

FIJI:
Tourism Development Project in Vanua Levu (P178694)

Ministry of Tourism and Civil Aviation

ABBREVIATIONS

ALTA	Agricultural Landlord and Tenant Act
APs	Affected persons
DOL	Department of Lands and Survey (Ministry of Lands and Mineral Resources)
E&S	Environmental and Social
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standards
GOF	Government of Fiji
IA	Implementing Agency
LARDD	Land Acquisition and Resettlement Due Diligence (report)
LARF	Land Acquisition and Resettlement Framework
LARP	Land Acquisition and Resettlement Plan
LOU	Land-owning unit (Mataqali)
MOU	Memorandum of understanding
MTCA	Ministry of Tourism and Civil Aviation
NGO	Non-Government Organization
PMU	Project Management Unit
SALA	State Acquisition of Lands Act
TAC	iTaukei Affairs Commission
TLTB	iTaukei Lands Trust Board
WB	World Bank

CURRENCY EQUIVALENTS

(as of March 2023)

Fiji Dollar – (FJD)

FJD 1.00 = USD 0.XX

USD = FJD X.XX

GLOSSARY OF TERMS

Affected persons	All persons living in the project impact zone whether they are land owning, tenants or without title to land. In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Country safeguard system	This is the legal and institutional framework of Fiji and it consists of its national, sub-national, or sectoral implementing institutions and relevant laws, regulations, rules, and procedures that pertain to the policy areas of social safeguards (social and environmental).
Economic displacement	Loss of land, assets, access to assets, income sources, or means of livelihoods as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
iTaukei	Indigenous Fijian people. iTaukei land is customarily owned.
Involuntary resettlement	Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.
Land acquisition	Refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property, and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. "Land" includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.
Livelihood	Refers to the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.
Mataqali	Indigenous Fijian clan who are usually the landowning units (LOU) of iTaukei or native lands.
Meaningful consultation	A process that (i) begins early in the project planning and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision-making, such as project design, mitigation measures, the sharing of development benefits

	and opportunities, and implementation measures. This follows the principles of free, prior, and informed consultation (FPIC).
Physical displacement	This means relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Restrictions on land use	Refers to limitations or prohibitions on the use of agricultural, residential, commercial, or other land that is directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on land use within utility easements, or safety zones.
Temporary use of land	Land required to facilitate the works such as for a diversion. The land will be occupied/used by the contractor on a temporary basis. The contractor will pay rent for the use of the land and will pay compensation for any associated impacts.

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EXECUTIVE SUMMARY

1. The Project is Phase I of a multiphase programmatic approach (MPA). The MPA is a comprehensive 3-phase tourism development program in Vanua Levu that will support the realization of Fiji's national development, private sector growth, and green growth plans. The program has two main aims: a) to improve the resilience and sustainability of the tourism industry, including short-term recovery and longer-term diversification and high-value growth; and b) to facilitate the execution of existing Government plans.

2. This Land Acquisition and Resettlement Framework (LARF) is prepared to guide project implementing agencies in undertaking activities that involve land acquisition, restriction and use and their associated risks including physical and economic displacement. It aims to identify risks or impacts associated with land and natural resource tenure and use, including potential project impacts on local land use patterns and tenurial arrangements, land access and availability, food security and land values, and any corresponding risks related to conflict or contestation over land and natural resources, including marine-based and forestry resources. It addresses World Bank (WB) Environmental and Social Standard 5 (ESS5) considerations relevant to proposed activities under the Tourism Master Plan (TMP) as well as for all direct investments under the project. It aims to bridge the gap between WB and Government of Fiji (GOF) requirements on land acquisition and resettlement and to ensure measures and actions are aligned with WB ESS5 objectives of ensuring peoples living standards are restored or improved to pre-project level.

3. The LARF provides (a) the policy and legal framework of the GOF and relevant policies of the WB; (b) the compensation guidelines to be applied to all locations affected by the Project; and (c) procedures to be followed during preparation, implementation, and evaluation of Land Acquisition and Resettlement Due Diligence (LARDDs) and Land Acquisition and Resettlement Plans (LARPs).

4. Information dissemination, meaningful consultation, and participation of affected persons (APs) and key local agencies will be undertaken to maintain transparency, raise awareness, reduce potential conflicts and delays, and achieve the objectives of the LARP as well as the Project's Stakeholders Engagement Plan (SEP). The actions that will be undertaken for participation in the various stages of land acquisition and resettlement planning are:

- a. Identification of stakeholders, who will be involved in planning and implementation: APs, local officials (iTaukei Land Trust Board (TLTB), Rural Local Authority, Provincial Administration, Provincial Council, District Office), local communities at subproject sites, project authorities, implementing agencies, and non-government organizations (NGOs).
- b. Dissemination of information (including project entitlements), and appropriate mechanisms for feedback and facilitation of the consultation process.
- c. Setting of a grievance mechanism and procedures.
- d. Community participation in monitoring the LARP.

A. INTRODUCTION

A.1 Project Background

5. The Project is Phase I of a multiphase programmatic approach (MPA). The MPA is a comprehensive 3-phase tourism development program in Vanua Levu that will support the realization of Fiji's national development, private sector growth, and green growth plans. The program has two main aims: a) to improve the resilience and sustainability of the tourism industry, including short-term recovery and longer-term diversification and high-value growth; and b) to facilitate the execution of existing Government plans.

6. Phase I will set the foundations for sustainable tourism in Vanua Levu. It will directly tackle the major barriers to tourism growth, namely, the insufficient transport infrastructure and essential services, uncoordinated plans and institutions, and a cumbersome business environment. Phase I investments will identify and rollout: a) the upgrade of key infrastructure (for example, improving the configuration, coordination, and safety at Savusavu and Labasa airports) and selective no-regret investments in essential facilities (such as solid waste management, wastewater treatment, medical clinics, and renewable energy); b) support tourism master planning, sector and destination coordination activities, tourism MSME recovery and expansion to enhance services and products, access to finance, and skills development, particularly targeting women and youth, piloting public private partnership (PPP) approaches for further roll out; and c) institutional capacity building to support deeper engagements in subsequent phases.

