

# **Samoa Climate Resilient Transport Project (SCRTP)**

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Malie-Afega River Crossing Replacement,  
West Coast Road, Upolu

Abbreviated Resettlement Action Plan  
(ARAP)

Final - March 2023

*Malie-Afega Bridge Replacement  
Abbreviated Resettlement Action Plan*

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## Disclaimer

This ARAP report has been prepared in accordance with the Land Acquisition and Resettlement Framework (LARF) approved for the Samoa Climate Resilient Transport Project (SCRTP), which integrates the requirements for land taking set out in the relevant Samoa legislation and regulations, and the World Bank’s Safeguards Policy OP/BP 4.12 Involuntary Resettlement.

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## Definition of Terms

Affected Persons	Persons who are affected in any of the ways described in paragraph 3 of OP 4.12, i.e. all those people who lose land or the right to use land (para 3a) or who lose “access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods” (para 3b). The term is synonymous with “displaced persons” and is not limited to those subjected to physical displacement; may also refer to persons affected by Project-related changes in the use of land, water and other natural resources. World Bank OP 4.12
Village Fono	Village Council of chiefs and orators of a village in Samoa
Appurtenant	A right, such as an easement of right of way, over other land is said to be appurtenant to the land; or land to which the easement is attached. NZ Institute of Surveyors
Compensation	Payment in land, cash or other assets given in exchange for the taking of land and building, in whole or in part, and all fixed assets on the land and buildings (e.g. fences, crops). There are two types: land compensation and asset compensation. World Bank OP 4.12
Customary land	This is land held from Samoa in accordance with Samoa custom and usage
Cut-off date	Date of the start of census for eligibility to entitlements. World Bank, OP 4.12
Displaced Persons	See Affected Persons (above)
Drainage Easement	The right to convey sewage and/or stormwater through adjoining lands
Easement	A legal right to use of land of another, without the right to possession of that land, or to take any part of the soil or produce of such land. Survey Ordinance Act 1961 No. 12 (GoS)
Easement in gross	An easement over land, which is not appurtenant to other land, but which belongs to a person independently of the ownership of land. Survey Ordinance Act 1961 No.12 (GoS)
Freehold land	This is land held from Samoa for an estate in fee simple
Informed consent	Affected are fully knowledgeable about the Project and its implications and consequences and freely agree to participate in the Project
Involuntary	Actions that may be taken without the displaced person’s informed consent or power of choice. World Bank OP 4.12
Involuntary Displacement	Direct economic and social impacts caused by (a) the involuntary taking of land resulting in: (i) relocation or loss of shelter, (ii) loss of assets or access to assets; or (iii) loss of income sources or

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means of livelihood, whether or not the Displaced Persons must move to another location or (b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons. World Bank OP4.12

Involuntary restriction of access

Applicable to easements where 'right of way' is being exercised

Involuntary: Land Acquisition

Compulsory acquiring or involuntary taking, of land by government for public purpose where the landowner must surrender their land involuntarily but retains the right to negotiate and appeal the amount of compensation proposed or terms on which the involuntary acquisition will take place. This includes land or assets for which the owner enjoys uncontested customary rights. World Bank OP4.12

Matai  
Pule

Title holder and representative of extended family in Samoa  
Authority over land established by the Lands and Titles Court in Samoa

Power of choice

Affected persons have the option to agree or disagree with the land acquisition or involuntary measures without adverse consequences imposed formally or informally by the State. World Bank OP4.12

Replacement

A method of valuation of assets which assists in determining the amount sufficient to replace lost assets and cover transaction costs. World Bank OP 4.12

Replacement cost

A method of valuation of assets that helps to determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation of structures and assets to be replaced is not considered to determine the compensation amount necessary to meet full replacement cost. Applies to urban or agricultural land, structures and fixed assets. World Bank OP 4.12

Easement

An easement entitling the owner of a dominant tenement, or in the case of an easement in gross, the person entitled to the easement to pass and repass over the servient tenement. Survey Ordinance Act 1961 No. 12 (GoS)

River protection reserve

The distance of five (5) meters from the top of the riverbanks. Survey Act 2010

Legal road reserve

The legally surveyed public road reserve set aside for road construction

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Limit of Works	The footprint including road pavement, shoulder and drainage infrastructure
Sa’o	The head Matai in the extended family, by virtue of the rank of his/her title
Sui Tamaitai	Generally, refers to the appointed woman representative of the village for Government liaison purposes
Sui o le Nuu	Village Mayor
Voluntary land Donation	Registered landowner (or community for communal/customary land) agrees to provide land or property for Project-related activities. Voluntary contribution is an act of informed consent made with the prior knowledge of other options available and their consequences, including the right not to contribute or transfer the land. It must be obtained without undue coercion or duress, and may still require the compensation for assets on the land (but excludes compensation for land)



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## **Abbreviations**

ARAP	Abbreviated Resettlement Action Plan
CEO	Chief Executive Officer
COEP	Code of Environmental Practice
CTSSU	Central Technical Support Specialist Unit
GCLS	Grievance and Complaints Logging System
GOS	Government of Samoa
GRM	Grievance Redress Mechanism
LTA	Land Transport Authority
LTA	Land Transport Authority – Project Management Division
MOF	Ministry of Finance
MOP	Ministry of Police
MAF	Ministry of Agriculture
MLS	Ministry of Lands and Survey
MWCSD	Ministry of Women, Community and Social Development
MWTI	Ministry of Works, Transport and Infrastructure
MWTI-PMD	Ministry of Works, Transport and Infrastructure – Project Management Division
OP/BP	Operational Policy/Bank Policy
PAP	Project Affected Person
PUMA	Planning Urban Management Agency
WCR	West Coast Road

## **Executive Summary**

This Abbreviated Resettlement Action Plan (ARAP) has been prepared for the River Crossing Replacement of Malie-Afega Bridge along West Coast Road (WCR), Upolu. The ARAP has been prepared in accordance with the Land Acquisition and Resettlement Framework (LARF) approved for the Project, which integrates the requirements for land taking set out in the relevant Samoan legislation and regulations, and the World Bank's Safeguards Policy OP/BP 4.12 Involuntary Resettlement.

### **Project Background**

The Government of Samoa through the Land Transport Authority (LTA) received financing from the World Bank (WB) for the replacing the existing bridge that crosses Afega Stream.

The replacement of the Malie-Afega Bridge (the "River Crossing Replacement" or "Subproject") is located on the West Coast Road between the villages of Malie and Afega, Upolu. The River Crossing Replacement will contribute to the Government of Samoa's objective to upgrade the full length of West Coast Road and improve the climate resilience of the road connections between Apia and Faleolo Airport. The Bridge is the only remaining low point of the road that is not designed to be at least 2.5m above mean sea level. Works for the River Crossing Replacement are expected to commence in Q2 2025.

A preliminary environmental assessment reports (PEAR) dated February 2025 has been prepared to identify and assess the potential environmental and social impacts associated with construction and operation of the subproject.

### **Resettlement Impacts**

Resettlement impacts are based on the cadastral survey conducted to prepare the detailed design of the Subproject. The overall assessment of resettlement impacts is minimal. There will be no physical displacement, only limited economic displacement (loss of crops and structures) with limited land acquisition. There are six (6) lots for affected lands which will be required for these works with also six (6) identified crops owners whom own agricultural crops located along these impacted lands. Nine (9) structure owners were also identified which will require relocation or compensation for their affected structures.

Key aspects of the Subproject will be located on the existing legal road reserve and legal river channel. However, a total area of 985m<sup>2</sup> (6 lots) will be required to be permanently taken to accommodate the River Crossing Replacement. Land acquisition is required for the main purpose of river channel widening and building of gabion walls.

A temporary detour outside the existing legal road reserve is also required which will be accessed through pending land use agreements for the temporary use of land for public purposes (public infrastructural development), as negotiated by LTA. The new roadway approach is proposed within the existing legal road reserve.

## **Compensation Packages**

Compensation for acquired lands, affected crops and other relevant assets/structures will occur at full replacement value. Other minor assets will require reinstatement/rebuilding by the project for families who have opted relocation assistance in lieu of compensation.. Loss of both lands and non-land assets will be compensated at full replacement value in cash upon reaching an agreement with the project affected people (PAPs). Agreements with PAPs will be clearly explained and signed before releasing any compensation. Compensation for any affected assets and lands will be compensated by the Government of Samoa prior to construction commencing.

Based on initial inventory of losses conducted by LTA and estimated land rates provide from MLS, an estimated compensation costs for lands and non-land assets for the Bridge Replacement has been summarized below;

**Table 1: Overall Malie-Afega Estimated Budget**

<b>Impact</b>	<b>Estimated Cost (WST)</b>
Lands	\$197,000
Crops	\$5,169.00
Structures	\$9,000.00
Sub-total	\$211,169.00
20% contingency	\$42,233.80
<b>Total</b>	<b>\$253,402.80</b>

At the time this report was written, several families were still undergoing consultation and negotiations for cost, specifically for structures and temporary land use. Considering this, added to the overall compensation amount is a 20% contingency to cover for any unforeseen or unaccounted losses for both Malie-Afega. This overall cost was submitted to MOF to secure funds for compensation.

## **Resettlement Implementation**

The LTA has overall responsibility for the full implementation of this ARAP with assistance from the supervision team and the Ministry of Works, Transport and Infrastructure-Project Management team (MWTI-PMD). MLS will lead land-taking processes including consultations and negotiations with landowners and compensation for the acquired lands with assistance from LTA when needed. LTA will be responsible for consultation with project affected persons (PAP) regarding compensation for affected assets with assistance from the supervision team. The Ministry of Finance (MOF) who is the executive agency (EA) of the project will be responsible to ensure sufficient funds are available and a timely disbursement of compensation payments.

ARAP implementation will be conducted through the phases described in table 2 below.

