

DRAFT RESETTLEMENT POLICY FRAMEWORK

MICRO 2

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ABBREVIATIONS

AP	Affected People
ARAP	Abbreviated Resettlement Action Plan
CEF	Compensation and Entitlement Form
CERC	Contingency Emergency Response Component
CPMO	Central Project Management Office
DPMS	Department of Marine and Port Services
ESCP	Environmental and Social Commitment Plan
ESIA	Environmental and Social Impact Assessment
ESF	Environmental and Social Framework
ESS	Environmental and Social Standard
ESSA	Environmental and Social Safeguards Advisor
GoTv	Government of Tuvalu
GRM	Grievance Redress Mechanism
IA	Implementing Agency
MICRO	Maritime Investment in Climate Resilient Operations
MOF	Ministry of Finance
MPWIELMD	Ministry of Public Works, Infrastructure, Environment, Labour, Meteorology and Disaster Management
NGP	Non-governmental Organisation
PDO	Proposed Development Objective
PIB	Project Information Bulletin
PMU	Project Management Unit
PSC	Project Steering Committee
RAP	Resettlement Action Plan
RP	Resettlement Plan
RPF	Resettlement Policy Framework
TANGO	Tuvalu Association of Non-Governmental Organisations
TMTI	Tuvalu Maritime Training Institute
TuLEP	Tuvalu Learning Project
WB	World Bank

1 Project Description

1.1 Background

Located approximately 1,100km northeast of Fiji, Tuvalu consists of nine atolls and islands with a total land area of around 26 km². Few of the islands are more than 800 meters wide. Of the nine islands, three are reef islands (Nanumaga, Niutao and Niulakita) and six are atolls (Funafuti, Nanumea, Vaitupu, Nui, Nukulaelae and Nukufetau). The islands are very low-lying with a maximum officially recorded elevation of approximately 4.5 meters. These geographical features combine to expose the country to the impacts of climate change. Storm surges, king tides and floods, which are common occurrences and have intensified due to changes in weather patterns, as well as sea-level rise and more extreme weather events such as tropical storms and cyclones, have resulted in significant damage to the islands and their inhabitants in the past. In 2015 and 2020, Tropical Cyclones Pam and Tino negatively impacted Tuvalu. Both times, Nanumaga, Nanumea and Nukufetau experienced severe damage from cyclone induced storm surges, including the destruction of the boat ramp on the island, partial collapse of shoreline buildings, undermining of some coastal building foundations and structural damage to several other buildings. Within these significant constraints, the best siting of maritime infrastructure is critical to the ongoing climate resilience of these investments. Therefore, access to land and marine areas that provide the best natural features and defenses is crucial to overall project success. This RPF provides the framework within which the best suited land can be accessed in a way that is legally compliant with Tuvaluan laws and customs and compliant with World Bank environmental and social risk management standards.”

The maritime sector is crucial to connecting Tuvalu’s outer islands with the country’s main port in Funafuti. The small size of the outer islands and the infertile soil make inhabitants heavily reliant on shipping operations. Most foodstuffs (excluding local foods, such as fish, breadfruit, root crops, coconuts and some fruits), building materials, and manufactured products, as well as critical emergency relief after natural disasters, are imported from Fiji and distributed among the islands with inter-island vessels. The inter-island vessels visit each island with an average frequency of once every two to three weeks, depending on the length of the route. There is no viable alternative to these vessels as there are no domestic aviation services in the country

1.2 Maritime Investments In Climate Resilient Operations II

The Government of Tuvalu has requested additional support from the World Bank (WB) to develop a stronger, more resilient maritime sector and provide improved access to and from outer islands. The objective of the additional support is to improve the climate resilience of the Nanumaga, Nanumea and Nukufetau Harbours, and in the event of an Eligible Crisis or Emergency, to provide an immediate response to the Eligible Crisis or Emergency. The additional support will be provided through the Maritime Investments in Climate Resilient Operations 2 (MICRO 2).

The proposed development objective (PDO) of MICRO 2 is to improve the climate resilience of maritime infrastructure in Tuvalu. The project consists of (a) construction of 10m workboat harbours in three locations namely Nanumaga, Nanumea; and Nukufetau and (b) supporting infrastructure including construction and/or rehabilitation of road access; reef channels, breakwaters, jetties, small wharves, concrete ramps, public buildings, terminals for passengers, warehousing/storage, and utilities (such as electricity, solar panels, and water systems).

The proposed PDO is to be achieved through the following four components:

COMPONENT 1: SECTORAL AND SPATIAL PLANNING TOOLS. This component includes the development of spatial planning and risk-based tools (GIS mapping) on the islands of Nanumaga, Vaitupu, Nanumea and Nui, and a health outreach campaign on Nanumaga.

COMPONENT 2: CLIMATE RESILIENT MARITIME INFRASTRUCTURE SOLUTIONS. This component will construct resilient maritime, access and utility infrastructure on the islands of Nanumaga, Nanumea, and Nukufetau. This includes widening of existing, or construction of new, reef channels and turning basins to accommodate a 10-m workboat, as well as construction of breakwaters to protect the channels and basins from wave action. It will also include the financing of jetties, small wharves, concrete ramps for fishing vessels and aids to navigation. Coastal protection measures to ensure sustainability and resilience of infrastructure may also be financed. This may also include rehabilitation and/or upgrade of access and utility infrastructure linked to these ports, including access road to ports, electricity (solar panels), water, terminals for passengers, and warehousing/storage areas, would also be considered.

COMPONENT 3: STRENGTHENING THE ENABLING ENVIRONMENT. This includes two sub-components (a) implementation capacity building, which is expected to cover supervision of works, resilience related training and workshops, technical assistance in response to emerging priority issues, and support to the Maritime Training Institute, including revision of syllabus and provision of learning materials. Sub-component (b) includes project management support includes the provision of technical, advisory and administrative support to the Ministry of Public Works, Infrastructure, Environment, Labour, Meteorology and Disaster (MPWIELMD), other line ministries, and the Project Management Unit (PMU) and includes preparation of safeguards documents as well as the provision of office space, equipment, supplies, and financial auditing services.

COMPONENT 4: CONTINGENCY EMERGENCY RESPONSE COMPONENT (CERC). This component finances a response to a natural or man-made disaster or crisis that has caused, or is likely to imminently cause, a major adverse economic and/or social impact. For example, Tuvalu is highly vulnerable to tropical cyclones and has a weak health system so is particularly vulnerable to health disasters.

1.3 Institutional Context

The maritime sector in Tuvalu is overseen by the Department of Marine and Ports Services (DMPS), which is located in the MPWIELMD. DMPS is responsible for administrative matters, management and operations of the ports and management of domestic shipping vessels, including maintenance responsibilities. DMPS is also responsible for technical and policy advice in the sector and certification of the Tuvalu Maritime Training Institute (TMTI). The unit comprises 62 staff, including 2 technical staff, 10 crane operators and 50 vessel crew members for the 3 state-owned domestic vessels. DMPS' budget is limited by the available national fiscal space amidst competing demands. Budgetary over-expenditure, on account of high vessel operating costs, is the norm. The limited technical staff are only able to address the most pressing issues, which leaves little time to develop strategic approaches for the sector. In June 2021, GoTV created the Central Project Management Office (CPMO), within the Ministry of Finance (MOF), as part of the World Bank financed Tuvalu Learning Project (TuLEP). The CPMO is responsible for initiations through to the Managing, Coordinating and Monitoring and Evaluation of donor funded projects.

Institutional context to be updated with details from section 3.

1.4 Resettlement Plan

There will be land required for the investments on Nanumaga, Nanumea and Nukufetau. The extent of land access requirements is still being finalised. The Project may require a combination of government leased, community held (e.g. already leased by the Kaupule) or private land for the landside facilities for the harbours and also require temporary use of private land for activities such as workers accommodations, stockpile and laydown sites. The project may also require permanent restrictions on land use (through leases) for shoreside infrastructure for passenger and cargo facilities and associated infrastructure and potentially for permanent or semi-permanent dredge spoil stockpiles, though this will be confirmed during detailed design. There may also be temporary access restrictions to specific foreshore areas and facilities during the construction phase and potentially changed land use patterns.