7. Phase II will put physical and social capital infrastructure in place, building on findings from the feasibility studies in Phase I to support viable and critical mid-size investments in infrastructure and essential services, especially to open new areas for tourism investment; deepen and expand tourism sector and destination coordination and institutionalize skills training, destination awareness, and access to finance for tourism private sector development and product development. It will scale up successful interim interventions and potentially make them permanent.

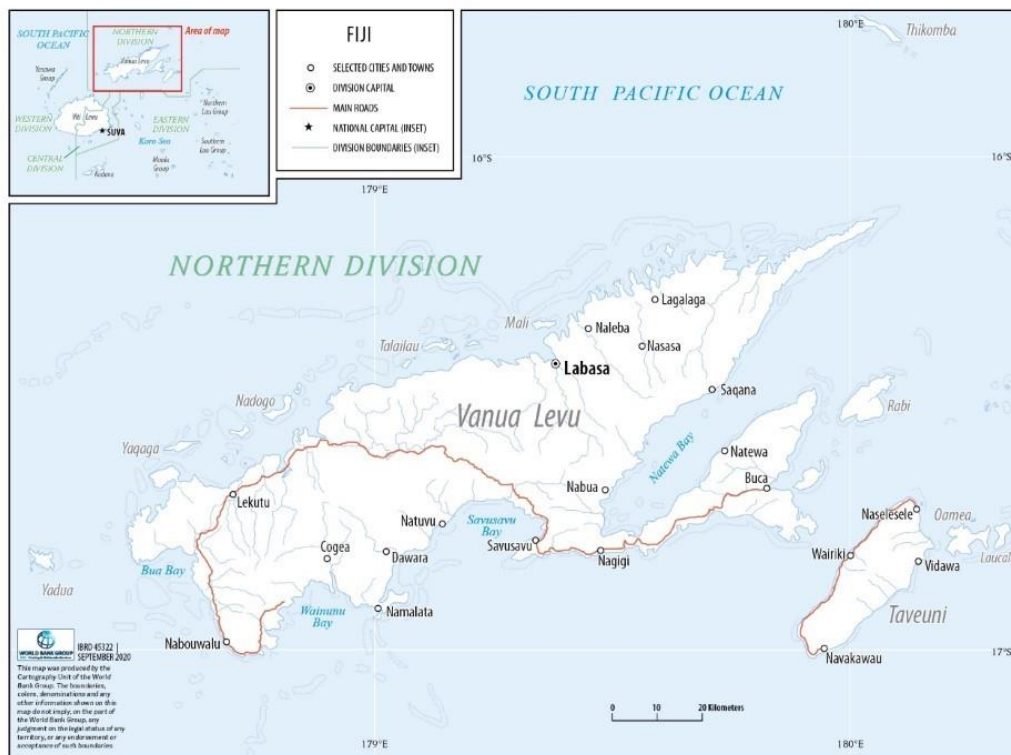
8. Phase III will support the full rollout of the investments, coordination mechanisms and policy reforms identified in the sustainable tourism master plan. It will continue institutionalizing sector coordination and facilitating sustainable financing for tourism products to consolidate sector gains and growth. Building on the previous two Phases, this final Phase will see more longer-term outcomes, such as improved infrastructure connectivity, increased tourism revenue and tourism-related jobs, and increased community benefits from integrated tourism development in Vanua Levu.

9. Consistent with the ESMF and other safeguard documents, this Land Acquisition and Resettlement Framework (LARF) considers the environmental and social risks associated with Phase I only.

A.2 Project Location and Beneficiaries

10. The Project activities will be concentrated on Vanua Levu, Fiji's second largest island and part of Fiji's Northern Division (Figure 1). Vanua Levu hosts approximately 130,000 inhabitants, or about 15% of the country's population in just under 5,600 square kilometres of rough, hilly terrain and coastline surrounded by coral reefs. The island's main population centres are the towns of Labasa, in the north, and Savusavu, located at the foot of the peninsula. Labasa, with a population of almost 25,000 at the 1996 census, has a large Indian community, and is a major centre of Fiji's sugar industry. Savusavu is smaller, with a population of just under 5,000, but is a popular centre for tourists owing to its diving and yachting facilities¹. Taveuni is situated 6.5km to the east of Vanua Levu and is considered to be part of the Project area because of its connectivity to Vanua Levu.

Figure 1 –Map of Fiji's Northern Division



11. The direct project beneficiaries will be the key agencies in the tourism sector who will benefit from the enhanced coordination of the currently fragmented sector. Tourism operators, workers in MSME, Waisali forest workers, and TLTB staff will all benefit from the capacity building and skills development to be offered through the Project. On-the-job training and job placement programs, aiming to upskill tourism workers will focus on women and youth, improving their skill sets and job prospects. Communities will benefit from investments in community business development, improved safety from climate resilience and disaster preparedness, improved health by improvements to waste management infrastructure, improved road safety from the upgrading of the cross-island road and installation of bike lanes, and improved access to the foreshore facilities such as toilets.

¹ https://en.wikipedia.org/wiki/Vanua_Levu accessed 13th December, 2022

A.3 Land Acquisition and Involuntary Resettlement Related Risks of Phase I Activities

12. The following are the land acquisition and involuntary resettlement related risks based on the preliminary list of Phase I activities.