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**Table2: Proposed ARAP Implementation Schedule**

<b>Item</b>	<b>Action</b>	<b>Estimated completion date</b>	<b>Responsible Agency</b>
<b>A</b>	Approval of ARAP	March 2025	LTA, World Bank
<b>B</b>	Consultation and disclosure of ARAP	April 2025	LTA, Supervising Consultant, TISCD-MWTI
<b>Resettlement Activities</b>			
<b>1</b>	<p><b>Land consultation and negotiation</b></p> <p><b>Phase 1</b> - determination of lands to be taken and determination of compensation value in accordance with the Lands Taking Act 1964</p> <ul style="list-style-type: none"> <li>- consultation with known pule of customary lands to be taken <b>(completed – Aug/Sep 2024)</b></li> <li>- survey and plan of lands to be taken <b>(completed – Oct 2024)</b></li> <li>- ascertain pule over customary land with Lands &amp; Title Court <b>(April 2025)</b></li> <li>- notice of intention for 28 days <b>April 2025)</b></li> <li>- valuation of lands to be taken for public purpose <b>(April 2025)</b></li> <li>- 1<sup>st</sup> formal consultation with pule to discuss the values of the lands to be taken for compensation <b>(May 2025)</b></li> <li>- preparation of proclamation for approval of HoS for registration <b>(April 2025)</b></li> <li>- final formal consultation and resolution of any land related grievances <b>(May 2025)</b></li> <li>- execution of the final agreement between two parties for land taking and compensation amount <b>(May 2025)</b></li> </ul>	Prior to Subproject implementation	MLS
<b>2.</b>	<b>Inventory of Losses</b>	Prior to Subproject implementation	LTA



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<b>4.</b>	<p><b>Consultation and Awareness</b></p> <p><b>Phase 4</b> - Community engagement and awareness to support construction works, including adequate notice of works and ongoing engagement to identify any additional issues and tasks required under this ARAP, including actions to minimize resettlement impacts. <b>(May 2025)</b></p>	<p>During contractor mobilization</p> <p>Prior to full possession of site</p>	<p>LTA with supervision team.</p> <p>Contractor involved once on-board</p>
<b>5.</b>	<p><b>Rehabilitation works</b></p> <p><b>Phase 5</b> - Rehabilitation of lands affected by temporary works shall be completed prior to the contractor de-mobilization stage. <b>(February 2026)</b></p>	<p>Prior to completion of Subproject implementation</p>	<p>Contractor overseen by LTA</p>
<b>6.</b>	<p>ARAP Compliance Report <b>(May 2025)</b></p> <ul style="list-style-type: none"> <li>- documentation to confirm payment in full of compensation amount for lands taken for the Subproject for public purpose</li> <li>- documentation to confirm payment in full of full replacement cost of lost assets and crops</li> <li>- documentation to confirm payment in full of agreed lease amount of lease land for temporary works</li> <li>- documentation to confirm rehabilitation of lease land after use for temporary works</li> <li>- WB no objection.</li> </ul>	<p>Prior to completion of Subproject implementation</p>	<p>LTA</p>

**Grievances**

A Grievance Redress Mechanism will be in place for PAPs to lodge any grievance or complaints in relation to the existing Subproject.

The public is encouraged to lodge their complaints, grievances and/or requests through:

- **Written letter** – addressed to the LTA CEO
- **Social Media** – Facebook ‘Land Transport Authority – Samoa’
- **Office landline** – Number (685) 26740, or

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- **In person** – complainants may visit the Authority directly at the main office, Vaitele.

**Monitoring and Reporting**

The purpose of resettlement monitoring is to verify that actions and commitments described in the ARAP are implemented. The Project Safeguards Officers will monitor and report regularly to the World Bank (WB) through reporting provided by the MWTI-PMD with assistance from the Central Technical Support Specialist Unit (CTSSU). LTA will ensure an ARAP completion report is prepared and submitted to the WB with appropriate supporting documentation to confirm all compensation and other resettlement measures have been delivered.

## **1 INTRODUCTION**

This Abbreviated Resettlement Action Plan has been prepared for the River Crossing Replacement of the Malie-Afega Bridge (the “Subproject” or “River Crossing Replacement”).

This River Crossing Replacement is being built under the World Bank financed Samoa Climate Resilient Transport Project (SCRTP the “Project”). The Implementing Agency and Proponent for the Project is the Land Transport Authority (LTA).

The ARAP has been prepared in accordance with the Land Acquisition and Resettlement Framework (LARF) approved for the Project, which integrates the requirements for land taking set out in the relevant Samoa legislation and regulations, and the World Bank’s Safeguards Policy OP/BP 4.12 Involuntary Resettlement.

### **1.1 Subproject Description**

The Government of Samoa through the LTA is replacing the existing bridge that crosses Afega Stream (Figure 1-1) with a new multi-cell box culvert. The Bridge is located on West Coast Road between the villages of Malie and Afega, Upolu - it is the only bridge on this road (Figure 1-2). The Project will contribute to the Government of Samoa’s objective to upgrade the full length of West Coast Road and improve the climate resilience of the road connections between Apia and Faleolo Airport. The River Crossing Replacement is vital as it is the only remaining low point of the road that is not designed to be at least 2.5m above mean sea level.

The key features of the Subproject are shown in Figure 1-4 and include:

- Demolition and removal of the existing bridge across Afega Stream
- Construction of a new six cell box culvert with an overall length of 26.8m
- Raising the road crossing level by approximately 2m above the existing bridge deck level
- Installation of guardrail barriers along both sides of the eastern and western approach
- Two 3.5m wide traffic lanes with 0.7m shoulders
- 1.5m wide footpaths on both sides of the new stream crossing and steel railings
- Installation of erosion protection approximately 50m upstream and 30m downstream of the new crossing abutments. This will be a new rock-filled gabion floodwall with a crest height of 2m
- Installation of a box culvert at chainage 150 to allow stormwater to flow under the existing road embankment
- Upgrade and tie-in of the road embankment and surface each side of the new crossing. Approximately 180m on the eastern approach and 80m on the western approach
- A temporary 6.5m wide two lane, sealed vehicle bypass located on the northern side of the new crossing placement. The bypass will include 3 culverts within the stream channel (Figure 1-3).

This design was selected following a rigorous assessment of nine original and five shortlisted bridge design options. This final design was selected based on increased clearance and ability to pass the 50-year storm event, minimising economic displacement and its cost effectiveness.



Construction is anticipated to take approximately 8 months to complete and may require up to approximately 50 construction and site management personnel to be on site each day.



Figure 1-1: Existing Malie-Afega Bridge

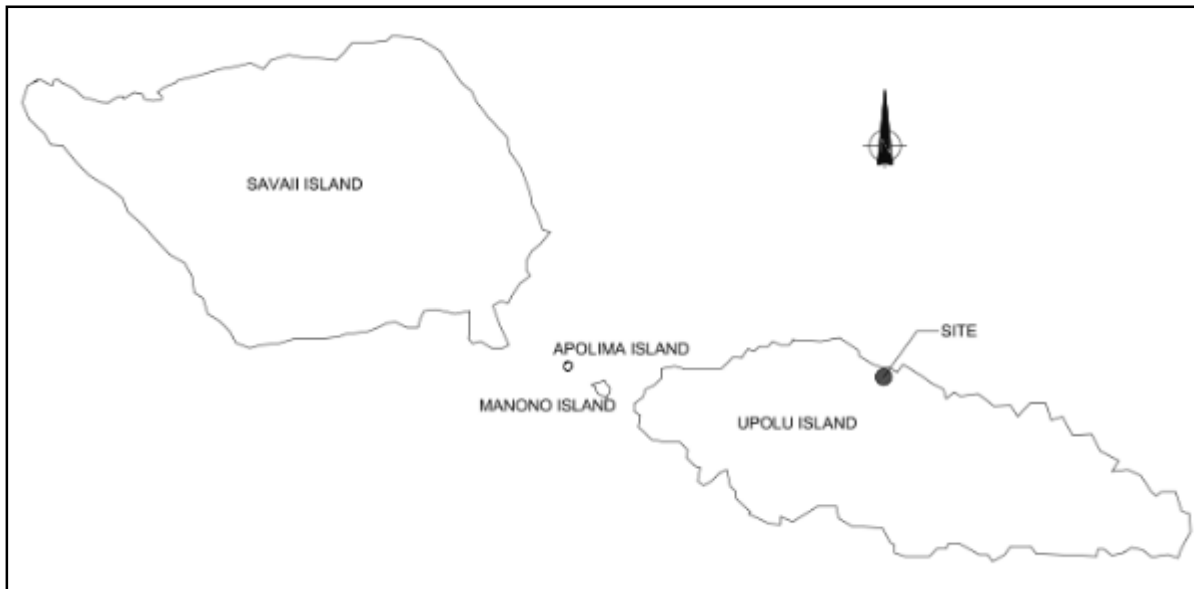


Figure 1-2: Project location



Figure 1-3: Temporary detour

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**Figure 1-4: Key features of the replacement bridge**

## **2 SOCIO-ECONOMIC CHARACTERISTICS**

### **Sagaga Le Usoga District**

The Subproject is located within the Sagaga Le Usoga District, approximately 10 kilometres west of Apia. The district contains the coastal village of Afega located on a large headland and the low-lying coastal villages of Tuana'i and Malie on either side of the stream to Afega. The Sagaga Le Usoga District currently has a population of 5,652 persons (2016 Census Preliminary). District development is mostly near the coast although some families are settled further inland, which is largely agricultural land.

The West Coast Road is an important part of the district's infrastructure. It is the main access route to Apia for employment, hospitals and schools as well as the airport, wharf and other districts. From West Coast Road, side roads to village plantations extend inland. They are generally in good condition and are sealed for the first kilometre. Services such as water, power and telephone follow the West Coast Road and generally extend inland along secondary roads for 1km.

The district supports a secondary school, several primary schools, several churches and a medical facility that operates as a Community Health Care Centre. The economy of the district is dominated by traditional work in plantations, agriculture and fishing. A large portion of the working age population travel to Apia daily for paid employment. Many families sell fresh produce and fish from roadside stalls along West Coast Road. There are no commercial shops located within 500m of the Subproject site.

### **Villages of Afega and Malie**

The existing bridge is situated in a coastal low-lying area with adjoining areas intensively developed by the villages of Afega and Malie. Village settlement is made up of individual buildings including houses, sites of heritage, historical, traditional and cultural importance, and land use for agricultural purpose.