To manage potential risks, this Resettlement Policy Framework (RPF) has been developed as the appropriate social risk management instrument. As per the requirements of the MICRO 2 Environmental and Social Commitment Plan (ESCP) a Resettlement Plan (RP) (depending on the scale of resettlement envisaged) will be developed and implemented before any land impacts are felt.

While land will be permanently required, it is not anticipated that there will be substantial resettlement requirements, and no physical displacement is envisaged.

The RPF describes (i) the protocol for voluntary donation where impacts are small, do not affect livelihoods and no compensation is required; and (ii) the policies and procedures regarding involuntary impacts which lead to development of the RAP/ARAP, to be completed in the detailed planning stages of the projects, prior to implementation of the civil works. The RP will be developed in conformance with World Bank Environmental and Social Standard (ESS) 5 for land acquisition, restrictions on land use and involuntary restrictions. If resettlement affects fewer than 200 people, and impacts are minor, an ARAP will be developed. The RAP or ARAP will form part of the agreement between the GoTv and the World Bank. For brevity, the term 'RP' will be used in this document to refer to whichever resettlement instrument is selected.

2 Principles and Objectives

World Bank ESS 5 and similar best international practice planning instruments require projects to meet both national and international social risk management criteria in the planning, delivery, use and impacts of the project.

The objectives of ESS 5 are to:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To avoid forced eviction
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.

- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

Aligned with the objectives of ESS 5, MICRO 2's hierarchy of resettlement will be to avoid resettlement where possible, if avoidance is not possible, then a voluntary transfer of rights¹, negotiated settlement (permanent or temporary lease) is preferred. Involuntary resettlement is the last course of action and is not contemplated for the MICRO 2 Project. APs should be better off, or at least as well off, as before the project. All persons affected by the project are to be consulted throughout the project, have the opportunity to participate in planning, and to share in project benefits. The project should contribute to sustainable development.

There will be no physical displacement of homes for the project. There will be no compulsory acquisition of land for this project.

These principles entrain a process of early identification of stakeholders, and in particular of APs; frank and effective public disclosure of any known impacts; consultation and participation with all sectors of the community to avoid or mitigate negative impacts identified, and to ensure that no person or impact is overlooked; fair, transparent and timely intervention to support APs during implementation, resettlement and restoration of livelihoods; and commitment where possible to improve upon the status quo, particularly for those who may be vulnerable by reason of poverty, ethnicity, gender, age, disability, or social status.

In the present projects, the policy objective to avoid, and where avoidance is not possible, to minimise impacts will inform the final technical design and implementation planning of the works. To ensure that the projects contribute to the objective of sustainable development, the IAs plan comprehensive disclosure and consultation process that includes all stakeholders (see Annex A). The consultation process with APs will reveal all foreseeable impacts and will elicit AP concepts of how mitigation options and resettlement planning can contribute to their aspirations for sustainable restoration or improvement of their livelihoods.

If there is loss of land, and land-based assets, the aim will be to replace like for like, and if this is not possible, to compensate for lost land, assets and income, and meet the costs of relocation and restoration of livelihoods. Restoration includes not only physical assets, but also social and cultural assets. If there is a risk of disruption of these values, which are often disproportionately encountered by women, the APs will contribute to selection of mitigation and resettlement options to ensure policy objectives are met.

¹ Formal, signed domestic-law agreement establishes range and duration of use rights to be transferred, as well as any negotiated terms or considerations.

3 Resettlement Plan Process

3.1 Screening, Preparing and Approving Resettlement Plans

The project will put in place a systematic process and procedures to guide the preparation and implementation of the RPs when required as follows.

3.1.1 Project Social Risks and Impacts Assessment

An Environmental and Social Impact Assessment (ESIA) will be developed for each project site during project implementation based on the preliminary designs to determine the magnitude of likely environmental and social impacts including land acquisition, relocation or loss of shelter, loss of assets or access to assets, or loss of income sources and means of livelihood that will result from the sub-project activity.

Site specific social risk screening or a census will be conducted, and the exercise shall identify potential social and economic impacts of subproject activities on APs. The exercise will be conducted by the ESSA with support from the PMU and in consultation with island Kaupules, and identified landowners

Once proposed harbour locations are known in each of the targeted counties, impact screening exercises will be carried out by the ESSA and PMU in consultation with the WB.

3.1.2 Determining ESS5 Applicability

Once all project sites for permanent infrastructure and ancillary sites are known, the second step is to undertake a census and inventory of assets in the full area of influence of the subcomponent to determine whether ESS 5 applies to the proposed subprojects activities (including any associated facilities, if any) to be implemented by the project. The screening exercises for each subproject including any associated facility activity(ies) should provide answers to the following questions:

- a) Are inhabited dwellings involved? Wherever inhabited dwellings may potentially be affected by a project, a documented effort will be made to relocate the activity to avoid any impact on such dwellings and to avoid displacement/relocation accordingly. However, if such impacts prove unavoidable, the project will prepare the required RPs.
- b) If the project requires publicly owned land, is this land subject to customary claim, squatters, or encroachers? If all the land required for the project is state owned and is not subject to competing customary claims, grazing rights, or squatters or encroachers, ESS 5 is not applied. However, if the land is state-owned but is subject to competing claims, ESS 5 is applied and an RP is required.
- c) How is the land, including publicly owned land, currently used? This question helps to determine the scope of resettlement and livelihood issues in the case of private land, and to identify possible temporary or seasonal use of state-owned land, even though the land may appear to be empty.
- d) Who owns the land? This will be established through the Island Kaupule and the Office of the Prime Minister. Cadastral maps of surrounding land are acquired and the project footprint overlaid. Records from official registries identifying the correct land parcel identifiers obtained. These are verified with the Kaupule and landowners.

- e) What is the rough estimate of resettlement impacts to result from land acquisition? This question helps the project to assess the scale of resettlement and/or economic displacement and determine the proportionality and appropriateness of the resettlement instrument to use.
- f) What are the options for accessing the land? There are likely to be one of four options for accessing land for the purposes of the Project : 1) Use of State Land, 2) Voluntary Transfer of Ownership, 3) Negotiated Settlement for Transfer of Use Rights or Ownership 4) Eminent domain. Site requirements for the MICRO 2 infrastructure are highly site-specific and driven by environmental safeguards factors, thus the application of ESS 5 #4(b)² should be anticipated. Thus, unless otherwise determined, an RP is likely to be required in instances 2-4.

The screening process for resettlement/livelihoods impact will be coordinated with the overall subproject screening.

3.1.3 Preparing a Resettlement Plan

In the preparatory stage, the IA will appoint an environmental and social safeguards advisor reporting to the Project Manager in the Project Management Unit. Where a RP is required, the ESSA will prepare and implement the RP as follows:

- Immediate consultations with relevant senior officials in government stakeholder Ministries and agencies to ensure a whole-of-government approach to the project, and with any critical commercial stakeholders and the airline operators respectively, if required.
- Identification of all land parcels and owners of the parcels in consultation with government stakeholders and the island Kaupule.
- Preparation of Project Information Bulletins (PIB) in Tuvaluan and English describing the project parameters, anticipated impacts, resettlement assistance criteria, and cut-off date for entitlements
- Public disclosure about the project through release of the RP and PIB to the media and the Falekaupule.
- Commencement of the public consultation process for each project after disclosure (see MIRCO Stakeholder Engagement Plan for required process).
- Socioeconomic survey and census of affected persons and assets (Appendix D)
- Ascertaining the severity of impact and whether compensation is required, preparation of voluntary land agreements where owners/users are willing, (see Protocol and form, Appendix E)
- Preparation of an AP profile, asset inventory, draft entitlement matrix and budget for the RP covering involuntary impacts.
- Draft RP including criteria for eligibility, categories recognised, grievance mechanism resettlement process and timeline based on feedback from consultations.
- Disclosure of the Draft RP information.
- Finalisation; GoTv and World Bank Approval of the RP.

² ESS 5 4(b) Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;⁸

- Posting of the RP on the GoTv and World Bank websites.
- Preparation of individual compensation and entitlement forms (CEF) for each AP, specifying amounts, times and places of payment (see pro forma, Appendix G).
- Restoration of any borrowed land; transfer of entitlements and acquittal by APs.
- Recording and periodic reporting through the Project Manager to donors and financiers.
- Monitoring, with AP and community participation.

3.1.4 Further Actions

If any unforeseen impact is identified after approval, updates to the RP will be prepared, consulted and disclosed.