13. Component 1. Improving Destination Management, Coordination and Conservation will focus on (a) integrated tourism master planning; (b) tourism destination development including product development, destination awareness and skills enhancements; (c) natural resource management and biodiversity conservation to protect tourism's underlying assets; and (d) emergency management and preparedness for tourism. While project activities are anticipated to focus on state owned land and lands held under long-term leases, there is a possibility that even land use agreements could still be "involuntary" by definition given that tourism locations are often fixed and land owners or right holders cannot exercise "power of choice."² The risk of involuntary resettlement or land acquisition/use restrictions (including to marine-based livelihoods) will be determined using the screening process under this LARF and explicitly addressed, including the impacts on non-title holders occupying land earmarked for tourism development. The potential for involuntary resettlement and or land acquisition/use or restriction, most likely on a temporary basis may furthermore be required to accommodate emergency activities proposed under subcomponent d. This potential risk is a downstream impact of the EP&R program.

14. Component 2. focuses on (a) investments in improving existing air connectivity infrastructure and services; (b) urgent essential facilities upgrades and investments required for local population services and natural resource protection; and (c) urban beautification of key tourism hubs in Vanua Levu through interim and permanent interventions. The project will finance planning and direct investments in all three areas, which will be expanded during future project phases. Connectivity Investments will support in situ investments in terminals and safety improvements for both Labasa and Savusavu domestic airports while exploring long term options to expand air infrastructure. Furthermore, the project will support funding no-regret investments in essential facilities and services in tourism hotspots including a new solid waste management facility for Savusavu; rehabilitation of existing Savusavu dump site, small-scale pilot of a sewage treatment facility, and a renewable energy pilot program (e.g. rooftop solar); constructing safe walkways and bike ways in Savusavu and Labasa; creating and upkeeping green areas; building and maintaining public toilets; installing adequate signage and bins; introducing general clean-up/beautification programs; outfitting a planned visitor information center in the new Savusavu market; creating pedestrian ways, cosmetic renovation of café and retail spaces. Similarly to component 1, ESS5 risks and impacts relate to the potential for involuntary land acquisition, restrictions to land use and the economic and physical displacement of land users including non-title holders such as waste pickers and settlers at the Savusavu dump.

15. Component 3. Improving Enabling Environment for Tourism and Capacity Building. There is no land acquisition and involuntary resettlement risks deemed relevant to this component.

16. Component 4. Contingent Emergency Response Component (CERC). ESS5 risks and impacts will be considered as part of CERC preparation subject to the World Bank's activation policy.

² See definition of involuntary resettlement in the Definition of Terms page.

B. OBJECTIVES OF THE LARF

17. This LARF is prepared to guide MTCA and its project implementing agencies in undertaking activities that involve land acquisition, restriction and use and their associated risks including physical and economic displacement. It aims to identify risks or impacts associated with land and natural resource tenure and use, including potential project impacts on local land use patterns and tenurial arrangements, land access and availability, food security and land values, and any corresponding risks related to conflict or contestation over land and natural resources, including marine-based and forestry resources. It addresses ESS5 considerations relevant to proposed activities under the TMP as well as for all direct investments under the project. It aims to bridge the gap between WB and GOF requirements on land acquisition and resettlement and to ensure measures and actions are aligned with WB ESS5 objectives of ensuring peoples living standards are restored or improved to pre-project level.

18. This LARF outlines the principles and procedures to obtain land and address potential resettlement impacts under the project. The EA and the IA will follow the procedures to comply with the government's applicable laws and regulations and relevant policies of the WB.

19. The basic objectives of the LARF are to:

- a. Guide the EA/IA in temporarily using and/or obtaining land, properly identifying impacts, and restoring the living standards of affected persons (APs),
- b. Serve as a binding document to ensure compensation and assistance to APs, and
- c. Provide direction in preparing, updating, implementing and monitoring subproject LARDDs and LARPs.
- d. Provide guidance on the screening and due diligence requirements for lands used by the Project categorized as 'voluntary' in nature.

20. The LARF includes measures to ensure that APs are (i) informed about their options and rights pertaining to land acquisition, restrictions on land use including temporary and permanent economic and/or physical displacement and resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible alternatives; and (iii) provided prompt, adequate and effective payment / compensation at full replacement cost for losses of assets attributable directly to the Project before civil works or Project activities are initiated on the land.

21. The LARF provides (a) the policy and legal framework of the GOF and relevant policies of the WB; (b) the compensation guidelines to be applied to all locations affected by the Project; and (c) procedures to be followed during preparation, implementation, monitoring and evaluation of LARDDs and LARPs.

22. The LARF's process and outline will be used for the all subprojects requiring land or asset displacement, use or acquisition. LARP for each subproject will be prepared/updated after detailed design and submitted to WB for clearance.

23. The LARF outlines the policies and requirements for resettlement planning for the different scenarios as required by: (a) the State Acquisition of Lands Act (SALA) of Fiji (Chapter 135 of Laws of Fiji); (b) the Planned Relocation Guidelines and (c) the World Bank Environmental and Social Standard 5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5). It provides guidelines on due diligence, social assessment, and preparation of LARPs for subprojects that may involve any form of

land acquisition and resettlement impacts. It aims to provide safeguards to potential affected/displaced persons (APs), and to ensure that the impacts of all subprojects are identified, avoided, minimized, mitigated and compensated timely and adequately. Alternative design options will be considered during detailed design of the sub-projects to avoid and/or minimize involuntary resettlement.

C. LEGAL AND POLICY FRAMEWORK

C.1 Fiji Laws on Land Tenure and Ownership

24. Land in Fiji is managed through three complementary systems: (i) iTaukei or native land; (ii) freehold land; and (iii) state land. Native land, which is owned by iTaukei people, accounts for about 90 percent of all land, with freehold and state land accounting for around six percent and four percent, respectively.³ Native and state land cannot be bought or sold, but each is available on a leasehold basis, with leases often lasting up to 99 years, while freehold land can be bought and sold on the open market.

25. Native land is communally owned and administered by mataqalis (communal groups) and cannot be permanently alienated except to the state for public purpose. The iTaukei Land Trust Board (TLTB) is the statutory body with the responsibility to administer, develop and manage this land on behalf of its owners and for their benefit according to the Native Land Trust Board Act. The TLTB identifies the land required for use by traditional Fijian communities and makes the remainder available for leasing. The TLTB, not the actual owners, issues the legally binding leases or agreements, which can be for agricultural, commercial, industrial or other uses. In any proposed arrangement for transfer of use or lease of iTaukei land, agreement to the proposal is required from 60% of the registered owners making up the land-owning unit (LOU).

