROUND

The Government of Samoa is implementing the Central Cross Island Road Upgrade Project (CCIRUP) with assistance from the Asian Development Bank (ADB). The scope of the of this upgrade broken into two civil works packages, and these are: Package 1 from Tanugamanono to Tiavi and Package 2 from Tiavi to Siumu. This project is a priority investment in the transport sector which includes: (i) the upgrade of about 20 kilometers of national road, (ii) 3-year routine maintenance that will begin immediately after the physical completion of the Road upgrade with gender-inclusive elements; and (iii) a gender-sensitive capacity strengthening for the road subsector.

BENEFITS OF CENTRAL CROSS ISLAND ROAD UPGRADE PROJECT:

The current state of the road is quite narrow and with the widening of the road it will help reduce car accidents as well ensure a safer environment for the affected people. Furthermore, with the road upgrade the project will enhance potential local employment. The road upgrade will help benefit accessibility from rural areas to urban areas. The community will benefit as the road upgrade will shorten the time travel distance to essential services. Moreover, this will provide an opportunity for the community to voice their concern or issues or any improvements for the project to LTA. Apart of the road design the road upgrade will provide bust stops, pedestrian crossing, new drainage and etc. for a safety environment.

WHAT IS GRIEVANCE REDRESS MECHANISM?

The GRM is a process or platform created under the project to receive and address complaints issued by affected persons or community members regarding specific project activities whether it be social or environmental. It describes the appropriate procedures to undergo as well as the specifies roles and responsibilities of the parties involved.

What are grievable issues?



ENVIRONMENT

Issues relating to harmful effects on the natural environment.



SOCIAL

Issues impacting the social well-being of communities such as dust noise etc...



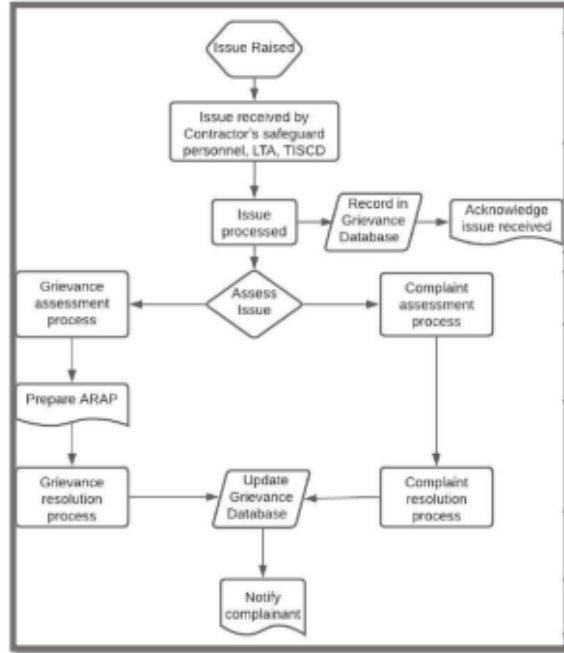
OTHER

Any other project-related issues such as compensations etc...

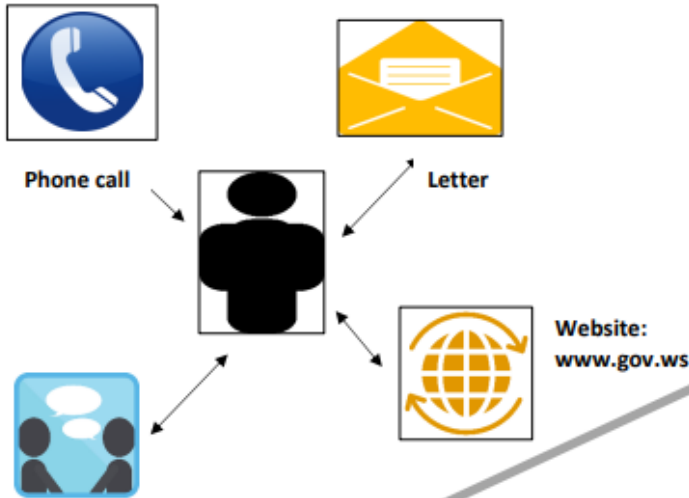
GRIEVANCE REDRESS PROCESS

Stages of the Grievance Resolution Process

This procedure is used to address any social or environmental issues that may arise throughout the project.