If the detailed design and alignment of works prove to involve any protected area, a Resettlement Process Framework will be prepared.

Additional project subcomponents may be covered if appropriate by a RPF, if informed by the same principles and process as this RPF.

4 Estimated Population Displacement

4.1 Population displacement

It is not anticipated that there will be any physical displacement or severe negative impacts resulting from any of the MICRO 2 activities. There will be a need to permanently acquire leases from landowners for construction of some landside facilities, but no physical displacement is expected from this. There will also be land needed temporarily for construction camps and stockpile sites but these will be sited to avoid physical displacement.

4.2 Categories of Displaced Person

For acquisition of private land, APs will be titled leaseholders. All APs will be taken into account, regardless of age, sex or social status. Individuals suffering project related loss of assets or income will be recognised. The foreseeable categories of displaced person are:

- Owners or users of any land and any land-based assets required that is not under Government ownership or lease.
- Users of facilities or public spaces on land required by the project.
- People who may gather firewood, timber or produce from sections of public/government land required for the project.

5 Eligibility Criteria

5.1 Criteria for Defining a Displaced Person

Eligibility of an individual for resettlement action will relate to their involuntary:

- Loss of land, whether an owner, lessee or informal occupant
- Loss of trees or other plants, whether on owned, leased or informally accessed land,
- Loss of land-based improvements – houses, shelters, business buildings, also irrespective of the ownership status of the land,
- Loss of access to commons and reserves whether or not legally encroached, and restricted areas.

Note: (1) The loss may be temporary or permanent; (2) the term resettlement assistance does not refer to compensation paid for loss of land to landowners, structures or crops etc. Resettlement assistance may include relocation expenses, or meeting costs of starting up new livelihood activities like preparing land in the new resettlement sites, etc.

Loss of non-land assets, whether temporary or permanent, will be recognised for project-induced impacts on:

- An individual's business or income
- Soil or water quality changes that impact the individual's livelihood activities in the direct or indirect impact area
- Air, light or noise pollution, or restrictions on access to social or economic resources that impact property values and amenity
- Any other assets or elements of livelihoods recognised in the Tuvalu law and in WB ESF that may be discovered during disclosure and consultation.

- Persons demonstrating that they will suffer involuntary losses from any of these causes as at the cut-off date for entitlements will be regarded as eligible for resettlement. Losses from encroachments or activities commenced after the cut-off date for the respective projects will not be eligible.

5.2 Nature of Impacts

The nature of foreseeable impacts is briefly discussed below. These expectations will be verified or modified in the final RP.

- Privately owned land will be needed for some of the landside facilities and permanent stockpile sites and may be required for all three islands. In these instances there will be clearance of non-land assets.
- There may be a need for short term use of private lands for stockpile sites, construction camps and workers accommodations. In these events, there may be associated clearance of non-land assets and re-establishment costs. This is to be determined in consultations and detailed design planning.
- Traffic may be inconvenienced by truck movements for the projects, but the disruption is not expected to result in a requirement for resettlement action. Construction works may increase soil, air, water, noise and light pollution, either temporarily or permanently. Mitigation measures are included in ESIA's.
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5.3 Entitlements Matrix

Impact/Type of Loss	Application	Entitled APs	Entitlement
Permanent/Temporary Loss of Land			
Permanent loss of residential or business land	Land required for housing landside facilities	Title landowner Renters	Cash compensation as set in Tuvaluan law Transactional costs. Transactional assistance where required.
Loss of use of land through temporary occupation by the project	Land required for housing construction camp, stockpile site or workers accommodation	Titled landowner and users of land	Cash compensation for use of land through rental agreement as agreed by GoTv and landowner group. Transactional costs. Transactional assistance where required.
Loss of Structure and Livelihood Assets			

Permanent loss of residential or business structure	Houses, commercial structures, etc on land required for project.	Registered owner Owner of structure regardless of legal status	Cash compensation at undepreciated full replacement value without deduction for salvaged materials, and relocation assistance. Compensation will be provided for entire structure if remaining structure is no longer viable. For commercial structure: compensation for business disruption. Subsistence allowance if required.
Partial or total removal of minor structures (fence, animal pen, stall, etc.)	Structures within project areas	Owner of structure regardless of legal status	Replacement of minor structures affected or compensation for removed structures at replacement value without deductions for salvaged materials.
Loss of standing crops and productive trees (timber, fruit trees, etc).	Gardens, trees, crops, perennials, productive trees/plants	Owners of crops, trees, regardless of legal status	Cash compensation for non-land assets cleared for project purposes at approved GoTv rate. Provision of 30 days' notice to harvest standing seasonal crops. If harvest is not possible, cash compensation for crops (or share of crops) equivalent to prevailing market price.
Customary or traditional tenure			
No formal legal rights over land or assets but have recognizable claim of tenure	Access to or use of resources	APs recognized as long term users of resource	Cash compensation for non-land assets cleared for project purposes at approved GoTv rate.
No formal legal or recognized rights over land or assets (such as squatters)	Structures and/or gardens/crops/trees	APs verified as users of the resource	Eligible for resettlement and livelihood assistance and compensation for assets.
Unforeseen or Unintended Impacts			
Unforeseen or unintended impacts	Identified at final design phase		Unanticipated involuntary impacts will be documented and mitigated based on the principles provided in WB ESS 5.

6 Legal Framework

6.1 Tuvaluan Legislation and Regulation

In Tuvalu, land is held either as kaitasi - land that is used and controlled for and on behalf of the extended family - or vaevae. Vaevae represents a division of lands amongst the kaitasi, generally nuclear or compound families. A number of Tuvalu legal instruments are relevant for concepts or mechanisms that bear on resettlement planning.

6.1.1 Native Lands Act

The Native Lands Act is an act relating to native land and registration of title thereto administered by the Department of Lands under the Office of the Prime Minister. It establishes the principle of indefeasibility of native title to land once it had been registered by the Commission. (s 4). Native lands shall not be alienated whether by sale, gift, and lease or otherwise, to a person who is not a native. (s 5) However, native lands may be alienated to the Crown by lease, this is the process by which the Kaupule also lease lands. (s 5(2)). For example, this is the current arrangement for the Funafuti Airport and the runway. The Lands Court under the Ministry of Justice, Communication and Foreign Affairs approves a (a) native lease while the Prime Minister approves (b) a lease or sub-lease of a native land. A native lease is a lease of native land by native to a native. Before a lease is finalized, the Court has to be satisfied that the land is the property of the lessor and that the lessor is not prohibited by law to alienate the land leaving him or her insufficient land to support him or her and the family. Before the Minister approves the lease or sub-lease of a native land, the Minister must have assurance by the Lands Court that the land leased or sub-leased is the property of the lessor. The Minister has to satisfy that the terms of the lease or sub-lease are fair to both parties. Rental payment is part of the implied covenant by the lessee. Compensation is also provided under the Act where the Lands Officer, court or Ministry determines the damage and the amount payable. It further allows a process of appeal in case a person is dissatisfied with the Lands Officer's determination. Sub-letting of a lease is allowed. The consent of the owner is required. A formal lease agreement has to be made once the lease had been finalized and that copies of the agreement to be registered in the Register of leased native lands kept in the Office of the Kaupule, a town council office.

6.1.2 Tuvalu Lands Code

The Tuvalu Lands Code is a subordinate law to the Tuvalu Lands Act. It is largely a codification of customs and practices governing land rights and inheritance of customary land for each island of Tuvalu. The customary practices vary in each island and therefore establish a legal framework to deal with in cases of land disputes. The Code provides for the transmission of land rights to kin, giving bigger share to eldest sons. Usually share of male child is bigger than female child, and elder female child is bigger than younger ones. Provision is also made for gift of land in recognition of nursing and kindness services to the landowner. Generally, sale of land is prohibited in most of the islands. Customary lands are held in Kaitasi/joint owners in most of the island. The Matai is to be the head of the Kaitasi/joint owners appointed by the Kaitasi. The Matai is only a title given to a person appointed by the Kaitasi/joint owner for purpose of land administration otherwise any issues related to the Kaitasi land, the consent of all the Kaitasi members must be obtained. A person who resides on a different island may be a member of the Kaitasi on another different island. This is how the Kaitasi/joint-owner landowning scheme works.