26. All farmers of native land are either tenants or landowners farming with the permission of the own landowning clan. Some of these may have formalized their status by leasing the land and so have become tenants. Other tenant farmers will be either iTaukei from other islands or parts of Viti Levu, or Indo-Fijians.

27.

The Agricultural Landlord and Tenant Act 1966 (No 23 of 1966) or ALTA, and its subsidiary legislations govern all agricultural leases of more than one hectare and the relations between landlords and agricultural tenants. Minimum 30-year and maximum 99-year leases are allowed with no right of renewal. In practice, most leases are for 30 years. In the event of non-renewal, the tenant must vacate the land after a grace period. The maximum annual rental is 6% of the unimproved capital value. In theory, the rental rate is reviewed every five years. The tenant can claim compensation for all development and improvements of the property with claims determined by the Agricultural Tribunal. Tenants can, however, only be compensated for

³ [https://www.tltb.com.fj/getattachment/Media/Brochures/Land-Ownership-in-Fiji-Booklet-\(1\).pdf.aspx?lang=en-US](https://www.tltb.com.fj/getattachment/Media/Brochures/Land-Ownership-in-Fiji-Booklet-(1).pdf.aspx?lang=en-US)

improvements if the TLTB has granted prior approval to these improvements. The latest schedule of agricultural land values was issued in 2011 through the Agricultural Land (Declaration of Unimproved Capital Values) Order of 2011.

28. The TLTB has, however, introduced a lump sum payment to induce landowners to lease their land for an additional 30-year period, but this “new lease consideration” has been applied mostly only to Indo-Fijian and not often to Fijian farmers.

29. The ALTA has been supplemented by the 2009 Land Use Act 2010, promulgated as Decree 36 2010 because it was recognized that the requirement for tenants to vacate land once the fixed lease and grace period have expired, causes both social and economic hardship. Government therefore amended the land laws to increase the flexibility of leases and to facilitate leasing of lands, which are currently idle or unutilized, under terms and conditions which are meant to be attractive to both the landowners and tenants. The decree provides for longer tenure leases (up to 99 years) for agricultural and commercial development. Reserve land is presently not leased, but reserved by Mataqali/Government for future use.

30. Approximately 6% of land in Fiji is freehold land registered under the Torrens System of land registration, by which titles to land are guaranteed. Freehold land can be purchased, transferred, or leased, subject to the conditions of the Land Sales Act 1974 and its subsidiary legislations, which among other things restricts the quantity of land which can be purchased by individuals who are not resident in Fiji, and by companies not wholly owned by Fiji citizens.

C.2 Fiji Laws on Land Acquisition and Compensation

31. The Constitution of Fiji provides for protection of private property against arbitrary expropriation. The Constitution states that native (iTaukei) land cannot be permanently alienated except for the public purpose. It requires just compensation for all land or rights acquired by the government.

32. Land acquisition in Fiji is governed under the State Acquisition of Lands Act (SALA)⁴. Under the Act, all types of land can be acquired for public purposes. The law provides that in cases of land acquired for public purposes, legal title holders have a right to compensation. The law also provides for the right of land owners to legal proceedings for solving disputes and grievances. The customary rights of indigenous peoples without formal title are also protected.

33. The SALA guarantees compensation to those with recognized legal rights or interests in land. Compensation is paid at market values effective from the date at which notice of the State’s intention to acquire the land is given. Structures are, however, compensated only at book/depreciated values. Compensation includes for land, crops and trees, damage to portions of land not acquired (if any), changes in use and restrictions on use of any non-acquired portions

⁴ Originally the Crown Acquisition of Lands Act, 1940 – subsequently amended: by Ordinance numbers 24 of 1940, 11 of 1942, 15 of 1943, 9 of 1955; Orders of Jan 1967 and Oct 1970 and Act of Parliament (Act No 1 of 1998).

– and any reasonable expenses associated with necessary changes of residence or places of business.

34. In some areas, there may be, however, a substantive difference between local market prices and the prices overseas investors are willing to pay. There is now realization that there needs to be recognition of new values in certain areas. These new values would derive from recent sales prices to overseas investors.

C.3 Planned Relocation Guidelines

35. The Fijian Government has developed the Planned Relocation Guidelines (PRG) to assist and guide relocation efforts at the local level. The PRG serves to demonstrate the Fijian Government's commitment to respond effectively to the need for relocation due to climate change, drawing from the latest developments in the area of migration law, the latest scientific findings, and assessments and studies carried out in the country. Fiji anticipates that the PRG will also accelerate Fiji's progress in meeting its Sustainable Development Goals and its other national, regional and global commitments. The PRG aligns with the provisions of Fiji's 5-Year and 20-Year National Development Plan, Fiji's National Adaptation Plan, the National Climate Change Policy and other relevant national, regional and international frameworks.

36. The PRG recognizes that the process of relocating a community is complex and very costly, and relocation is certainly traumatic for those who must leave their homes, their familiar surroundings and the place of their ancestors behind. Thus, the Fijian Government is committed to undertaking necessary relocations that are well-conceived, efficiently administered and humanely executed. The PRG ensures that the relocation of any local community is carried out in a manner that guarantees its long-term survival, has viable options for economic activity and provides support and services for those being relocated. It also contains provisions to ensure the well-being and safeguard the rights of vulnerable members of any community being relocated.