Malie and Afega are traditional Samoan villages (nuu mavae) and the village council (fono o matai) is the executive and judicial authority of the village. Afega and Malie have their own Village Fono (council). The Village Fono Amendment Act 2017 provides the recognition and protection of Village Fono and to confer the exercise of power and authority by Village Fono in accordance with custom and usage of their village. The primary role of the village council is to maintain peace and harmony within the village. Christian values such as evening prayers (faigalotu afiafi) and Sunday worship are practiced in the villages and are enforced by the village council.

The Afega stream is not used by the villages of Afega and Malie for any domestic purpose. Some individual buildings and houses are located on the riverbank and sanitation practices and facilities are likely to impact on the quality of the stream. An informal temporary crossing of Afega Stream is located approximately 100m upstream of the bridge.

### **Land Tenure**

The designated legal road reserve is 20 metres wide and is state land. Outside of the designated road reserve boundary, the majority of land is customary owned by the village of Afega which is situated on the west side of the existing bridge and extends inland on both east and west sides of the Afega stream. Customary land belonging to the village of Malie is limited on the coastal

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area on the east side of the existing bridge and extends eastward along the coast. A portion of a reclaimed land located on the western side of the bridge on the seaside is currently being leased.

**Household Characteristics**

A household socio-economic survey for 13 potentially affected households in Afega-Malie was conducted in September 2024.

**Table 2: Malie- Afega household Socio-economic characteristics**

Land	All affected households live on customary land. Most (85%) have a landholding of under 5 acres with the remainder (15%) having 5 or more acres
Crops	88% of household have crops (including coconut, banana, yam, breadfruit tree, vegetables) while 12% do not have crops
Education	46% Secondary, 38% Tertiary, 8% Primary, 8% government community education and awareness programme
Household source of income	17% reported formal employment, 9% seasonal work, 4% trades, 4% vendor market, 13% agriculture/farming, 30% remittance, 13% pension, and 9% reported other income sources i.e. taxi driver, sowing
Child dependency	<ul style="list-style-type: none"> <li>• 51% in the 0-10 age group</li> <li>• 22% in the 11-16 age group</li> <li>• 27% in the 16+ age group</li> </ul>
Age of household head	<ul style="list-style-type: none"> <li>• 8% are in the age group 40-44</li> <li>• 15% are in the age group 45-49</li> <li>• 77% are in the age group 50+</li> </ul>
Single parent households	Thirty-one percent (31%) of households identified as a single-parent household which is a form of disadvantage in terms of factors related to well-being, access to emergency funds, and poverty
Mode of transportation	Private vehicles (85%), bus (15%)
Special needs	46% of households reported having a household member with special needs
Religion	All households reported being affiliation with a local Christian church: SDA, Methodist, Church of Christ, Assembly of God, or Church of Jesus Christ of Latter-day Saints
Graves	All households reported having individual graves or a family cemetery on their property.

### 3 LEGAL POLICY & FRAMEWORK

This ARAP is prepared in accordance with the approved Land Acquisition and Resettlement Framework (LARF) incorporating regulations and policies for both the Government of Samoa and World Bank’s O.P 4.12 Involuntary Resettlement.

#### 3.1 Applicable Samoan Policy and Legal Framework

The applicable laws, regulations and guidelines of Samoa are presented in table 3 below.

**Table 3: Samoan Law and Policies on Resettlement**

Name of Act	Application/Remarks
<b>The Constitution</b>	<p>As the Supreme law of the land, states that ‘no property shall be taken possession of compulsorily and no right over interest in any property shall be acquired compulsorily’ (Clause 14). The Constitution does however allow for compulsory acquisition for public purposes and the following provisions apply:</p> <ul style="list-style-type: none"> <li>• Payment within a reasonable time of adequate compensation;</li> <li>• Right to access the Supreme Court regarding the amount of compensation; and</li> <li>• Right of appeal to the Supreme Court.</li> </ul> <p>The GOS has limited power of eminent domain which is the power of the government to take private property and convert it for public purpose.</p>
<b>Property Law Act 1952</b>	<p>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).</p>
<b>Taking of Land Act 1964</b>	<p>Establishes the taking of lands for ‘public purposes’ (i.e. alienation of freehold or customary land). Once land is identified for acquisition reasonable notice (e.g. one month) is required to be given to the owner or occupier of freehold land or the <i>matai</i> who has the <i>pule</i> over customary land. Public notice of 28 days is allowed for any objections. If no written objection is received, the Minister may then proceed to take the land by Proclamation. This Act briefly refers to easements, where a proclamation is the basis for acquiring an easement. It also provides for compensation entitlements (s11, 25, 37).</p>
<b>Land Titles Registration Act 2008 and regulations (LTRA)</b>	<p>Regulates the property title registration system and rules for land transactions. Part 9 details easements and deed of restriction due to easements, and Part 13 outlines compensation by government. The terms in the LTRA provide for the rights and responsibilities of the dominant and servient tenements. This Act does not apply to customary land and only deals with private easements on freehold land.</p>
<b>Survey Act 2010 and regulations</b>	<p>Require existing and proposed easements (either easements in gross, or dominant or servient tenement) to be clearly shown on a survey plan (s19, 24).</p>

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Name of Act	Application/Remarks
<b>Alienation of Customary Land Act 1965</b>	By lease of the land to a person determined by the matai of the family. The Minister of Lands is appointed by the Alienation of Customary Land Act 1965 to act for and on behalf of all beneficial owners in signing a lease for registration. The Alienation of Customary Lands Act 1965 does not permit the creation of easements over customary land but provides provisions for the granting of leases and licenses.
<b>Land Transport Authority Act 2007</b>	<p>(a) regulate and control all or any means of land transport in accordance with any Act under which it exercises authority, and any regulations made under this Act.</p> <p>(b) do all acts matters and things as it considers necessary, expedient or desirable for discharging its functions relating to planning, designing, supervising, constructing and maintaining national roads and land transport infrastructure throughout Samoa.</p> <p>(c) Take such steps and to do all such acts, matters, and things as it considers necessary, expedient or desirable for discharging its functions relating to road use management in Samoa.</p>
<b>The Lands, Surveys and Environment Act 1989</b>	Includes the process for the alienation of Government land. 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 as ownerless property. There are a variety of controls under this Act on both leases and sales of Government land. Applications from the public are called for leases and tenders may be called for sales. Leases have to be in the approved form and subject to the covenants and conditions imposed by the Land Board not exceeding 20 years. In Samoa, land within three meters of a natural watercourse is public land over whose property it flows, and maintenance of the watercourse is therefore the responsibility of the government.
<b>Land Valuation Act 2010</b>	To regulate the practice of land valuations by the registration and licensing of qualified land valuers' and the prescription of requirements for land valuations and the application of a formula valuation system, and for related purposes.
<b>Samoa Code of Environmental Practice 2007</b>	The authority for COEP is given in the Planning and Urban Management Act 2004 (PUM ACT). Section 46(e) allows the Planning and Urban Management Agency (PUMA), when assessing a development application, to consider: "Any strategic plan, policy statement, development standards, guideline, or the like, which has been adopted by a public authority;" Section 9(b)(iv) of the PUM Act allows the PUM Board to meet its objectives by: "preparing and approving Planning Provisions and any requirements, development standards or guidelines provided for by this Act, or which may facilitate its implementation or advance its objectives".

### **3.2 Applicable World Bank Safeguards Policies**

The SCRTP project triggers the OP/BP 4.12 Involuntary Resettlement policy with the following principles to consider and abide by:

- Involuntary resettlement should be avoided where feasible
- Where involuntary resettlement is unavoidable after exploring all possible alternative design options, project affected persons should be fairly compensated for loss of assets (land and/or non-land assets)
- Involuntary resettlement should be treated as an opportunity to improve livelihoods, where affected assets should be reinstated in pre-project condition or better, and compensation should amount to the current market value, or an amount agreed upon with the project affected person
- PAPs should be consulted prior to any decision making, to ensure that mitigation measures and/or benefits of resettlement or loss of assets are appropriate and sustainable.



## **4 ASSESSMENT OF RESETTLEMENT IMPACTS**

### **4.1 Extent of Displacement**

There will be no physical displacement, only limited economic displacement (loss of crops), relocation and compensation of minor structures and land acquisition. Several land owners will require a portion of their lands to be acquired which amounts to up to six land parcels/lots. Six crop owners have been identified while five structure owners identified who will require their structures to be relocated.

### **4.2 Efforts to Minimise Displacement**

Five general design options were originally developed and considered: Options 1 to 5. Options 1,2 and 3 had the same footprint but different technical designs. Options 4 and 5 both had the same footprint (but a different footprint to Options 1-3), but different technical design. Options 4 and 5 were excluded due to factors including likely undesirable substantial land acquisition and resettlement of individual buildings including houses. Options 1, 2 and 3, were shortlisted with Option 3C selected based on increased clearance and ability to pass the 50-year storm event and its cost effectiveness. The option would significantly improve safety for the traveling public, and protection of residents and property assets in the vicinity of the stream outlet; whilst minimising land take and resettlement impacts.

### **4.3 Temporary Displacement**

The temporary vehicle bypass will require the temporary use of approximately 1,400m<sup>2</sup> of customary land within Malie and Afega Villages. Negotiations regarding the temporary leasing of land will be undertaken directly between the Construction Contractor and landowners. Families are being consulted for the temporary use of their land with a lease agreement to be signed once agreed.

### **4.4 Permanent Displacement**

The new flood protection (gabion) walls will require the acquisition of 985m<sup>2</sup> of customary land. The bridge approach roads will be restricted within the existing 20m road reserve. The acquisition of customary land is governed by the land taking process for public purpose defined in the Taking of Lands Act 1964. A total of 6 land parcels will be taken because of the land acquisition impacts of the Subproject. The location of the affected land parcels is shown in Figure 4-1 and details are provided in table 4.