6.1.3 Crown Acquisition of Lands Act

The Crown Acquisition of Lands Act is a law to regulate the acquisition of land by the Crown for public purposes. The Act provides power of the Prime Minister to acquire any lands require for any public purpose absolutely or for a term of years or the Minister may think proper. It prescribes the process in the event the Minister is to exercise such power. Foremost, is the notice of intention to take lands and followed by a preliminary investigation, including surveying the boundaries and other investigation to ascertain whether or not the land to acquire is fit for the purpose of acquiring. The Minister is required to give a prescribed notice of intention to take the land to the owner. The notice notifies the owner of the intention of the Minister and requires the owner to yield up possession of the land in a period of time specified in the notice. The period is restricted to not less than 6 months. A notice issued under this provision is to be served personally to the owner or put it a place noticeable to the owner and thereafter a copy of the notice to be published in the Tuvalu Gazette as soon as practicable. The Lands Officer determines the value of compensation and the Minister approves the amount of compensation payable to the owner or interested parties. Compensation is determined by market value of the good at the time intention to acquire was announced, and takes into account damage, loss of earnings and incidental expenses. An owner or an interested person dissatisfied with the decision of the Minister regarding compensation may appeal that decision to the High Court. The High Court determines the appeal on prescribed matters to be considered in determining compensation. The decision of the High Court on compensation is final.

6.2 World Bank Standards

World Bank Environmental and Social Standard 5 starts from the principle of restoration or improvement of livelihoods at replacement cost, rather than current value, recognising not only financial and physical assets, but also the environmental, social, and cultural assets of an individual, irrespective of gender, ethnic or social status, in the resettlement context. ESS 5 enjoins avoidance and minimisation of adverse impacts not only because it is less costly, but also because it avoids damage to the less tangible and hard-to- value aspects of livelihoods and cultures. ESS 5 has a positive objective of sustainable development, with particular regard for the vulnerable.

6.3 Reconciliation of Client and Bank Practices

Both World Bank ESF ESS 5 and Tuvalu law recognise the right of the State to acquire land subject to certain conditions, or to restrict private access to land and other assets for the greater public good.

ESS 5 calls for wide public disclosure of intent to acquire land or assets with resettlement impacts. The Crown Acquisition of Lands Act prescribed the process where customary land is to be acquired for public purposes. Public purpose may include resettlement under the definition of this term. At end of the process, once and for all matters relating to the acquisition of land has been finalized. The notice of acquisition is to be publicized in the Tuvalu gazette and later passes to the Tuvalu Archives for safe keeping and public access. Access to these documents is free and making copies of them requires a minimal fee payable. Doctrine of public disclosure is recognized in our legal system where a person requiring these documents has to ask a court of law for order of disclosure.

The acquisition of lands in Tuvalu reflect that the Minister in pursuing land acquisition he or she must consult the landowner or interested parties. This is implied that all those interested must be notified in the process. The requirement of the preliminary investigation under the Act is essential to note here. It is a requirement that the Minister after a notice has been served; a preliminary investigation

is to be established to the land and also to other interested parties. Interested parties here could be interpreted as affected individuals from the acquisition. The interested parties are given also a right to appeal a decision of the Lands Officer relating to determination of compensation.

There is no conflict on the principle that displacement or damage must be compensated and that there should be a transparent appeal process. Under the Acquisition of Crown Lands Act there is an appeal process. A person or interested parties dissatisfied with the determination of the amount of compensation by the Lands Officer, that person or interested parties has to appeal to the High Court. The decision of the High Court is final. The Act recognizes matters to be considered by the High Court in determining compensation. These include the market value of the land and the types of damages the person sustained from the time of the acquisition. The Act further provides for the payment of loss of rents and profits.

The World Bank principles explicitly require the Affected Persons have a voice in resettlement options, and access to a grievance mechanism, this is also implicit in local laws, policies and good practices. Tuvaluan customary practices also integrate this requirement in order to avoid disputes. As noted, so far as practicable, there will be no physical resettlement needed. The only compensation required here is the willing sale and purchase of private lands, rental of private lands for temporary use, compensation for structures or other non-land assets or damage done to private structure or vegetation within the project vicinity.

The World Bank recognizes the informal use of land and assets as a basis for compensation. The World Bank ESS 5 accords equal treatment to all irrespective of age, gender or social status. S.10 of the Acquisition of Crown Lands Act recognises the ‘occupier’ and ‘any party having an interest’ in affected land or assets. Thus the same principle applies to Tuvalu in terms of compensation. As alluded to earlier, compensation applies to affected landowner or interested parties. There is no mention of any discrimination of any status of a person in terms of compensation to those persons who are to be affected.

World Bank ESS 5 enjoins the project proponent to involve affected persons or groups in impact monitoring. This phase of the project cycle is not addressed in Tuvalu, though there is no impediment.

Differences are thus in emphasis rather than in kind, however there is no direct contradiction or conflict between the World Bank principles in relation to the provisos of the RPF and Tuvalu laws.

7 Valuation Methodology

7.1 Assets and Values Affected

Assets and values affected will be fully identified during the public consultations, for incorporation in the RPs. The principles of replacing like for like, replacement cost for lost assets and income, and full restoration of livelihoods will be used in the RPs.

7.2 Valuation Principles

Existing legal land valuation mechanisms will be outlined in the first public consultations to address the event that land needs to be involuntarily acquired. The Chief Lands Officer or other recognised valuer establishes the sum to be paid in compensation, taking into account market value, damages and loss of income. If this is disputed, a determination is made by the High Court. The project’s ESSA and Project Manager will ensure that APs have a right to independent advocacy and representation if

Court action arises. If a Court award does not include relocation and reestablishment assistance, the IA will ensure that policy on these elements is complied with separately.

Tuvalu compensation values for assets will be reviewed by MPWIELMD on a case by case with the endorsement of cabinet. The principle of replacement cost will be used as the basis for valuation of land-based assets such as structures, trees, or produce from common or encroached land that has in practice been tolerated. Opportunities will be sought to award additional trees to especially vulnerable APs to plant on common or other available land.

Loss of business or other revenue due to construction disturbances will be valued on historical revenue records, taking account of the season and duration of the loss.

Loss of access or amenity will be negotiated with APs, with particular reference to any project-related loss of property value.

MPWIELMD will seek opportunities to involve APs in direct benefits from the project, such as training, employment suitable to their skills on construction or support services for the construction teams, as airport security guards, or on road or airport reserve beautification schemes.

8 Organisational Procedures

8.1 Delivery of Entitlements

MPWIELMD will outline proposed mechanisms for transfer of the various categories of entitlement at the time of public consultation on the project. The process will be confirmed in the RP, after consultation with APs. The RP will be publicly disclosed to APs and in a place accessible to APs and in the World Bank's project website.

MPWIELMD will issue CEFs to individual APs after the socioeconomic survey, and finalisation of the entitlements matrix.

Where an entitlement to monetary assistance is established, MPWIELMD will ensure that the entitlements are honoured as appropriate before the negative impact they recognise occurs, without any fee, gratuity or deduction from the entitlement. Times and places of settlement convenient to APs will be publicised, and the process will be subject to independent scrutiny.

If any change of land use or transfer of land is required, MPWIELMD will satisfy themselves that the change has completed all due legal process through the Department of Lands and Survey, Attorney General's Office and the Courts, and that the AP receives clear unencumbered title in compensation. If land is to be acquired, MPWIELMD will ensure that due process has been served, and the State receives clear entitlement to any required land.

At transfers of entitlements, the recipient will be required to prove that they are the person with the entitlement, and they or their legally appointed representative will sign to affirm receipt before an independent scrutineer. If the household comprises a couple, the project will require both male and female heads of household to be present to receive entitlements; this will be outlined to APs during consultations. This will ensure women, in particular, are not disadvantaged from the compensation process and are able to access project benefits.

8.2 Roles and Responsibilities

MPWIELMD assume ultimate responsibility for their respective components in the management of the RP. In its legal capacity as the agency responsible for land administration, and its responsibilities under the MICRO 2 Stakeholder Engagement Plan, the Department of Lands and Survey will participate in public consultations.

The Ministry of Finance will release resettlement funds to the IA. The project's Project Manager will perform the task of transfer of entitlements. APs will be asked to present themselves at the appointed times and places of payment or transfer with their Compensation and Entitlement Form (CEF). A copy of the CEF will be signed by the AP, witnessed by an independent scrutineer, and signed by the Project Manager.