37. More specifically, the purpose of the PRG is:

- a. To ensure an inclusive and gender responsive consultative and participatory process to strengthen communities' response to climate change impacts, and ensure community engagement and ownership in the relocation process;
- b. To serve as a coordination mechanism to enhance the involvement of, and collaboration among an inclusive and gender-balanced range of stakeholders, namely: affected communities, government ministries and agencies, trade unions and employers' organizations, inter-governmental organizations, regional and international organizations, the private sector, civil-society organizations, faith-based groups and academia;
- c. To facilitate the use of clear, inclusive and comprehensive procedures when assessing and responding to potential relocation risk that respect, protect and fulfill the needs of the relocated people, and that take into consideration the multi-cultural and interfaith composition of the Fijian population;

- d. To recognize the richness of the indigenous knowledge and to share knowledge with, and advocate for, communities experiencing uncertainty about their future because of climate change.

C.4 World Bank's Environment and Social Framework (ESF) particularly Environment and Social Standard 5 (ESS5) on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement

38. The institution recognizes that involuntary resettlement can cause severe long-term hardship, impoverishment, and environmental damage and thus, appropriate measures must be carefully planned and implemented to address these adverse impacts. For these reasons, the World Bank through ESS5 provided the following operating guidelines, to wit:

- a. Avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- b. Avoid forced eviction.
- c. Mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (i) providing timely compensation for loss of assets at replacement cost; and (ii) 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.
- d. 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.
- e. 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.
- f. Ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected, and that they have access to a functioning grievance redress mechanism.

39. ESS5 applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation:

- a. Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;
- 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;
- c. Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have

traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas, or buffer zones are established in connection with the project;

- d. Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project-specific cut-off date;
- e. Displacement of people as a result of project impacts that render their land unusable or inaccessible;
- f. Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds, and grazing and cropping areas;
- g. Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation;
- h. Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

C.5 Comparison Between World Bank Requirements with Fiji Land Acquisition Law⁵

40. The following table provides an analysis of gaps between WB requirements and Fiji laws and gap filling measures on land acquisition and resettlement.

Table 1: Gaps and gap-filling measures

WB ESS5 Requirements	Fiji Laws on Land Acquisition/ Resettlement	Gaps	Gap-filling Measures
Avoid and/or minimize involuntary resettlement wherever possible by exploring project and design alternatives.	The Constitution and the State Acquisition of Land Act (SALA) set out the conditions under which land may be compulsory acquired. The property can only be acquired for the public good, and with the payment of reasonable compensation.	No explicit reference to the need for minimizing resettlement impacts by exploring alternatives.	The LARF and each subsequent LARP includes measures on avoiding/minimizing land acquisition and resettlement impacts. It provides principles on compensation and entitlements.
Enhance, or at least restore, the livelihoods of all APs in real terms relative to pre-project levels. Particular attention to be paid to the needs of vulnerable groups among those displaced who may not be protected through national land compensation legislation.	General principles of compensation for land and assets are set out in the Constitution and SALA.	FIJI laws are not specific about restoring/improving standard of living relative to pre-project levels.	The LARF and each sub-project LARP includes measures on compensation at replacement cost for affected land/assets and to minimize and mitigate adverse social and economic impacts especially for vulnerable APs.

⁵ This comparison is mainly between WB ESS5 and SALA. While the PRG is a comprehensive guideline and is consistent with ESS5 on many aspects, it applies only to relocation or resettlement of people affected by climate change and does not apply to project-induced resettlement.

Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of APs, including a gender analysis, specifically related to resettlement impacts and risks.	SALA sets out the process for land investigation which includes identification of affected landowners and their assets.	No specific requirements for census, cut-off date, impact assessment and scope of resettlement planning.	The LARF and each subsequent LARP includes measures on survey/census, cut-off-date, assessment of impacts and resettlement planning.
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Carry out meaningful consultations with APs, host communities, and other key stakeholders. Inform all APs of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.	SALA sets out the process of notification of the land acquisition.	No specific provisions for preparing and implementing LARP based on meaningful consultations with APs, including the poor, the landless, elderly, women, and other vulnerable groups	The LARF and each subsequent LARP includes measures on consultations with APs, including vulnerable groups, during preparation and implementation of LARPs. The concerns of women will be identified based on sex-disaggregated socio-economic data, separate discussions on women's concerns, and ensuring adequate measures and budgetary allocations in the resettlement plan to compensate and resettle them in a manner that does not disadvantage them.
Establish a grievance mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of APs and their host population.	SALA provides for appeal against a declaration of public purpose for compulsory acquisition and amount of compensation.	No requirements for a project-specific grievance mechanism.	The LARF and each subsequent LARP includes measures on project-specific grievance mechanism.
Improve, or at least restore, the livelihoods of APs through (i) land-based resettlement strategies when affected livelihoods are land-based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues	SALA sets out the process that any person who claims to be entitled to an interest in compulsory acquired land may make a claim for compensation (within 3 months). SALA also sets out the requirements for payment and the provisions for assessing compensation.	No specific requirement for land-based resettlement, replacement of assets, compensation at replacement cost, and benefit sharing. Provides compensation for lost or damaged structure but based on book/depreciated values	The LARF and each subsequent LARP includes measures of on-site relocation, replacement of affected structures, compensation at replacement cost and priority of project employment to APs.

and services through benefit sharing schemes where possible.			
Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those who enter negotiated settlements will maintain the same or better income and livelihood status.	DOL has Procedures for land acquisition through negotiated settlement or purchase.	No provision of maintaining the same or better income and livelihood status for APs.	The LARF and each subsequent LARP describes measures on maintaining or improving livelihoods of APs through paying compensation at replacement cost and other assistance.
Provide physically and economically APs with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of APs economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.	No equivalent provision.	FIJI laws have no specific provisions on relocation, transitional support and civic infrastructure and services.	The LARF and each subsequent LARP includes measures on-site relocation of affected structures, transitional allowances and restoration of civic infrastructure.
Ensure that APs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets	Customary rights for Fijian people/ Indigenous People stipulate that individuals without formal title are also protected.	FIJI laws are not explicit in addressing the issue of APs without land title or legal land rights.	The entitlement matrix for the project identifies three categories of APs which includes APs without titles to land or any recognizable legal rights to land and provides for resettlement assistance and compensation for them.
Prepare a resettlement plan elaborating on AP's entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework,		FIJI laws have no provision of preparing LARP.	The LARF includes measures on preparation of LARP for subprojects involving land acquisition/resettlement impacts.