Malie-Afega River Crossing Replacement  
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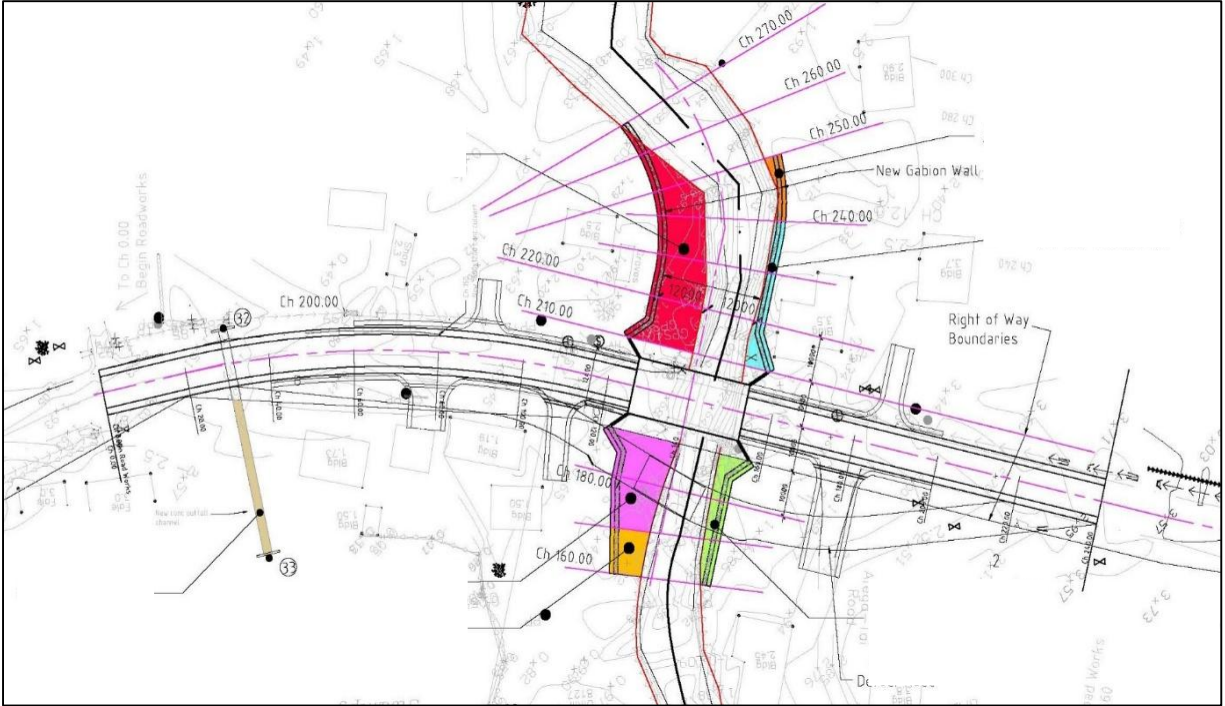


Figure 4-1: Areas of land permanently required

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**Table 4: Description of permanent land acquisition requirements**

Ref no.	Village	Land Acquired (m <sup>2</sup> )	Land Tenure	Family High Chief (Sa'o)	Land use	Land Sensitivity	Project Activities	Evidence of Consultation (timeline)	Outcomes of Consultation with landowner	Outstanding Issues that remain unresolved
1	Malie	242	Customary land	[REDACTED]	Residential	none	Gabion walls	07/05/24 25/07/2024 02/08/2024 24/09/2024	<ul style="list-style-type: none"> <li>No objection from the Pule and occupant/user of the land parcel</li> </ul>	<ul style="list-style-type: none"> <li>Resolution of grievance</li> <li>Compensation of land to be taken</li> <li>MLS to verify Pule from Lands and Title Courts</li> </ul>
2	Malie	41	Customary land	Deceased [REDACTED]  (Family representative)	Residential	Paramount chief tomb	Gabion walls	07/05/24 25/07/2024 02/08/2024 24/09/2024	<ul style="list-style-type: none"> <li>condition of no objection - there shall be no damage to the Paramount chief tomb</li> </ul>	<ul style="list-style-type: none"> <li>Compensation of land to be taken</li> <li>provision of protection for the grave to be discussed in the Project PEAR and Project ESMP, and C-ESMP to specify protection measure</li> <li>rehabilitation of affected areas to be discussed in the Project PEAR and Project ESMP and execution to be specify in the CESMP</li> <li>MLS to verify Pule from Lands and Title Courts</li> </ul>
3	Afega	31	Customary land	Sa'o Deceased [REDACTED]	Residential	none	Gabion walls	07/05/24 25/07/2024 02/08/2024 24/09/2024	<ul style="list-style-type: none"> <li>No objection from the user / occupant</li> </ul>	<ul style="list-style-type: none"> <li>Compensation of land to be taken</li> <li>MLS to verify Pule from Lands and Title Courts</li> </ul>
4	Malie	512	Customary land	[REDACTED] i	Residential	4 x graves	Gabion walls	07/05/24 25/07/2024 02/08/2024 24/09/2024	<ul style="list-style-type: none"> <li>graves are not affected by the stream works</li> <li>objection due to potential flooding and potential damage to graves</li> <li>objection due to significant</li> </ul>	<ul style="list-style-type: none"> <li>Resolution of grievance</li> <li>Compensation of land to be taken</li> <li>provision of protection for the grave to be discussed in the Project PEAR and Project ESMP, and C-ESMP to specify protection measure</li> <li>rehabilitation of affected areas to be discussed in the Project PEAR and Project ESMP and execution to be specify in the CESMP</li> </ul>

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									area propose for land taking in relation to existing land area available for use	<ul style="list-style-type: none"> <li>• MLS to verify Pule from Lands and Title Courts</li> </ul>
5	Afega	124	Customary land	Sa'o Deceased [REDACTED] Family	Residential	none	Gabion walls	07/05/24 25/07/2024 02/08/2024 24/09/2024	<ul style="list-style-type: none"> <li>• objection due to significant area propose for land taking in relation to existing land area available for use</li> </ul>	<ul style="list-style-type: none"> <li>• Resolution of grievance</li> <li>• Compensation of land to be taken</li> <li>• MLS to verify Pule from Lands and Title Courts</li> </ul>
6	Afega	35	Customary land	[REDACTED] <i>(Pule confirmed by Sui ole Nuu)</i>	Residential	none	Gabion walls	07/05/24 25/07/2024 02/08/2024 24/09/2024	<ul style="list-style-type: none"> <li>• no objection</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation of land to be taken</li> <li>• MLS to verify Pule from Lands and Title Courts</li> </ul>
	<b>Total area acquired</b>	<b>985m<sup>2</sup></b>								

#### **4.5 Affected Assets (non-land assets including crops)**

Compensation for affected lands, crops, and identified minor structures will occur at full replacement value. Affected crops are identified from the approved new boundaries required for the stream widening.

These crops and structures are located on the area to be permanently acquired and also along the temporary bypass. Consultations regarding affected crops and structures were conducted by LTA with quantities reconfirmed by crop owners during crop counts. Crop compensation is calculated based on crop rates provided by MAF.

Several minor structures will either be compensated or relocated by the contractor based entirely on the structure owner's preference. Structure owners will be consulted and informed about the two available options for any impacted structure:

- i) Relocation assistance will be provided to the family whereby the contractor will remove and reinstate the impacted structure. The structure will be built/replaced at an equal or better condition from its original condition
- ii) Compensation at replacement cost will be provided to the structure owner to improve or restore the affected structure

An inventory of loss (IOL) was conducted by LTA in September 2024 and included an assessment of economic assets and other structures. The results of the IOL for affected crops and structures are provided in Tables 4-2 and Table 4-3. Location for identified structures are shown in Figure 4-2

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**Table 5: Inventory of Losses (crops)**

Ref No.	Village	Crop Owner	Compensation paid to	Full Replacement Cost Details			
				Crop Name	Crop rate	Qty	Cost
1	Malie	[REDACTED]	[REDACTED]	Egg plant	\$4.00	2	\$8.00
				Yam	\$5.00	2	\$10.00
				pawpaw	\$30.00	6	\$180.00
				Mango	\$50.00	2	\$100.00
				Poumuli	\$20.00	3	\$60.00
				Lemon	\$50.00	1	\$50.00
				<b>Total</b>			
2	Malie	[REDACTED]	[REDACTED]	coconut	\$100.00	13	\$1,300.00
				<b>Total</b>			<b>\$1,300.00</b>
3	Afega	[REDACTED]	[REDACTED]	Laupele	WS\$5.00	5	\$25.00
				Coconut	WS\$100.00	10	\$1,000.00
				Pineapple	WS\$7.00	20	\$140.00
				Lau fala/ pandanus	WS\$20.00	30	\$600.00
				Ulu	WS\$80.00	1	\$80.00
				Pawpaw	WS\$30.00	1	\$30.00
				<b>Estimated Full Replacement Cost</b>			<b>WS\$1,875.00</b>
4	Afega	[REDACTED]	[REDACTED]	coconut	WS\$100.00	1	WS\$100.00
				esi	WS\$30.00	1	WS\$30.00
				Bananas	WS\$50.00	3	WS\$150.00
				Pineapple	WS\$7.00	3	WS\$21.00
				<b>Estimated Full Replacement Cost</b>			<b>WS\$301.00</b>
5	Afega	[REDACTED]	[REDACTED]	egg plant	\$4.00	10	\$40.00
				banana	\$50.00	10	\$500.00
				laupele	\$5.00	8	\$40.00
				yam	\$5.00	8	\$40.00
				taro	\$5.00	30	\$150.00
				guava	\$50.00	1	\$50.00
				lemon	\$50.00	1	\$50.00
				pumpkin	\$15.00	1	\$15.00
				<b>Estimated Full Replacement Cost</b>			<b>WS\$885.00</b>
6	Malie	[REDACTED]	[REDACTED]	Coconut	WS\$100.00	4	\$400.00
				<b>Estimated Full Replacement Cost</b>			<b>WS\$400.00</b>