To ensure probity and transparency, the records of resettlement will be available at MPWIELMD offices for public inspection during normal business hours at least until completion reports for all works and legal obligations associated with the sub-projects have been signed off.

If any other public or private agency is contracted for any part of the resettlement process, they will be contractually bound by the same commitments as MPWIELMD to the provisos of the RP. MPWIELMD will be responsible for the supervision and performance of their respective contractors.

9 Resettlement Implementation

9.1 Timing in Relation to Implementation of Civil Works

The RP will be finalised and implemented prior to commencement of civil works at the location affected, so as to allow unencumbered and undisputed access to the required land and facilities, and to ensure that APs are compensated in the agreed manner before negative impacts occur.

After project disclosure, meetings will be held to discuss impacts and options with the public and APs. Feedback from public consultations will be passed promptly to the MICRO design engineers to be taken into account prior to development of the final design which will form the basis for the final detailed design and implementation planning. Consultations should be an ongoing component of the project and APs should be informed how their suggestions have been incorporated into project design (or why they have not). APs should also be consulted on compensation rates, rehabilitation measures, etc.

Following public consultations, and any measures adopted to avoid or minimise negative impacts, the census of Affected Persons and assets inventories will be finalised from socioeconomic surveys. The length of this process depends on the complexity of any technical changes, and the number of community consultations and surveys required.

In the event that permanent land acquisition is required, the Tuvalu process allows a statutory minimum of six months from service of notice, though earlier settlement by negotiated agreement is not precluded. Commencement of civil works will however be dependent upon completion of legal process to change the status of the land or its title, if required.

10 Grievance Redress Mechanism

The purpose of the grievance redress mechanism (GRM) is to record and address any complaints that may arise during the implementation phase of the project and/or any future operational issues that have the potential to be designed out during implementation phase. It should address concerns and complaints promptly and transparently with no impacts (cost, discrimination) for any reports made by project affected people (APs). The GRM works within existing legal and cultural frameworks, providing an additional opportunity to resolve grievances at the local, project level.

The key objectives of the GRM are:

- Record, categorize and prioritize the grievances;
- Settle the grievances via consultation with all stakeholders (and inform those stakeholders of the solutions);
- Forward any unresolved cases to the relevant authority.

As the GRM works within existing legal and cultural frameworks, it is recognized that the GRM will comprise community level, project level and Tuvaluan judiciary level redress mechanisms. The details of each of those components are described as follows.

10.1.1 Community Level Grievances

Community level grievances are most likely with the proposed investments. Issues related to the influx of labour, any disturbance from the workers accommodation, encroachment across land boundaries, noise, dust and resource use should be expected and planned for.

Discussions with the Kaupules and the MICRO PMU have identified the following process which will be used to address the issues and concerns that an AP may have. The key point of contact for the AP will be the Kaupule, who will liaise directly with both the Contractor and the Supervision Engineer. The party receiving the complaint will receive and document all matters and issues of concern from the local community and forward copies of all grievances to the Contractor, Supervision Engineer and PMU, which will operate under MPWIELMD.

Given the remote location of the project sites, the number of construction workers and the small size of the communities involved, it will be expected that there will be full and free access to the site-based Supervision Engineer to raise any issues of social concern as a result of the construction works. All efforts will be made to address any community or individual concerns in a timely and transparent manner and without retribution to the affected person to minimize any impacts that may affect project implementation.

For concerns such as damage to trees or food gardens i.e., taro plots without permission or compensation, the AP will discuss this with the Kaupule, who will then raise the matter immediately with both the Contractor and the Supervision Engineer, if unresolved at the project site. If the concern can be addressed without delay, and the outcome is satisfactory to the AP, the matter is closed. The contractor will provide a report to the Supervision Engineer as soon as the complaint has been resolved.

For more extensive complaints such as damage to buildings or land issues such project/Contractor's encroachment on someone's land, the AP will make a formal written statement to be delivered to the Kaupule, who will forward this to the Contractor. The Contractor will document the complaint and

forward a copy to the Supervision Engineer and MICRO PMU. The complaint must be acknowledged within 24 hours of the complaint being lodged. The timing and manner in which it will be resolved will be conveyed to the AP by the Kaupule within 48 hours. The contractor will provide a corrective action report to the Supervision Engineer as soon as the action has been taken.

If the complaint is not resolved by the Contractor or Supervision Engineer to the satisfaction of the AP, then the Kaupule will forward the complaint directly to MPWIELMD PMU, and with a copy to the Ministry of Home Affairs. The matter will be addressed with due consideration to the seriousness of the complaint and be carried out promptly. The MPWIELMD PMU will attend to the complaint within 24 hours and advise the Kaupule how it will be addressed. MPWIELMD PMU will decide within two weeks. The AP may, if so desired, discuss the complaint directly with the MICRO PMU or its representative at a mutually convenient time and location. If the complaint of the AP is dismissed, the AP will be informed of his/her rights in taking the complaint to the next step. However, every effort will be made to resolve the issue to the mutual satisfaction of both the parties.

Where issues caused by the project are raised and resolved through these existing community level grievance redress mechanisms, it is important that these are captured by the MICRO PMU, which is responsible for recording all complaints/outcomes, and to help, as required for their resolution.

10.1.2 Overview: MICRO Project Grievance Redress Mechanism

The following GRM shall be put in place for all MICRO Project works to register, address and resolve complaints and grievances raised by communities during implementation of project works. Contractors are required to adhere to this formal process.

Complaints may be submitted in person, via telephone, electronically, in letter or through a representative of the above community level process to the PMU. Complaints and grievances as outlined in 11.1.1, will adhere to this process and will submit (via recipient of complaint) directly via GCLS website or email to project PMU. All complaints must be formally registered in the Projects complaint register. Should the complaint be received by the Contractor or Supervision Engineer directly, they will endeavour to resolve it immediately and submit notification of the complaints and resolution to PMU for entry into the complaints register or through the project website. For all grievances across all the works, the PMU is responsible for ensuring that, on receipt of each complaint, the date, time, name and contact details of the complainant, and the nature of the complaint are recorded in the Complaints Register. Please note that the Complaints Register for all project related issues will be managed through the MICRO website.

Should the complainant remain unsatisfied with the response of the Contractor, the complaint will be referred to the PMU Project Manager.

Specifically:

1. The PM will take earnest action to resolve complaints at the earliest time possible. It would be desirable that the AP is consulted and be informed of the course of action being taken, and when

a result may be expected. Reporting back to the complainant will be undertaken within a period of two weeks from the date that the complaint was received.

2. If the PM is unable to resolve the complaint to the satisfaction of the AP, the complaint will then be referred by the PM to the Project Steering Committee (PSC). The PSC will be required to address the concern within 1 month.
3. Should measures taken by the Project Steering Committee fail to satisfy the complainant, the aggrieved party is free to take his/her grievance to the Tuvaluan Court, and the Court's decision will be final.
4. The community will be informed of the GRM through a public awareness campaign and discussion with the Kaupule. The Project shall also erect appropriate signage at all works sites with up-to-date project information and summarizing the GRM process, including contact details of the relevant Contact Person. Public information bulletins websites and other public information will also include this information. Anyone shall be able to lodge a complaint and the methods (forms, in person, telephone, forms written in Tuvaluan) should not inhibit the lodgement of any complaint.
5. The Complaints Register via the MICRO website will be maintained in accordance with World Bank procedures by the PMU Project Manager, who will log the: i) details and nature of the complaint ii) the complainant name and their contact details iii) date iv) corrective actions taken in response to the complaint. This information will be included in MPWIELMD's progress reports to the Bank.

10.1.3 Tuvalu Judiciary Level Grievance Redress Mechanism

The project level process will not impede affected persons access to the Tuvalu legal system. At any time, the complainant may take the matter to the appropriate legal or judicial authority as per the laws of Tuvalu.

11 Arrangements for Funding Resettlement

11.1 Cost Estimates and Review

Cost estimates will be prepared after initial public consultations and confirmation of affected assets and livelihoods. They will be finalised when the detailed measurement survey has been performed, all APs and impacts have been identified, and official land and asset values have been reviewed. For land leased by the government, an annual payment is paid to landowners. This figure may be used as a basis for calculation of temporary or permanent loss of land or access.