budget, and time-bound implementation schedule.			
Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to APs and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.	SALA sets procedures in notification of landowners at different stages of land acquisition steps.	No requirements on disclosure of a LARP.	The LARF and each subsequent LARP includes disclosure measures, including posting of documents on website as well as providing information to APs.
Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	No explicit provision	No explicit provision on conceiving and executing resettlement as part of a development project or program.	The LARF and each subsequent LARP requires that land acquisition/resettlement costs will be included and financed out of the project and subproject costs.
Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	SALA sets timing for payment of compensation.	SALA states within 30 days of notification, but does not specifically state before displacement. DOL Procedure provides for 75% before construction and 25% after construction.	The LARF and each subsequent LARP includes measures on full payment of compensation for affected assets before start of civil works on affected land.
Monitor and assess resettlement outcomes, their impacts on standards of living of APs, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	No equivalent provision	No equivalent provision on monitoring.	The LARF and each subsequent LARP includes monitoring requirements (incl. semi-annual safeguard monitoring reports). Arrangements for monitoring of resettlement activities will be done by MTCA, supplemented by independent consultant if subproject is considered high risk

41. In terms of major gaps, the SALA and its regulations do not require compensation payments to affected persons who have no recognized legal right or interest in the land, and only

require compensation on a depreciated/book value basis for structures. Informal sharecroppers and squatters (non-titled) are, therefore, not entitled to any kind of compensation for the land they use. To comply fully with WB requirements, non-titled APs who are established by the Project as eligible will be entitled to compensation for loss of structures, crops, trees, or incomes they derive from land. All compensation including for structures will be at replacement cost without any deduction of depreciation.

42. The SALA does not provide relocation sites (in the case of resettlement) and there is no provision for assistance for the rehabilitation of adversely affected people. The PRG provides relocation sites for communities and households that are at risk for climate change but it does not apply for resettlement as a result of displacements induced by government projects.⁶ The Project aims to avoid resettlement where possible and otherwise minimize through alternative project designs. In the event that economic and physical displacements cannot be avoided, well-conceived and executed resettlement and other mitigation measures to restore livelihoods and living standards of APs to pre-project levels are described in the LARF. The LARF also requires that resettlement plans be developed out of meaningful and ongoing consultation with APs especially those who are considered vulnerable.

43. The Fijian law does not provide for any special assistance for vulnerable groups or the poorest section of those adversely affected, but it does not prevent GOF from providing assistance to adversely project affected people including vulnerable groups. The LARF includes provisions to ensure that affected people particularly vulnerable and disadvantaged people are assisted to improve their living standards.

D. PROJECT PRINCIPLES, ENTITLEMENTS AND PROCEDURES

D.1 Project's Policy Principles and Guidelines

44. This LARF has adopted the following set of resettlement policy principles and guidelines for the project which apply to all subprojects, as relevant:

- a. Permanent land acquisition will be avoided or minimized through proper environmental and social safeguard screening and careful engineering design. The Project will avoid subprojects involving significant resettlement impacts.
- b. Land acquisition and resettlement impacts will be assessed following the screening and LARDD or LARP prepared based on social assessments involving meaningful consultations with APs particularly the most vulnerable of them. Draft LARP will be disclosed to affected persons before the subproject appraisal. The LARRDs and LARPs will be disclosed on the MTCA and WB websites.
- c. Preparation of appropriate documents, planning and implementation for the acquisition of land and other assets will be carried out for each subproject and in

⁶ As stated under D.1 (k), in the event that APs are also tagged for relocation under the PRG, MTCA will ensure that the relocation of APs is carried out in a manner that is consistent with this LARF and ESS5.

meaningful consultation with the APs. APs will receive prior information on the extent of project impacts on their lands and other assets and the compensation, relocation and other assistance available to them. The information to be provided is broadly described in Section E of the document. The LARRDs/LARPs will contain details on the subproject footprint or area of influence, the list of APs and the extent of the Project's impact on their lands and assets, the complete description of assistance and mitigating measures available to them, the arrangements for their participation including the grievance mechanism based on cultural practices and agreeable to them, among others.

- d. APs will receive rent and/or compensation at replacement cost from the contractor responsible for the civil works for impacts associated with temporary use of land. This will be reflected in the contractor's environmental and social management plan (CESMP) and included as a line item in the bill of quantities.
- e. APs will receive compensation at replacement cost from the Project for permanent loss of land and assets (houses, other fixed structures), crops and trees and this should ensure they will at least restore, if not improve, their pre-project standards of living. Compensation for vulnerable households will aim to improve their livelihood and will be carried out with respect for their cultural values and specific needs.
- f. Additional compensation and assistance will be provided, as required, to restore or improve living standards of all APs (both title holders and non-title holders such as squatters, sharecroppers) recorded at the cut-off date including: (i) compensation for loss of livelihoods or income; (ii) compensation at full replacement cost for structures without deduction of depreciation, inclusive of transaction costs; (iii) compensation for transaction costs such as administrative charges, taxation, registration and titling costs; and (iv) income-restoration measures.
- g. All compensation will be fully paid to APs prior to the commencement of site clearance at each subproject site. Works will not commence before WB issues a 'no objection' letter.
- h. Absence of formal title is not a bar to compensation and assistance, and particular attention will be paid to women and other vulnerable groups, as well as to sharecroppers or tenants without legal rights.
- i. Land acquisition will be conceived as part of the Project and costs related to the land acquisition/resettlement will be included and financed out of the Project cost as part of the GOF contribution to the Project cost.
- j. The impacts of the subprojects, including unforeseen losses and damages that may occur during either construction or operation, will be carefully monitored and remedial steps taken as required.
- k. For APs that are also tagged to be included in the government's planned relocation following the PRG, the MTCA will establish strong coordination with concerned state agencies to ensure that their resettlement is carried out in a manner consistent with this LARF and ESS5.
- l. The MTCA and its implementing agency partners, in close coordination with TLTB, will be responsible for public consultation and public information. Consultations and

public participation will be carried out as an ongoing process throughout project planning, design and implementation stages.