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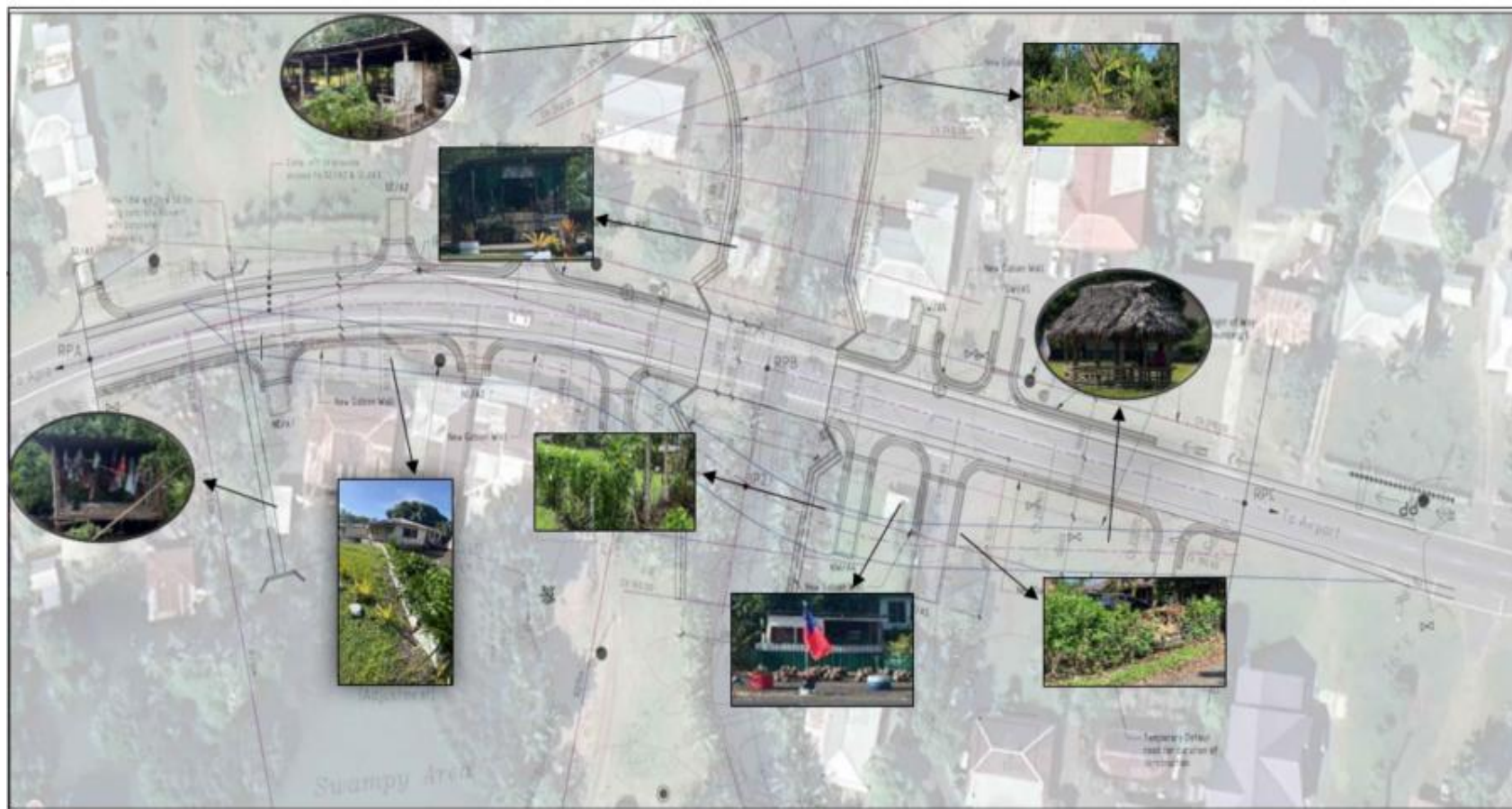
<b>Total Crop Compensation</b>	<b>\$5,169.00</b>
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**Table 6: Inventory of losses (structures)**

Ref No.	Village	Structure type	Structure Owner	Compensate/Reinstate	Purpose for Relocation
1	Malie	Market Stall	[REDACTED]	Compensate	Wingwall and gabion wall construction
1.1	Malie	Cement Slap (for market stall)	[REDACTED]	Compensation	Wingwall and gabion wall construction
2	Malie	Outdoor Kitchen	[REDACTED]	Compensate	Gabion wall
3	Malie	Cement rock-wall	[REDACTED]	Reinstate	Temporary Bypass
4	Malie	Outdoor open fale	[REDACTED]	Compensate	Easement
5	Afega	Market stall	[REDACTED]	Compensate	Temporary Bypass
6	Afega	Barb wire fence	[REDACTED]	Reinstate	Temporary Bypass
7	Afega	Chain-linked fence	[REDACTED]	Reinstate	Temporary bypass
8	Afega	Chicken fence	[REDACTED]	Reinstate	Gabion wall construction
9	Afega	Village Samoa Fale (Falesamoa)	[REDACTED]	Reinstate	Temporary Bypass

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Figure 4-2 (Structure Type and Location)





## 4.6 Eligibility Criteria and Entitlements

### 4.6.1 Eligibility

Compensation and other resettlement assistance to be provided will be guided by the following criteria, as set out in the LARF (Table 4-).

**Table 4-4. Eligibility criteria**

Category of Affected Person	Eligibility for Compensation or Assistance
I. Those who have formal legal rights to land, building or fixed assets on the land and buildings taken by the Project (including customary and traditional rights recognized under the laws of the Borrower)	Eligible for compensation for land or assets they lose, and other assistance at full replacement cost. Where persons are identified as losing more than 10 percent of their productive land area or assets, they receive additional assistance for livelihood restoration.
II. Those who do not have formal legal rights to land, building or fixed assets on the land and buildings taken by the Project at the time the census begins but have a claim to such land, building or fixed assets on the land and buildings taken by the Project (provided that such claims are recognized under the laws of the Borrower or become recognized through a process identified in the ARAP)	Eligible for compensation for land or assets they lose, and other assistance at full replacement cost. Where persons are identified as losing more than 10 percent of their productive land area (e.g., land Used for cultivation or grazing), they receive additional Assistance for livelihood restoration.
III. Those who have no recognizable legal right or claim to the land, building or fixed assets they are occupying	Shall be provided assistance (in lieu of compensation for the land, buildings or other fixed assets being taken by the Project) sufficient to achieve the objectives set forth in this Framework, if they occupy the Project area prior to the census cut-off date.
IV. Those who are subject to involuntarily restriction of access to land or assets, or temporary closure of business	Shall be provided assistance (in lieu of compensation for the land, buildings or other fixed assets being taken by the Project). Where a commercial enterprise (e.g., shop or vendor) is required to close temporarily, the owner or operator is compensated for temporary loss of profits.
V. Persons who voluntarily consent to gifting land as donation for easement or Project purpose provided that it benefits their community	Compensation at replacement value for any asset lost by virtue of donated land (but compensation for loss of land does not apply).

### 4.6.2 Entitlement Matrix

The payment of compensation will be negotiated/determined using the following matrix in accordance with the LARF in table 7 below.

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**Table 7: Eligibility criteria**

<b>Land use</b>	<b>Type of Loss</b>	<b>Nature of impact</b>	<b>Compensation Measure</b>
<b>Agriculture or productive land on freehold or customary land</b>	Involuntary acquisition	Permanent	Compensation based on market value derived by using the Sales Comparison Approach
	Restriction of land use (easement)	Permanent	Agreement with landowners to utilize part of land – No cash compensation for land as land is not acquired (ownership will not change)
	Voluntary donation of land	Permanent	Compensation and/or moving assistance for crops, gardens, fences and other assets lost due to donation
	Removal of temporary structure	Temporary	Moving assistance
<b>Residential or urban land on freehold or customary land</b>	Involuntary acquisition	Permanent	Compensation based on market value derived by using the Sales Comparison Approach
	Damage to or loss of asses, fences, driveways, garden hedges, kiosks, trees, crops etc.	Permanent/ Temporary	Reinstatement of full replacement cost of removed assets or plants; compensation for crops/edible plants based on Ministry of Agriculture Schedule of Payments for crop damage for the current year; Moving assistance where applicable.
	Restriction of land use (easement) and temporary use (land use agreement)	Permanent	Agreement with landowners to utilize part of land – No cash compensation for land as land is not acquired (ownership will not change)
	Voluntary donation of land	Permanent	Compensation and/or moving assistance for crops, gardens, fences and other assets lost due to donation
	Removal of temporary structure	Temporary	Moving assistance
<b>Business or commercial property</b>	Disruption to business during works	Temporary	Compensation based on loss of income or profit (net average)
<b>Community facilities (schools, recreation areas, cultural sites, utilities)</b>	Disruption to services	Temporary	Restored at no cost to the community in negotiation with the community.

## **4.7 Cut-Off Date**

The cut-off date for the River Crossing Replacement is 24 September 2024 for the Maile side of the river is and 1 October for the Afega side. This is the date that the assets surveys/inventory of loss was conducted. These dates were widely communicated to the communities at the time of the surveys. The asset surveys were conducted jointly by LTA, MWTI-PMD and the Supervising Consultants TGA.

## **4.8 Types of losses, compensation measures and rates**

### **4.8.1 Land Acquisition & Easements**

#### *4.8.1.1 Land Acquisition*

Six land parcels within the River Crossing Replacement Subproject area will be financially compensated upon reaching an agreement with the legal landowner/PAP in accordance with the principles set out in the LARF. This work was conducted by the Lands Division in MLS (refer MLS – Annex 4 - Land Valuation Report).

The land valuation methodology is based on the following:

- The current market value using the Sales Comparison Approach
- The affected lots are valued according to current use and status with the total amount of compensation payable based on current market value
- The valuation does not take into consideration the value of crops and other plants, loss resulting from damage to infrastructure and loss of business goodwill and profits.

A uniform rate of SAT\$200/m<sup>2</sup> is used to compensate the area of land to be acquired.

Names of rightful PAPs for some customary owned lots are being confirmed by MLS. Where rightful PAPs are yet to be confirmed, compensation funds owed will be deposited in an escrow account and will be paid once names or rightful owners are confirmed.

#### *4.8.1.2 Easement*

A drainage easement totally approximately 72m<sup>2</sup> will be constructed and resulting in restricted land use. No land acquisition is required for this easement thus, this will be secured via an easement agreement and therefore land still remains under government ownership. The family currently leasing and residing on this land will be consulted regarding proposed easement along with its possible impacts prior to construction works commencing. Details are provided in table 8.