MPWIELMD will prepare an entitlement matrix for the three project sites summarising affected persons, land, assets and values. To meet the objective of restoring and if possible, improving livelihoods, a ten per cent contingency will be included, to compensate for unforeseen claims and for vulnerability (see suggested mechanism in the footnote to Appendix F).

The cost estimates will form part of the Resettlement Plan to be reviewed and approved by the GoTv and the World Bank, as part of the project finance package. Budget items will include:

Administration costs:

- Safeguards Officers' salary costs/consultancy fees if an external consultant is appointed.
- Technical assistance (TA) if required.
- Office administration, use of equipment and supplies.
- Travel.
- Advertising and publications.

Resettlement costs:

- Cost of AP consultation meetings:
- Travel.
- Mediation.

Compensation costs:

- Affected items including:
 - i. Land.
 - ii. Affected assets and livelihoods.
 - iii. Relocation and reestablishment assistance.
- Contingency for vulnerability and unforeseen costs at an additional ten per cent of the sum of i-iii above.
- Costs of scrutineer for entitlements disbursements.

Grievances:

- Mediation and legal costs.

11.2 Flow of funds

The GoTv is funding resettlement as a counterpart contribution. The Ministry of Finance and Economic Development will release resettlement funds to MPWIELMD as Implementing Agency according to the timings indicated in the RP.

The PMU Project Manager will be responsible for oversight of the payment process. If land acquisition proves necessary, officers of the Lands Department in MNR will be involved in the resettlement process in their statutory role of informing title holders, surveying, agreeing and paying compensation, and registering and gazetting changes in land use or ownership.

The Resettlement Officers will pay other entitlements to APs at times and places to be notified to each AP in their individual CEF (Appendix G). As noted above, verification will be required that the recipient is in fact the entitled person or their legal representative, and signed acquittal will be obtained. As also noted, the project will require both male and female heads of household to be present. The Resettlement budget includes the costs of an independent AP advocate as scrutineer of the process.

11.3 Contingency Arrangements

A ten per cent contingency, considered sufficient in light of the minimal foreseeable impacts of the sub-projects under consideration, will be added to the whole resettlement budget to cover unforeseen circumstances. This assumption will be reviewed in the RP planning stage.

If required resettlement activities place unreasonable strain on IAs' staff establishment, some RP implementation activities could be undertaken in collaboration with the relevant islands Land Officer. These include taking a census and inventory of APs and affected assets, consultations on the draft Resettlement Plan, compensation payments, and legal acquisition of affected lands. Policies and procedures under the RP would be binding on any other involved agency.

12 Consultation and Participation of Affected Persons

The consultation and participation process will include all stakeholder institutions and individuals in different forums and formats (see Stakeholder Matrix and Engagement Plan, Appendix A). For completeness, all known stakeholders are included in Annex A, since the perspectives of key stakeholders who are not APs in the resettlement framework may influence project planning that impacts those who may be entitled to resettlement consideration.

12.1 Planning Phase

The planning phase is the most important and intensive period of engagement with APs and sets the agenda for ongoing meaningful consultation and participation through to and including post-project monitoring. The aim of this stage is to communicate the rationale for the project, secure broad public acceptance of project goals, identify any issues or impacts that need mitigation and management, and obtain consensus on policy and process for redress where required.

Actions in the planning stage are: meetings with key institutional and commercial informants, key informant and focus group meetings, identification and socio-economic survey of APs, development of the entitlement matrix, setting up a grievance mechanism, and disclosure of the draft RP with information about how to participate and seek redress. The RP will be finalised following disclosure, GoTv and World Bank agreement and website posting.

The main output is the agreed RP. Other outputs include signed registers of attendance at public consultations, and summaries of discussions and decisions at all consultations.

Stakeholders (which also include those community members resident in Funafuti) to be engaged in consultation for resettlement at planning stage include:

- Directly Project Affected Persons and communities – any person who may involuntarily lose land or land-based assets or income or livelihood, including those experiencing possible loss of trees, temporary construction impacts, business disruption, loss of customary access to land or common resources and lease holders.
- Indirectly Affected Persons – those who, at planning stage, may seemingly encounter change during or after the project in the indirect impact area - changes in lands adjacent to the project components; increased disturbance from vehicle or pedestrian movements; changes in use to adjacent land; new introduction of hazardous materials in the vicinity.
- NGOs concerned with environmental issues, social and economic development.
- Island groups and organisations.

On acceptance of the RP, MPWIELMD will notify the public about the project and the process for public consultation through announcement in Tuvaluan and English in the government bulletin, by radio and any other mean of media releases.

The announcement will invite people who feel they may be affected to identify themselves to the projects' Safeguard Officers, or at meetings to be scheduled, announced and coordinated by the Safeguard Officers for communities adjacent to the areas of direct impact.

Community consultations will comprise focus group meetings with Falekaupule and community leaders to inform and consult about the project. PMU will also convene focus groups of women of each affected community, as they customarily do not speak on the Falekaupule, to ensure their voices

are heard. If appropriate, representatives of several Falekaupule groups may meet at the same time and place. The PMU will note any comments about location or alignment of project elements and take a preliminary census of Affected Persons (APs) and affected assets.

At the first focus group meetings with known affected persons and communities, the PMU will compile a schedule of APS, and start socio-economic survey and census of APs identified. The PMU will begin to populate an entitlement datasheet (Appendix F) to capture costs of any involuntary resettlement measures required. Following full identification of APs during consultations, they will complete AP socioeconomic surveys to finalise the AP census and entitlements matrix for the RP. Further AP focus group meetings will be held to present the RP and following project completion for participation in monitoring if there is sufficient interest.

Tuvalu has a network of active NGOs, some of which have a socio-economic development or environmental focus to which project may be of interest. At the time of public announcement of the project, MPWIELMD will notify the umbrella Tuvalu Association of Non-Governmental Organisations (TANGO) and invite participation of member groups in consultation either in coordinated interest-focus groups, or if deemed desirable, through Key Informant interviews with leaders. This will ascertain which groups are interested, and at what stages. Similarly, MPWIELMD will notify the Chamber of Commerce and invite their participation.

Plans will be drawn up for consultation with additional APs not earlier identified, for inclusion in the RP.

Records of meetings and RP planning documents will be available at MPWIELMD for public perusal. Individual survey and CEFs, and personal details in the Entitlement Matrix will not be in the public domain without their specific consent, or unless required for legal reasons.

12.2 Implementation of the RP

The aim of the implementation stage is the smooth transfer of entitlements to APs and resolution of any grievances. The RP will be implemented before construction activities commence, so as to ensure that timely assistance is received, and delays to works are avoided.

Actions are to issue individual AP CEFs, confirm times and places for transfers to be made, arrange as required for independent scrutiny, mediate and manage any grievances that arise, make the transfers and obtain signatures from APs, log all activities and interactions, and report periodically to the Project Manager on progress against time and budget objectives. MPWIELMD will actively pursue APs who do not present at the appointed times and places so as to avoid delays and uncertainties with implementation.

12.3 Monitoring Phase

The aim of the monitoring stage is to review the delivery of the RP and the impacts of both the RP and the project. This contributes to orderly completion of the project, and feedback of experience into other MICRO 2 sub-projects (islands) and future projects.

Throughout the delivery of the RP, the PMU will maintain a log of all interaction with stakeholders and APs, signed attendance registers, a summary of discussions and recording of decisions and action points arising from meetings. PMU will follow up with stakeholders who agreed to participate in follow-up monitoring and reporting against their baseline indicators of interest. APs registering any

grievance will be identified through registration in the grievance process and monitored through settlement to project completion. If numbers and interest levels justify, the IAs will in addition perform a limited survey of a random sample of APs who have not been involved in grievances, to survey RP and project impacts on them. The results of the grievance process and any random survey will be included in post-project impact monitoring reports.