D.2 Eligibility for entitlements and types of affected persons

45. The date of land survey will be the “cut-off-date” for eligibility of compensation and rehabilitation assistance. Landowners and/or users that have documented claims to affected land, crops, and trees as of the cut-off date will be eligible for compensation and/or rehabilitation assistance as per the project policy.

46. The main categories of affected persons eligible for compensation include:

- a. **APs with formal legal rights (Type 1).** These are generally the customary owners of iTaukei lands or those with individual freehold titles recorded in the title registry and cadastral records in Fiji. This category also includes leaseholders with formal legal rights as tenants.
- b. **Persons whose rights are not formal or legal, but whose claims on land or assets are recognized under national laws, such as those having informal leases on iTaukei land (Type 2).** Customary land tenure systems in Fiji are based on usufruct rights to land, and although no titles may exist, in practice some mataqali or individual households are granted use of land by owners, without formal title or leases. Where land records cannot be legalized, documentation and testimony from village chiefs and community leaders may be proposed to determine eligibility for compensation, replacement land, or other resettlement assistance.
- c. **Persons with no legal rights to land or assets at the time of assessment or census (Type 3).** This may include sharecroppers, squatters, or wage laborers who depend upon the land acquired. They have neither legal rights nor recognizable ownership claims, but if the project land acquisition destroys their livelihoods, they are considered APs and are entitled to receive resettlement assistance.

D.3 Entitlement Matrix

47. A common matrix in Table 2 has been developed for the project taking into account potential impacts under the Project as a whole. This will guide the preparation of subproject specific entitlement matrix that will be developed as part of the LARP for each subproject. The subproject level matrix will show the exact types of losses and definition of the entitled person, or unit of entitlement.

Table 2: Matrix of Entitlements

Impact/Type of Loss	Application	Entitled APs	Entitlement
<p>Temporary use/ occupation of land including any damages within land used temporarily</p> <p>Loss of access during construction causing inconvenience to APs or impacting livelihoods</p>	iTaukei land required	Landowners/ users of customary land	<p>Rent based on prevailing market rates as negotiated with landowners. All temporary use of land will be through written agreement with the landowner/leaseholder and land will be returned to the landowners after rehabilitation to original or better condition.</p> <p>Compensation at replacement cost for any damages within land used for project. (See succeeding rows)</p>
	Freehold/State land required	Owners, Leaseholders, users	<p>The project will ensure that APs have uninterrupted access to their land and livelihood sources.</p> <p>Agricultural losses: APs will be provided compensation for their losses at replacement cost.</p> <p>Business income: For APs whose business income is temporarily lost due to the project, a shifting allowance⁷ will be provided to replace the projected business income lost.</p>
Temporary use/ occupation of land requiring partial or full impact on structure	Any land required on a temporary basis (i.e. for a temporary access road or workers camp) during the construction works	Owners of structure irrespective of tenure status of the land	<p>Compensation at replacement cost without deductions for depreciation or salvaged materials;</p> <p>For APs who need to temporarily relocate, assistance in locating suitable alternative housing or commercial building during the temporary use of the land and during reconstruction of the structure following completion of the temporary use; and</p> <p>Shifting allowance for relocating household or business goods.</p>
Temporary use/occupation of land requiring removal of crops or trees	Any land required on a temporary basis during the construction works	Owners of crops and/or trees irrespective of tenure status of the land	Compensation at prevailing market rates in coordination with the Forest Department for timber trees and the Department of Agriculture for crops or productive plants/trees.
Permanent loss of land	iTaukei land required for the project construction	LOUs/users of customary land	<p>LOUs (Types 1&2): Rent/lease as agreed under leasehold agreement with TLTB</p> <p>Non-LOU users (Type 3): entitlements on structure, assistance in finding alternative land, livelihood restoration and assistance to vulnerable groups described below, as applicable</p>

⁷ The shifting/relocation allowance will be agreed between the MTCA and the household/DP on a case-by case basis. The shifting allowance will be adequate to cover (i) dismantling of the structure; (ii) transport of structure/housing materials salvaged and all household effects/commercial goods; and (iii) costs of alternative accommodation, if required, while the structure is being re-built.

	Freehold/State land required for the project construction	Owners/Leaseholders/Users	<p>Owners: Cash compensation at replacement cost; or New lease for alternative land, with no cost to APs for relinquishing original lease and processing alternative lease. Lessees: assistance in finding alternative land to lease, livelihood restoration and assistance to vulnerable groups described below, as applicable</p> <p>Users: assistance in finding alternative land to use, livelihood restoration and assistance to vulnerable groups described below, as applicable</p>
Partial or total removal of structure (house or commercial structure)	Structures in ROW	Owners of structure irrespective of legal status	<p>Compensation at replacement cost without deductions for depreciation or salvaged materials; and assistance in locating suitable alternative housing or commercial building.</p> <p>Shifting allowance for relocating household or business goods.</p>
Loss of gardens, trees, crops, perennials, and/or productive trees/plants	Standing crops, trees in the ROW	Owners of crops or trees irrespective of legal status	Compensation at at prevailing market rates in coordination with the Forest Department for timber trees and the Department of Agriculture for crops or productive plants/trees.
Affected vulnerable households	Vulnerable households losing assets to the project	Vulnerable households identified through consultation with community leaders. In the project's context vulnerable groups include households headed by women, elderly, people with disabilities, poor households, and physically relocating households.	<p>On top of entitlements on lost lands, structures or crops/trees, as applicable:</p> <p>Priority access to training and livelihood programs developed under the Project.</p> <p>Employment during construction and maintenance for two household members (one male and one female). Vulnerable groups will get priority in these activities.</p> <p>Additional cash assistance equivalent to three months minimum wage which can be extended depending on extent of disruption to vulnerable AP's livelihood. Amount to be specified in the LARP.</p>
Displacement of community structure	Community structure or resources within ROW if removed for project interest	Community representatives as identified by the social impact assessment	<p>Replacement as agreed with community or cash compensation replacement cost without deductions for any materials salvaged.</p> <p>Assistance with dismantling and reconstructing structure or property.</p>
Loss of livelihood	As a result of restriction of access to natural parks and protected areas	APs relying on raw materials from forest and other areas restricted by the Project	Livelihood restoration program based on needs assessment of APs, which may include job placement, provision of equipment or tools, grants, training or mentoring.
Unforeseen or unintended impacts	Any impact identified during implementation	Concerned affected people	Determined as per the spirit of this LARF following the principle of improving or at least restoring the livelihoods and living standards of the project affected people to their pre-project levels