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**Table 8: Easement details**

Ref no	Village	Area of land (m <sup>2</sup> )	Land Tenure	Land use	Land Sensitivity	Project Activities	Comments
1	Malie	72	Government land/Lessee [REDACTED]	Residential	1 x grave	New drainage easement	<ul style="list-style-type: none"> <li>• Grave is not affected by the alignment of the concrete culvert and concrete headwalls</li> <li>• No contact made with the lessee as he resides overseas</li> <li>• Occupant was reluctant to provide a contact number due to suspected internal family friction</li> <li>• Occupant objective to the additional drainage works due to potential impacts of the grave</li> <li>• Occupant recommended to extend project scope inland to address inland flooding and avoid the impact on the land</li> </ul>

#### *4.8.1.3 Non-land assets*

Affected crops will be compensated using approved rates provided from the Ministry of Agriculture (MAF) which was used in 2016 for the World-funded Vaitele Street project. These rates were subsequently increased with approval by the LTA-PMD Manager during implementation of CRWCR Package 1 works. This is due to the increase in market for the crops. A summary of the revised rates is provided in Annex 1.

Affected structures will either be (a) reinstated in pre-project condition or better outside the reserve, or (b) fairly compensated in cash upon reaching an agreement with the PAPs.

Other non-land assets owned by the village councils and communities including pre-schools, primary and secondary schools, village’s pools, driveways and utilities will be consulted first by LTA prior and restore if affected by the any related works with full costs to be covered under the Subproject.

#### *4.8.1.4 Business or commercial property*

It is anticipated, based on survey results and community engagement, that the Replacement River Crossing can be built without businesses or commercial property being impacted relevant for compensation. Management Plans, including adequate communication activities, will be prepared as required to ensure that any negative impacts on local impacts are avoided and minimized.

Any commercial structures, such as stalls and stores that are affected will either be (a) reinstated in pre-project condition or better outside the reserve; or (b) fairly compensated in cash upon reaching an agreement with the PAPs.

Where considered necessary, owners will be consulted and receive cash compensation for the income loss during Subproject implementation.

#### 4.8.1.5 Residences

It is anticipated, based on survey results and community engagement, that the River Crossing Replacement can be built without residences being impacted relevant for compensation. Management Plans, including adequate communication activities, will be prepared to ensure the safety of those living in each nearby dwelling.

## 5 COMPENSATION PACKAGES

Base on initial inventory of losses conducted by LTA and estimated land rates provide from MLS, an estimated compensation costs for lands and non-land assets for the Bridge Replacement has been summarized below;

<b>Impact</b>	<b>Estimated Cost (WST)</b>
Lands	\$197,000
Crops	\$5,169.00
Structures	\$9,000.00
Sub-total	\$211,169.00
20% contingency	\$42,233.80
<b>Total</b>	<b>\$253,402.80</b>

#### **Overall Malie- Afega Estimated Budget**

At the time this report was written, several families were still undergoing consultation and negotiations for cost, specifically for structures and temporary land use. Considering this, added to the overall compensation amount is a 20% contingency to cover for any unforeseen or unaccounted losses for Malie-Afega.

As per the Land Acquisition and Resettlement Framework all compensation for land, loss of livelihood/business, crops and/or assets shall be paid prior to commencement date of civil works. Payments for uncollected land compensation due to lack of clarity of an authorized representative of a landowner shall be put in a special or escrow account until matters are resolved with the families.

## **ARAP IMPLEMENTATION**

### **5.1 Organizational Arrangements**

#### **➤ LTA – Land Transport Authority**

The LTA is the implementing agency with overall responsibility for the full implementation of the ARAP. LTA leads in conducting crop-counts/inventory of losses within the road reserve and on easements. LTA works closely with the MLS in conducting consultations for land-taking and compensation for acquired land.

The LTA also has the responsibility to ensure the effectiveness of the Grievance Redress Mechanism (GRM) for the Subproject. This involves documenting and uploading any complaints/grievances received onto the shared GRM with the project team. One of the main responsibilities in this regard is proper monitoring and ensuring that the complaint/grievance is resolved in a timely matter. The process in place for PAPs to lodge a complaint is highlighted during consultations, as well as by providing flyers which are handed out during final consultations prior to commencement of civil works. This flyer clearly states the processes as well as providing the contact details.

#### **➤ MLS – Land Management Division**

The lands division is responsible for the land-taking process. The process also involves leading in consultations with affected landowners as well conducting valuation for the acquired land and assets within the area. MLS-LMD plays a critical role in ensuring that landowners/occupiers are fairly compensated in lieu of the acquired land. Land in Samoa is usually a sensitive subject, therefore transparent discussions and fair compensations are critical in ensuring smooth implementation of works. In addition to this, the LMD play a crucial role in implementing the GRM for any disputes on land.

#### **➤ Ministry of Works, Transport and Infrastructure – Transport, Infrastructure Sector Coordination Division (MWTI – PMD)**

The Project Management Division formerly known as the ‘Transport & Infrastructure Sector Coordination Division under the MWTI, comprises of four (4) sectional roles – Procurement, Financial Management, Safeguards and Monitoring and Evaluation. The PMD plays an important role in supporting and assisting the implementing agency with the smooth coordination and monitoring of the ARAP.

#### **➤ Ministry of Finance – Aid Coordination and Debt Management Division**

The MOF who is the executing agency of the project works closely with the LTA as well as MLS in ensuring sufficient funds are available for land and non-land asset compensation. The Ministry of Finance requires the PAP to fill a form with identification details as well as bank account details for disbursement of funds. The Ministry also assists in setting up an escrow account with the Central Bank of Samoa, for funds to be deposited into should there be any unresolved land

disputes over ownership. Disbursement will be subject to reaching common consensus or pending court confirmation of rightful PAP.

➤ **Ministry of Finance – Central Technical Support Specialists Unit “CTSSU”**

The CTSSU is a recently formed division housed at the Ministry of Finance. This division consists of four key experts to assist with ongoing World Bank projects. These personnel include a Safeguards Specialist, Procurement Specialist, Monitoring and Evaluation Specialist and Financial Management Specialist. In specific relation to the ARAP implementation, the Safeguards Specialist will assist the LTA Safeguards Officers in ensuring efficient execution of compensation as well as providing any additional assistance where needed.

➤ **Supervising Consultant – TGA**

The supervision ESHS personnel play a key role by helping in the preparation of the ARAP which includes consultations with the PAP’s, conducting the IOL assessment, and implementation and monitoring of the ARAP. TGA will work with both the contractor and the IA in resolving any complaints and/or grievances that may arise during the construction phase.

➤ **Responsible Contractor**

The responsible contractor will have an ESHS personnel who will manage and monitor ESHS activities during construction. The contractor ESHS and assistant staff will also be responsible in ensuring any complaints that arise during construction phase are recorded and resolved in a timely manner. If complaints are beyond project level control, the contractor has the responsibility to inform the supervising consultant and the Client immediately for timely and proper resolution.

The Contractor also will be responsible for surveying the River Crossing Replacement alignment at the initial stage of works. The Contractor will work together with the supervising consultant and LTA, in ensuring that clearance and grubbing will only commence after disbursement of compensation for affected crops/trees and structures.

The contractor will have overall responsibility in ensuring clearance of assets is done within the road reserve. Any affected structures or crops/trees outside the road reserve will be compensated by the LTA or the Contractor working with LTA.

## **5.2 Implementation Schedule and Budget**

The implementation schedule for this ARAP covers the periods from the approval of the ARAP to the full delivery of all financial compensation as set out in the Entitlement Matrix.

ARAP implementation will be conducted through the following phases:

Phase 1: Determination of lands to be taken and determination of compensation value in accordance with the Lands Taking Act 1964 (completed)

Phase 2: Survey of affected crops and assets and the determination of the full replacement cost in accordance with the LARF (completed)

Phase 3: Compensation and temporary land use agreements. 1) Complete payment of the compensation (at full replacement value) for land and crops, supported by engagement and

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clearly explained written compensation agreements. 2) Determination of lands to be affected by temporary works and finalizing land use agreements before construction commences mobilization stage and prior to full possession of site.

Phase 4: Community engagement and awareness to support construction works, including adequate notice of works and ongoing engagement to identify any additional issues and tasks required under this ARAP, including actions to minimize resettlement impacts.

Phase 5: Rehabilitation of lands affected by temporary works completed prior to the contractor de-mobilization stage.

An ARAP compliance report will be submitted upon completion of these tasks.

### 5.2.1 Schedule

The ARAP Implementation schedule below defines the duration and timing of the key milestones and tasks.

**Proposed ARAP implementation schedule**

<b>Item</b>	<b>Action</b>	<b>Estimated completion date</b>	<b>Responsible Agency</b>
<b>A</b>	Approval of ARAP	March 2025	LTA, World Bank
<b>B</b>	Consultation and disclosure of ARAP	April 2025	LTA, Supervising Consultant, TISCD-MWTI
<b>Resettlement Activities</b>			
<b>1</b>	<p><b>Land consultation and negotiation</b></p> <p><b>Phase 1</b> - determination of lands to be taken and determination of compensation value in accordance with the Lands Taking Act 1964</p> <ul style="list-style-type: none"> <li>- consultation with known pule of customary lands to be taken <b>(completed – Aug/Sep 2024)</b></li> <li>- survey and plan of lands to be taken <b>(completed – Oct 2024)</b></li> <li>- ascertain pule over customary land with Lands &amp; Title Court <b>(April 2025)</b></li> <li>- notice of intention for 28 days <b>April 2025)</b></li> <li>- valuation of lands to be taken for public purpose <b>(April 2025)</b></li> </ul>	Prior to Subproject implementation	MLS





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	<ul style="list-style-type: none"> <li>- Sign lease agreement of lands affected by temporary works</li> <li>- final consultation and resolution of any grievances</li> <li>- execution of land use agreements between the contractor and landowners</li> </ul> <p>Monthly payment of lease land for temporary works</p>	During Subproject implementation	LTA
<b>9.</b>	<p><b>Consultation and Awareness</b></p> <p><b>Phase 4</b> - Community engagement and awareness to support construction works, including adequate notice of works and ongoing engagement to identify any additional issues and tasks required under this ARAP, including actions to minimize resettlement impacts. <b>(May 2025)</b></p>	<p>During contractor mobilization</p> <p>Prior to full possession of site</p>	<p>LTA with supervision team.</p> <p>Contractor involved once on-board</p>
<b>10.</b>	<p><b>Rehabilitation works</b></p> <p><b>Phase 5</b> - Rehabilitation of lands affected by temporary works shall be completed prior to the contractor de-mobilization stage. <b>(February 2026)</b></p>	Prior to completion of Subproject implementation	Contractor overseen by LTA
<b>11.</b>	<p><b>ARAP Compliance Report (May 2025)</b></p> <ul style="list-style-type: none"> <li>- documentation to confirm payment in full of compensation amount for lands taken for the Subproject for public purpose</li> <li>- documentation to confirm payment in full of full replacement cost of lost assets and crops</li> <li>- documentation to confirm payment in full of agreed lease amount of lease land for temporary works</li> <li>- documentation to confirm rehabilitation of lease land after use for temporary works</li> <li>- WB no objection.</li> </ul>	Prior to completion of Subproject implementation	LTA

### 5.2.2 Implementation Budget

A counterpart budget has sent for the Financial Year FY24/25 to the Ministry of Finance to facilitate the implementation (compensation) of the ARAP. An additional request for funds will be submitted to MOF for the next FY25/26 to cover any unanticipated losses.