13 Monitoring

13.1 Implementing Agency (IA)

The IA for monitoring the MICRO 2 project is MPWIELMD. The IA will prepare periodic progress reports (not less than quarterly) on the RP against any indicators specified in the GoTv agreement with the WB, including for the period under review:

- Any issues that have arisen necessitating change to the RP to meet policy objectives
- Publicity about the resettlement process, including PIBs and any media coverage
- Schedule of consultations with APs
- Signed roster of attendance at RP consultative meetings, photographs and any other evidence of participation
- Summary minutes of RP discussions and decisions
- Record of grievances notified under the RP, process and outcomes
- Copies of official records of any project-related changes to land use or transfer of land titles
- Update of the Entitlements Matrix showing progress of recording voluntary land donations or transfers and payments against entitlements under the RP
- Financial summary of disbursements against entitlements, numbers and percentage of AP settlements concluded against total budget and time schedule.

13.2 Independent Monitoring

The IA recognises the importance of transparency and independence in the resettlement process. Independent monitoring will be provided for at all stages of the RP, in the provision for AP advocates in mediation and scrutiny of entitlements payments. The RP, consultation documentation and reports will be available for public perusal at its offices.

The monitoring reports will be released by the same means as the project was first announced and made available to the public on application to MPWIELMD.

Appendix A: Stakeholder Matrix and Engagement Plan

STAKEHOLDER	NATURE OF INTEREST	DEGREE OF INFLUENCE OVER/INTEREST IN THE PROJECT	MODE OF ENGAGEMENT	TIMING OF ENGAGEMENT
STAKEHOLDERS TO BE TAKEN INTO CONSIDERATION IN RESETTLEMENT PLANNING:				(This column may be used to record dates of engagements)
Directly Project Affected Persons	Permanent loss of residential or business land; loss of use of land through temporary occupation by the project; permanent loss of residential or business structure; partial or total removal of minor structures (fence, animal pen, stall, etc.) and; loss of standing crops and productive trees (timber, fruit trees, etc).	Important influence and interest	A series of <i>Falekaupule</i> focus group meetings (i) for initial disclosure, (ii) for presentation of the draft RP and process, and if warranted by numbers and interest, (iii) for post-project monitoring. To be arranged by MPWIELMD on the islands. Engagement with individuals through socioeconomic surveys of APs, engagement in the resettlement, and as appropriate grievance processes.	Planning, implementation of the RP, monitoring
Business owners affected by project works	Avoidance of disruption to business; improvement in public access	Moderate influence, important interest	Individual interviews or group discussions, as appropriate	Planning, implementation of the RP, monitoring
Indirectly Project Affected Persons (IAP)	Project induced changes in buffer zones around works (e.g. in noise or light pollution, water quality etc.)	Moderate influence and interest	<i>Falekaupule</i> focus group meetings	Planning, implementation if a valid claim emerges, monitoring at IAP request
Civil society groups	NGOs with an economic development or environmental focus. Probably no entitlement except as individuals	Moderate influence and interest	Notify TANGO and call for expressions of interest in participation in focus group discussions or meetings	Planning, implementation, monitoring

STAKEHOLDERS NOT ENTITLED TO RESETTLEMENT CONSIDERATION				
Owners of Government leased land	Assumed economic return; other interests to be confirmed or determined in consultation	Critical influence, high interest	Individual or group meetings to confirm or establish all conditions pertaining to lease of the land and ownership of any land-based assets or improvements, including provisions in the (unlikely) event of relinquishment of the lease and reversion to the owners	Priority in planning stage
DONORS/INVESTORS:				
World Bank	IDA Grant	Critical importance	Consultations and progress reports to the WB Programme Manager	Quarterly throughout the project, or otherwise as agreed in the Project Documents
INSTITUTIONAL STAKEHOLDERS:				
Ministry of Public Works, Infrastructure, Environment, Labour, Meteorology and Disaster Management (MPWIELMD)	Implementing Agency; improvements to transport. Generation of temporary and permanent safe employment opportunities	Critical importance	Project management of all stages of the RP; AP interface; lead coordinator of all stakeholder agencies	Continuous
Ministry of Finance and Economic Development (MFED)	Is the EA for the Project; impacts on economic development, Improved transport and communications links to local and export markets	Moderate importance and interest	Senior officials meetings	Planning, implementation, monitoring
Ministry of Home Affairs and Rural Development (MHARD)	Facilitation of social development and security	Moderate importance and interest	Senior officials meetings	Planning, monitoring
Ministry of Justice, Communication and Foreign Affairs	Oversight of the Lands Court	Critical importance	Senior officials meetings	Planning, implementation

Island Kaupules	Identification of landowners and facilitation of leases	Critical importance and high interest	All Kaupule	Planning, implementation and monitoring
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Appendix B: Sample Content of Public Information Bulletin

A Project Information Bulletin (PIB) will be issued for each project to give initial project information in English and Tuvaluan. It will be simple, jargon-free language aimed at the general public. It will be updated at least (i) to disclose the draft RP, (ii) to publicise the finalised RP, and (iii) to convey the results of end-of-project monitoring. News bulletins will be released at other intervals as required to inform the public about progress of works, any restrictions to normal access and operation of roads and airport facilities during implementation.

Content of the PIB in the resettlement planning phase will include:

- A whole-of-project description, and of the sub-components to be covered in the RP
- The project rationale and expected benefits
- A description of anticipated environmental, social and economic impacts, positive and negative
- Reassurance that negative impacts will be compensated for
- Eligibility criteria – persons and impacts that will be recognised in resettlement
- Cut-off date for entitlements (the day of release of the PIB)
- A description of the type of impacts that would be recognised
- A description of the proposed consultation process
- Information about how to register as a potentially Affected Person
- Information about the planned Falekaupule-based focus group meetings
- An indication of the proposed process thereafter.
- Description of the proposed grievance system.
- Maps and other visuals when appropriate.

Content of subsequent bulletins will be influenced by initial consultations and the final form of the RP, grievance and monitoring processes.

Appendix C: Sample Plan for Focus Group Discussions

Equipment:

The IA facilitator will take as appropriate:

1. Copies of the Project Information Bulletin in English and Tuvaluan, agenda, socioeconomic survey forms; an attendance sheet; Post-it notes for participants to stick comments on a 'thorn tree'
2. Easel, whiteboard and markers , or PowerPoint projector, screen and presentation
3. Visualisation aids - maps, photographs of similar facilities, or sketches – roads, kerbs and channels, bus stops, road construction vehicles and equipment, perimeter fences; communications, generation and electricity storage equipment/installations.

Agenda:

1. Purpose of the Meeting – to give information about the project, invite discussion, identify impacts, reach consensus on design options, mitigation, impact management, and broad community support for the projects
2. Expected outputs – an agreed approach, and action points as appropriate, minutes to be circulated to group organiser or nominee, and available for inspection
3. Conduct of the Meeting – facilitation by the project's Safeguards Officer MFATTEL and MNR and host community leader, contributions from and each in turn, free discussion, facilitated wrap-up, decisions and action points, roles and responsibilities in implementation and monitoring. Facilitator to record attendance, discussion and decisions. Separate meeting for women to identify gender issues, with female Safeguard Officer if available.
4. The project:
 - a) Components, and those under review for resettlement impacts
 - b) Draft Resettlement Framework - process for consultation – planning, implementation and monitoring phases; voluntary donation protocol
 - c) Anticipated social and environmental impacts – positive and negative; identification of any overlooked impacts
 - d) Planned mitigation measures for negative impacts; employment opportunities
 - e) Identification of Affected Persons – survey of persons and assets affected
 - f) Entitlements of Affected Persons – policy and principles, basis for entitlement and cut-off date, mechanism for valuation of assets
 - g) Grievance mechanism – registration, independent and transparent assessment, rights to representation in mediation, Court process in the last instance
 - h) Timing of Resettlement process – payments and receipts, transparency and accountability provisions; timing of project implementation
 - i) Participation in monitoring, including gender impacts, reporting mechanisms
 - j) Availability of Project Information Bulletins, records of meetings, resettlement documents
 - k) Group discussion, selection of indicators of interest to the group, if any.