How to submit a grievance



Who to submit a grievance to

Land Transport Authority (LTA)
Vaitele, Apia, Samoa
phone: +685 26740, Fax: +685 26739
Email: lta.enquiries@gmail.com

*Central Cross Island Upgrading Project – Package 2 (Tiavi to Siumu)
Resettlement Plan*

Annex 3: Easement Agreement Template

LAND TRANSPORT AUTHORITY
PULEGA O FELA'UAIGA I LE LAUELEELE
GOVERNMENT OF SAMOA
Vaitele Office
Phone: (685) 26740/41
Savaii Office
Phone: (685) 51508

Private Mail Bag, Vaitele, Apia
Email: info@lta.gov.ws
Web: www.lta.gov.ws
Facebook: Land Transport Authority - Samoa



**EASEMENTS AGREEMENT
CENTRAL CROSS ISLAND ROAD UPGRADE PROJECTS (CCIRUP)**

This agreement is made on the _____ day of _____.

Parties

Between: Land Transport Authority established under Section 4 of Land Transport Authority Act 2007 "The Client"

And: _____ "Landowner" for the piece of land for the construction of drainage easement.

1. LAND DETAILS:

Lot Number on Plan:	
Land Type (Customary/Freehold)	
Legal Landholder/Matai Holder	
Occupier (if different from Landholder)/Landowner:	
Village:	

1. AGREEMENT DETAIL:

Following the consultation, both parties have agreed to be bound by this agreement and have agreed to be following conditions:

- The Landowner will utilize a portion of their land of approximately _____ to be utilized for installation of drainages as part of the Central Cross Island Road Upgrade Projects Design.
- Any structure within the proposed easement will be reinstated in a location specified/agreed by the Land Owner in pre-project condition or better, in lieu of cash compensation.
- Any Trees or Fruit bearing crops within the proposed easement will be cleared and will be compensated for by the client.
- Building of any permanent structures along the easement area will not be permitted.
- The landowner agrees to not plant any vegetation that will disrupt the functioning of the drainage installation.
- The landowner agrees to all reasonable access to the LTA for maintenance purposes.
- The landowner will be given a notice in advance prior to accessing the easement except in emergency situations or as requested by the Claimant.

Please address all correspondence to the: Chief Executive Officer, Land Transport Authority

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LAND TRANSPORT AUTHORITY
PULEGA O FELA'UAIGA I LE LAUELEELE
GOVERNMENT OF SAMOA

Vaitele Office
Phone: (685) 26740141
Savali Office
Phone: (685) 51508

Private Mail Bag, Vaitele, Apia
Email: info@lta.gov.ws
Web: www.lta.gov.ws
Facebook: Land Transport Authority - Samoa



3. SIGNATORY DETAILS:

Sign:
Print Name:
Landowner/Matai Holder/Occupant:
Date:

Sign:
Print Name:
LTA representative:
Date

Sign:
Print Name:
Consultant Representative:
Date:

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Annex 4: GRM Form

GRIEVANCE REDRESS REGISTERING AND MONITORING FORM

Project: _____ Date: _____ Time: _____

Complainant Information (Person Reporting)

1. Name (or anonymous): _____
2. Village/Location: _____
3. Gender: **Male** **Female**
4. Age: _____
5. Telephone: _____
6. Email: _____
7. Type of complainant:

- Affected person/s**
- Intermediary (on behalf of the AP)**
- Civil organization (NGO, Church, etc.)**
- Government organization**
- Others (specify) _____**

- 2.
8. Mode of receiving the grievance:
 - Letter**
 - Phone call**
 - Email**
 - Verbal**
 - Others (specify) _____**

9. Location of the problem/issue specified in the complaint: _____

10. Short description of the problem: _____

11. Past action/s taken by the complainant (if any): _____

12. Details of the focal point that received the complaint:

Name of the person who received the complaint: _____

Position: _____

Name of the receiving office: _____

Actions taken by the Receiving Office _____

Signature: _____

Date: _____

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