The estimated compensation costs for the River Crossing Replacement for land compensation amounts up to \$197,000.00 and \$5,169.00 for crop compensation. Impacted structures that will require compensation will amount up to approximately \$9,000.00. A contingency of 20% has been added to account for any/other unforeseen impacts. This brings the overall compensation total to \$253,402.80 for Malie-Afega.

### 5.2.3 Monitoring and Reporting Arrangements

The PMD-Safeguards Officers will monitor and report to the MWTI-PMD and CTSSU on the implementation of the ARAP, with assistance from the supervising consultant.

The purpose of resettlement monitoring is to verify that actions and commitments described in the ARAP are implemented. The areas that will be monitored and reported on include:

- Compensation to PAPs for land to be acquired as well as crops and structures on easement, prior to commencement of civil works
- Recording and compensating PAPs for affected non-land assets required for project works prior to commencement of civil works
- Confirmation of compensation being transferred to the PAP's account, through the assistance from MOF
- Complaints and/or grievances from PAP's to be recorded and resolved in an effective and timely manner.

To ensure that these steps have been taken, and that all relevant procedures have been followed in consultation and follow-up with PAPs, the LTA shall visit all PAPs households directly affected by the Subproject during construction work and report to the Executing Agency (MoF) regarding any grievances or deviations from the agreed process or activities.

LTA will ensure an ARAP compliance report is prepared and submitted to the WB with appropriate supporting documentation to confirm all compensation and other resettlement measures have been delivered, an escrow account is established and disputed funds are deposited prior to the commencement of the works contract, and/or resettlement measures to be delivered during construction are confirmed with LTA and or contractor.

## **6 GRIEVANCE AND REDRESS MECHANISM**

A Grievance Redress Mechanism is a process in place for PAPs to lodge any grievance or complaints in relation to the existing project. It is done through the following levels:

- PAPs have the option to raise the complaints with the village mayor or village council of chiefs for discussions and appropriate, traditional resolutions
- Project director onsite
- The LTA
- As final resort, through court.

Grievances or Complaints are usually due to land dispute on ownership, compensation disbursement, dispute on land boundaries between different lots and rightful ownership of crops. The LTA as well as other agencies work closely to ensure that consultations are held continuously before the start of works, to ensure that disputes do not arise during construction phase. However other issues may arise due to site-specific concerns such as dust and noise pollution, onsite traffic management etc. The ESHS personnel will ensure that proper mitigation measures are put in place to avoid such problems and will be monitored on a regular basis.

The LTA has a process in place for lodging, monitoring and resolving complaints. This process has been used for both local and donor funded projects. The public is encouraged to lodge their complaints, grievances and/or requests through:

- **Written letter** – addressed to the LTA CEO
- **Social Media** – Facebook ‘Land Transport Authority – Samoa’
- **Office landline** – Number (685) 26740 or 26741 for Upolu and 51214 for Savaii
- **In person** – complainants may visit the Authority directly at the main office, Vaitele

The Public Relations Officer within the LTA is responsible for recording and monitoring these complaints/requests, with assistance from the Safeguards Officers in the Project Management Division for any donor funded project related matters.

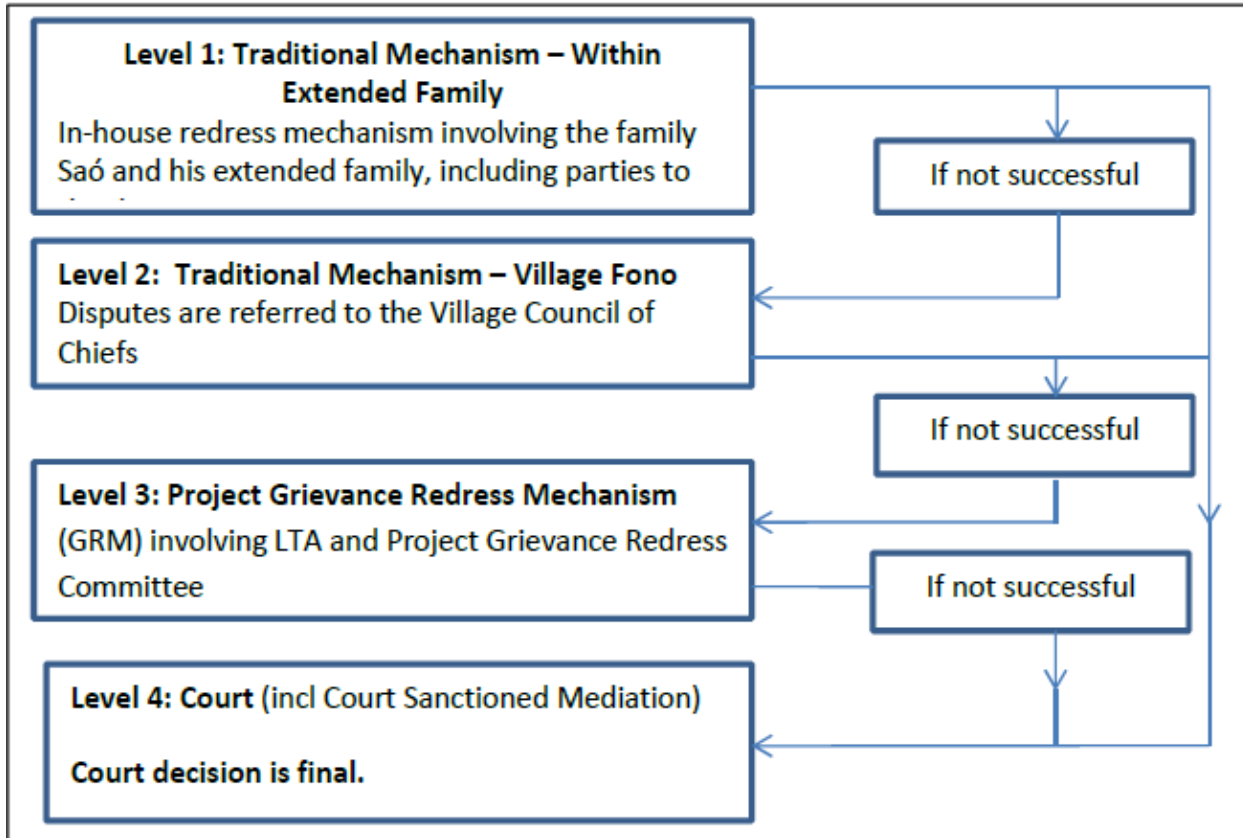


Figure 6-1. Levels of grievance redress mechanism adopted for the Project

### 6.1 Grievance AND Complaints Compliance Team (GCCT)

This committee comprises of members from relevant Ministries that are involved in dealing with community complaints/Grievances. This includes members from LTA-PMD, MWTI-PMD, MWTI-PUMA, MWCSO and MOF. In past projects, complainants usually lodge their complaints, depending on the issue, through the aforementioned Ministries. In light of this, to ensure timely manner of resolution, it is best practice to have designated members within each of these Ministries who are familiar with the projects and are able to accommodate to the complainant’s matter raised or requests.

## **7 PUBLIC CONSULTATION AND ARAP DISCLOSURE**

The overall consultation process for the River Crossing Replacement will involve four stages:

- (i) Awareness-raising with broader community (completed)
- (ii) Identification of affected persons and households and villages (ongoing)
- (iii) Detailed consultation sessions with affected villages and persons (ongoing)
- (iv) Formal notification of works commencement (future task).

### **7.1 Awareness-raising with broader community (completed)**

A series of consultations with stakeholders were held during the Subproject design stage which commenced in 2023. Records of these discussions are provided in Annex 2.

The purpose of the initial public consultation and community engagement was to inform stakeholders about the proposed activities, gather feedback on the design and how the Project may affect them.

Key engagement events have been:

- March 2024: Initial public community meetings were held with Afega Village on 25 and 26 March 2024 and Malie Village on 27 March 2024.

The community meetings were convened using a formal format that allows community members to join and to promote open participation. The meeting was chaired by LTA who provided introductory remarks and overall information about the Subproject. The LTA gave a presentation that covered a Subproject basis and description, potential impacts and affected assets, environmental and social safeguards requirements, grievance redress mechanism and practical considerations.

At the meeting participants asked questions about the following topics, with the project team providing responses:

- Compensation for involuntary customary land taking
- Impacts of survey works for involuntary customary land taking
- Compensation for the temporary use of customary land for the temporary detour
- Protection from inland flooding
- Impacts of approach road works
- Impacts of the Temporary Detour and Additional Drainage
- Impacts on Evening Prayers and Sunday Worship
- Design of the Riprap flood walls.

Village support for the Subproject was provided at the meetings.