Appendix D: Socio-Economic Survey for Affected Persons

B. LAND ACQUISITION					
B.1 Temporary Land Acquisition					
1. Cadastral Lot No:			<i>(obtained from the Land Registry)</i>		
2. Duration of temporary acquisition: (i) months(ii) weeks(iii) days- circle which				Number:	
Use of Land	Total Size of land in sq. meters			Land to be acquired	
				Area in m ²	% of total size of land
	(i) Private Customary Land	(ii) Government leased land	Total of (i) + (ii)		
a. Residential					
b. Commercial					
c. Water Reserve					
3. The temporarily affected land is under lease (circle one):a. YES b. NO					
4. If YES, how long is the period of the lease?.....years, ending 20....					
5. Amount of the lease per annum: \$			6. Periodic payment of lease? a. YES b.NO		
7. Is the lease of land mortgaged to a financial institution? a. YES b. NO					

B. 2 Permanent Land Acquisition – (Freehold customary lands not currently leased to Government)					
1. Cadastral Lot No.			<i>(obtained from the Land Registry)</i>		
2.Use of Land	Total size of land in sq. Meters		Land to be acquired		
			Area in m ²	% of total size of land	
a. Residential					
b. Commercial					
c. Water Reserve					

C.IMPACTS OF LAND ACQUISITION

Impacts mean the adverse effects to the objects presently established on the affected lands, temporary and permanent.

Names of Affected Trees & Plants and other assets	Number		Unit cost		Total Replacement Cost
	Temporary	Permanent	Temporary	Permanent	
1. Coconut Tree (well spaced and managed)					
Bearing Trees					
Non-bearing with trunk					
Seedling without trunk					

2. Coconut Trees					
Bearing trees					
Non-bearing trees with trunk					
Seedling without trunk (new)					
3. Bananas					
Per shoot					
Maximum of 5 shoot per mat					
Per stem					
4. Breadfruit					
Per bearing tree					
Non-bearing and over 3m height					
Seedling <3m height					
5. Pandanus					
Useful for timber and fruits					
Useful for leaves and fruits but not big enough to provide a valuable pole					
6. Puka, Kanava, Fetau					
Per tree large enough for a canoe					
7. Puka, Kanava, Fetau, Fao, Pua, Milo, Gasu and Valovalo					
Per tree with a stem 15 cm or > in diameter at a height of 1 meter but not suitable for a canoe construction					
8. Tausunu					
Above 3 ft					
Between 1 and 3 ft					
9. Felo and Tiale					
Per fruit or flowering bearing tree					
Non-bearing tree (new)					
10. Pateta, Kumala and Taamuu					
Per plant or mount					
11. Pulaka					
Per shoot up to 3ft					
Per shoot over 4.3ft					

12. Dalo					
13. Pawpaw					
Bearing tree					
Non-bearing tree					
14. Laukatafa					
Per plant over 3ft high					
Between 1ft and 3ft					
15. Gie					
Per plant >3ft high					
Between 1ft and 3ft (new)					
16. Pumpkin					
Bearing plant					
Non-bearing plant					
17. Nonu					
Bearing tree					
Non-bearing tree					
18. Togo					
Per tree					
19. Structures					
Permanent (per m2)					
Semi permanent (per m2)					
Local materials (per m2)					

D. OTHER PROJECT IMPACTS					
Other Project Impacts mean the adverse effects on livelihood, temporary and permanent.					
	Nature of impact	Temporary		Permanent	Total loss of livelihood
		Duration (months)	Value/ month pre-project	Value /month pre-project	
1. Business disruption					
2. Loss of access to public land, resources					
3. Other (specify)					

E. ATTITUDES TO THE PROJECT AND THE RESETTLEMENT PROCESS (Could be re-surveyed for monitoring purposes)

On a scale of 1 – 5, (1=very poor, 2=poor, 3= neutral, 4=good, 5= very good)	Ranking, 1-5
1. How would you rank the information you received about the project?	
2. How did you find the consultation process?	
3. What do you /did you think about the Resettlement Plan?	
4. How do you think /did you find the project will work/worked out for you in the long run?	
5. How do you think the project will work out for the country in the long run?	

F.VULNERABILITY PROFILE OF THE AP- (COMPLETE FROM HOUSEHOLD ROSTER EXCEPT NOS 4 AND 5)	Score
1. Income quintile of the household (1-5)	
2. Female headed household (one point)	
3. Number of aged in household (one point per aged person)	
4. Number of physically disabled in household (one point per person with disability)	
5. Any other vulnerability factor, e.g. Large household (over 10 members),(one point /factor)	
Total vulnerability score	

Signed:

Interviewer _____ Respondent _____ Date _____

Appendix E: Voluntary Land Donation Protocol

The principles governing voluntary donation are as follows.

Voluntary land donation refers to a process by which an individual or communal owner agrees to provide land or property for project-related activities. In general, voluntary land contribution relates to projects for the public as well as the individual's benefit where impacts are small and is undertaken without compensation. Voluntary land 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.

Voluntary land donation requires a declaration by the individual, household or group that they are donating the use of the land for a specific purpose and a specific duration of time. It is provided freely and without compensation, and is acceptable only if the following safeguards are in place:

1. Full consultation with landowners and any non-titled affected people on site selection
2. Voluntary donations should not severely affect the living standards of affected people
3. Any voluntary donation will be confirmed through written record and verified by an independent third party such as customary tribunal, NGO or legal authority
4. Adequate grievance redress mechanism should be in place.

Sample Consent Form (Voluntary Donation)

Date: _____

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

AND/OR person exercising rights over the affected / custom land _____

Resident/s of _____ Village in _____ District _____,

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

For the purpose of: (specify activity)

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

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

Signed:

Male household head _____ Female household head _____

Person exercising customary right _____

Witnessed:

Kaupule or other village/island official

Appendix F: Entitlement Summary Datasheet

To be completed from the Socioeconomic Survey Form for Affected Persons. Personal details are not to be publicly divulged.

a	b	c	d	e	f	g	h	i	j	k
Name of AP	Sex	Socio economic Survey ID N° AP N°:	Contact Details	Cadastral Lot Number of affected land	Value of land to be acquired (AUD)	Other affected assets (e.g. trees, structures, revenue from land or business lost)	Current value of other affected assets (AUD)	Vulnerability score ⁶	Total value (AUD)	Settlement date(s) Planned Complete
Example	F	123	Xyz	Nnn	85	Trees Palm leaf shelter	10 30	5	130 plus 1 tree	9.10.11

⁶ Scored by: income quintile 1 – 5; female headed household +1; elderly (over 65 years of age) +1 for each in the household; suffering or supporting a household member with a disability +1 for each; other vulnerability factors, e.g. large household (10 or more members – around 30% of households) to adjust for quintile score, +1. Highest score = most vulnerable. The minimum score is thus 1 for the least vulnerable, and the highest, a suggested maximum of 10. If land can be made available, vulnerability could be recognised by an additional donation of productive trees to plant; e.g. one tree for a score of 5-6, two for a score of 7-8, three for a score of 9 or above. This would also assist environmental aims.

Appendix G: Compensation and Entitlement Form for Involuntarily Affected Person

Name of Affected Person:		Survey ID No: (from socioeconomic survey form)	Address:	
Entitlements:				
Land:	Cadastral Lot Number	Area sq m.	Value sq.m. AUD	Total assessed value AUD
Permanent loss:				
Residential	Xxx	10	25	250
Commercial				
Water reserve				
Temporary loss:			Value sq.m./mth at time of impact	
Residential				
Commercial		50	2	100
Water reserve				
Permanent loss of Trees/crops:	Number	Status (bearing, non-bearing, newly planted etc)	Unit value	
Pandanus	2	Fruit-bearing	10	20

Structures:	Purpose (dwelling, workshop etc)	Sq.m.	Value sq.m. AUD	Total assessed value AUD
Permanent				
Semi permanent				

Local	<i>Fruit stall</i>	<i>10</i>	<i>8</i>	<i>80</i>
Income/revenue from:	Type	Permanent or Duration/mth	Value/mth AUD or unit value	
Business	<i>Airport transport</i>	<i>2 months' total disruption</i>	<i>150</i>	<i>300</i>
Crops				
Produce	<i>Taro pit</i>	<i>Loss of 6 months' production from one pit</i>	<i>4</i>	<i>24</i>
Other (specify)	<i>Transport costs of relocating stock and fittings from fruit stall</i>		<i>12</i>	<i>12</i>
Total AP entitlement AUD				<i>786</i>

The Affected Person will bring this form on settlement date.

I hereby declare that this is a complete, true and accurate record of my losses due to the Tuvalu Aviation Investment Project *or* the Tuvalu Energy Sector Development Project, and that I have received compensation/payment in full.

AP signature

Date

Witness signature

Date

In the presence of:

Signed for (IA)

Date