- October 2024: Afega Village & Malie Village meetings. This second round of meetings at Afega and Malie were held to provide an update on the Subproject, explain next steps and identify any additional issues not identified through previous engagement. The meetings were useful to clearly explain the footprint and practical considerations of the Subproject, and to gather community feedback to support the land access process and practical considerations for construction.

## **7.2 Identification of affected persons and households (completed)**

Identification of engagement with affected persons and households has occurred through the following activities:

- August-September 2024: Engagement with potentially affected houses as part of completing the household survey
- September 2024: Engagement with the community and particularly individual PAPs as part of completing the survey and inventory of loss exercises
- 10 October 2024, Malie and Afega: Community representatives, MWTI-PMD. Discussions on the change in design and land take estimates for affected communities.

## **7.3 Detailed consultation sessions with affected villages and persons (ongoing)**

There will be ongoing engagement with affected villages and persons as part of the process of providing compensation payments and other Subproject activities.

## **7.4 Formal notification of works commencement (future task).**

Upon receiving approval of the ARAP, the LTA will then proceed with publicly disclosing the document through the LTA website and through social media platform. Hardcopies will also be made available at the LTA office to be uplifted if needed.

There will be engagement with affected villages and households to ensure that adequate notice is provided about the commencements of works. There will be strong engagement with local people to ensure that Subproject social and environmental mitigations are being effectively implemented, with changes made as required.

## 8 ANNEXES

### Annex 1: Crop Compensation Rates

Summary of crop 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



## **Annex 2: Summary of Consultations**

### **Summary of issues raised by the local community for Malie and Afega during March and October 2024**

<b>Issue</b>	<b>Response</b>
<p>Participants raised concern about involuntary customary land taking since the PowerPoint presentation clearly show that customary land would be affected from the construction of the riprap flood walls.</p>	<p>Final land requirements will be confirmed during detailed design and negotiations with affected landowners, including freehold and customary owners. The necessary areas will be surveyed, and applications submitted to the Ministry of Lands for gazetting.</p> <p>Additional consultations with individual households were conducted concerning the footprint required for the originally proposed riprap flood levees to explain potential land impacts. As a result of these consultations the design was modified to replace levees with gabion walls significantly reducing the land acquisition required.</p>
<p>Participants wanted to know more details about social and cultural impacts as a result of surveying works for involuntary customary land taking.</p>	<p>The gravesite located on the eastern stream bank immediately upstream of the crossing would not be physically impacted by the Project. During construction, an exclusion zone would be set up around the site to prevent potential physical impacts from machinery.</p> <p>Further mitigation measures to avoid potential impacts on cultural heritage sites are discussed in the project PEAR.</p>
<p>Participants were concern about the impacts of the temporary detour and wanted to know whether there would be compensation since customary land would be affected during construction. One participant stated that if there is compensation for the temporary use of customary land affected then there is support for the Project.</p>	<p>The detour is a temporary land requirement. No compensation will be provided by LTA given no permanent land is required. Construction contractors will be required to negotiate and sign an agreement with the affected landowner/families for the temporary use of land.</p> <p>[Subsequently clarified through the ARAP process that LTA will secure in agreement for temporary land access before project begins]</p>
<p>A participant raised concern that there is a village spring pool that needs to be protected and ask whether the Project would consider these additional works as compensation for involuntary customary land taking.</p>	<p>The Afega Village Pool, 500m from the Aleisa Stream crossing, will remain unaffected by project activities. Compensation for any land taken will go directly to the affected landowners.</p>
<p>Participants declare their support for the Project because the construction of the riprap flood walls</p>	<p>The Project will include gabion baskets that extend 80m upstream and 50m downstream of the new crossing. These will provide erosion</p>

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<b>Issue</b>	<b>Response</b>
<p>would provide protection from inland flooding and praised the Government for the good initiative.</p> <p>Participants highlighted that the proposed riprap flood walls would protect the households adjoining the proposed riprap flood walls and not the rest of the household located further inland.</p>	<p>protection to the crossing structure and flood protection for properties adjacent to the gabion baskets.</p>
<p>Participants were particularly concern about the impact of inland flooding and acknowledge that this has been an on-going issue. A question was raised whether the riprap flood walls could be extended to about 2km upstream to protect households located further inland.</p>	<p>The primary objective of the Project is providing a climate resilient transport crossing across the Aleisa Stream. An additional benefit of the Project is improved flood protection for properties upstream and downstream of the crossing.</p> <p>Extending the flood protection by an additional 2km would involve substantial land acquisition and costs, which are not aligned with LTA's primary objectives related to road transport.</p>
<p>Participants wanted to know more about the impact of the approach road works particularly if the existing road seal will be removed and would there be road widening that would require involuntary customary land taking.</p>	<p>Excavation works would include removing the existing seal, land filling, and new seal. These works would be limited to within the existing legal road reserve boundary and would not affect customary land. The horizontal alignment of West Coast Road would not be changed.</p>
<p>Participants raised their disapproval of the Project name being "Afega Bridge" which does not include</p> <p>A request was made to change the name of the project to "Malie-Afega Bridge" for future references to the project and for any future village community consultations. The project design must acknowledge that Malie households and customary land are affected by the Project.</p>	<p>Noted. The Project is now referred to the Malie-Afega Crossing.</p>
<p>Participants raised concern about the impact of customary land and households from the construction of the temporary detour and the proposed additional drainage. The main concern is that works proposed outside of the legal road reserve boundary should be compensated and consent from affected households and customary landowners should be obtained.</p>	<p>The detour is a temporary land requirement. No compensation will be provided by LTA given no permanent land is required. Construction contractors will be required to negotiate and sign an agreement with the affect landowner/families for the temporary use of land.</p>
<p>Participants raised concern about impacts such as noise and works carried out during sensitive hours and days.</p>	<p>Construction will be restricted to standard working hours. Assessment of the potential noise impacts are highlighted in the project PEAR</p>
<p>Participants declare their support for the project and that the village council will provide assistance where needed, however consultations with affected</p>	<p>Noted.</p>

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<b>Issue</b>	<b>Response</b>
households and customary landowners must be carried out.	
Participants ask whether the construction of the riprap flood walls could be extended further inland about 200m to protect other households of the village. Also, a comparison was made to the Vaisigano concrete flood walls and a request was made to consider this kind of flood protection instead of riprap flood walls.	<p>The primary objective of the Project is providing a climate resilient transport crossing across the Aleisa Stream. An additional benefit of the Project is improved flood protection for properties upstream and downstream of the crossing.</p> <p>Extending the flood protection would involve substantial land acquisition and costs, which are not aligned with LTA's primary objectives related to road transport.</p>

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## Annex 3: Project Information Brochure



### PULEGA O FELA'UAIGA ILE LAUELEELE

Upega-Tafailagi: [www.lta.gov.ws](http://www.lta.gov.ws)

Telefoni: (685) 26740/41 ext 146

Nofoaga: Vaitele

Fesootaiga: Eileen. Peni.

Imeli: [eileen.peni@lta.gov.ws](mailto:eileen.peni@lta.gov.ws)

### PEPA O FAAMATALAGA LAUTELE

ATINA'E	TOE FAUSIAINA O LE AUALA KOLOSI (SIMA) MA AUALA FESOOTAI I MALIE-AFEGA, UPOLU
FAATUPEINA	FALETUPE OLE LALOLAGI (WORLD BANK)
INISINIA	TINAI GORDON AND ASSOCIATES LIMITED (LEIATAUA M. TOM. TINAI)
TULAGA	<ul style="list-style-type: none"><li>AUALA KOLOSI (SIMA) I LE VAITAFE O AFEGA</li><li>AUALA TELE A LE MALO I AFEGA &amp; MALIE</li></ul>
VAEGA AUTU	<ul style="list-style-type: none"><li>FAAMAUALUGA MA FAALAULETELE LE AUALA KOLOSI (SIMA)</li><li>TOE FAUSIA AUALA FESOOTAI ILE AUALA KOLOSI (SIMA)</li><li>TOE FAUSIA AUALA-UI A AIGA E AAFIA</li><li>FAUSIA TALIVAI-MAA I AUGUTU OLE VAITAFE O AFEGA E PU'E AI TAFEGA</li><li>FAUSIA ALAVAI FOU E PU'E AI SUAVAI O LOLOGA MA FAATAFE ILE SAMI</li></ul>
GALUEGA FAATINO ILE TAIMI NEI	<ul style="list-style-type: none"><li>FAATALANOA AIGA SAMOA E AAFIA FANUA FAALEAGANUU I LE TUAOI MA LE VAITAFE O AFEGA</li><li>FAATALANOA PUIPUIGA O FALE-NOFO, FANUA-TANU, MA ISI MEATOTINO</li><li>TAPA FAAMAONIGA A LE MATAGALUEGA O FANUA MA SUAFA I LE PULE O FANUA FAALEAGANUU</li><li>FAATALANOA LE AVEINA O SE VAEGA O FANUA FAALEAGANUU E MANAOMIA MO LE TALIVAI-MAA</li></ul>

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- FUATAGA O SE VAEGA O FANUA  
FAALEAGANUU E MANAOMIA MO LE TALIVAL-  
MAA
- FAITAUINA O MEATOTO E AAFIA ILE TALIVAL-  
MAA

<b>TAIMI O GALUEGA FAAINO</b>	<b>AUKUSO 2024</b>
<b>GALUEGA FUAFUAINA ILE LUMANAI</b>	<ul style="list-style-type: none"> <li>• FAATINO LE RIPOTI O TAUFUAFUAINA O FANUA UA FUAINA MA MEATOTO UA MAEA ONA FAITAU</li> <li>• FAATALANOA TAUI MA LE PULE O FANUA FAALEAGANUU</li> <li>• FAATALANOA TAUI MA LE PULE O MEATOTO</li> <li>• SAINIA MALIEGA ILE FANUA UA AVEINA, MEATOTO E AAFIA MA LE TAUI UA MALILIE IAI ITU E LUA</li> <li>• TOTOGI TAUI E LE MALO O SAMOA</li> </ul>
<b>TAIMI O GALUEGA FUAFUAINA</b>	<b>SETEMA 2024</b>
<b>TAIMI FUAFUAINA O GALUEGA FAALEKONEKARATE</b>	<b>AMATAGA OLE TAUSAGA FOU</b>