D.4 Process for Valuation of Compensation

48. Through its PMU, MTCA prepares initial valuations using local market prices, and data in this regard is obtained from the Valuation Division of the MLMR. The MTCA may also involve the Department of Fisheries to assess compensation requirements, if any, regarding traditional fishing rights in river areas where bridges may need to be expanded or altered. Finally determined prices, nonetheless, come about through negotiation with affected persons, because often market conditions for the replacement of land and assets are absent.

49. The current practice is to undertake valuation by government valuers and provide a private valuer to affected landowners in case of any disagreements. The MTCA will continue providing the private valuer under the project, as a regular practice. It will inform the affected landowners at the beginning of the negotiation process about the availability of a private valuer and pay the valuer's fee if landowners decided to use this service.

50. The compensation to be offered will be at replacement cost based on actual market price of affected land and asset. As the government policy does not provide for full replacement costs, the project's compensation will include top-up payments or assistance to cover the full replacement cost.

51. Full replacement cost is the cost of replacing an expropriated asset of the same or better quality in the current land and/or asset. Full replacement cost includes the following elements:

- a. **Fair market value:** Where markets function, fair market value can be assessed by examining land sales records in the last three to four years for similar properties. In parts of Fiji, land values differ widely because of factors such as proximity to the coast (for tourist developments), or fertility and flatness of agricultural land (for market gardening). In such cases, the market value is the going price of an asset in the open market, but where markets do not exist (as in much of rural Fiji), field investigations are needed to collect baseline data to value assets, and to ensure that the valuation is realistic.
- b. **Transaction costs:** These may include the legal and documentation expenses associated with updating land records to reflect sales, transfers, inheritances and leases, as well as the legal expenses associated with registering property titles for replacement lands and houses. Related transport costs must also be included. These costs will be paid by the project and are counted as part of the replacement cost.
- c. **Interest accrued:** When there is a gap of time between the agreed schedule and the actual payment of compensation, the interest that accrues over that period must be included in the replacement costs.
- d. **Transitional and restoration costs:** Transitional cost involves a short-term subsistence allowance to support the displaced persons through a period of income

loss due to the project. Restoration cost refers to necessary improvements on land or to housing/structure to achieve the objectives of enhancing or at least restoring, livelihoods, compared with pre-project levels.

- e. **Depreciation** will not be considered when valuing compensation for affected structures.

D.5 Procedures for Land Access, Land Acquisition and Compensation ⁸

52. **Land access through donation.** Donation of land by individuals, communities or LOUs is acceptable in the project provided certain conditions are met. Such donation may occur in the form of transfer of use rights for a specified duration, or in the form of transfer of ownership. The fundamental aspects that need to be ensured are that any donation is genuinely voluntary; that there is the “power of choice;” and, that people donating land are fully apprised of potential project impacts. In accessing land through such means the MTCA will inform potential land donors of the following:

- a. What the land is going to be used for, by whom and for how long;
- b. What restrictions on use may be imposed, or whether transfer of actual ownership will be required, as a result of temporary or permanent land donation;
- c. That donors have a right to refuse to donate the land, or to negotiate all terms of donation;
- d. Whether there are proposals which could allow other land to be used;
- e. What donors will need to do to donate the land, what costs may be involved, and who will bear any such costs; and
- f. The potential effect of the donation on family members (for donation of private land) or other users (for donation of iTaukei land subject to donation by LOU).

53. The information provided to potential land donors as above, assume that it is straightforward to identify owners of the land, and that there are no competing claims or disputes over that land. Clearly this is not always the case. In proposing such an arrangement, information regarding proposed land access requirements, and means to address any competing claims, will be disclosed locally. In the case of potential donation of iTaukei lands, the iTaukei Affairs Board, the TLTB and the LOUs are consulted to identify all owners and users of the land in question. The project will find land donation to be acceptable only if it can be shown that the land donor will directly benefit from the project and that any significant impacts on the livelihoods or living standards of all owners and/or users will be properly managed following the principles and procedures of this LARF.

54. To ensure transparency, terms of agreement regarding any land donation are put into writing and signed by both the project entity receiving the land and the donor. For iTaukei land donation, the terms of agreement are disclosed locally and must comply with the CSS requirement of 60% of the LOU members agreeing to the proposal. All terms under which land

⁸ Given the size limits and the commercial value of freehold lands, land donation by their owners is unlikely. But in the event some of them donate a portion of their lands, this protocol should apply.

use rights (or ownership) are to be donated will be included in the land donation agreement. Agreement for donated use or lease will be negotiated on the basis of informed consent. To document the process, the following will be undertaken through consultation:

- a. Dissemination of relevant information about the project and its implications for types and duration of land use.
- b. Existence of suitable alternative sites; no initial steps taken by project proponent to obtain authority to expropriate.
- c. Agreement reached on all terms, on basis of informed consent.
- d. Identification and resolution of any claims or disputes relating to ownership or use rights.
- e. Assessment to ensure that no individual or household/family will be materially affected by the donation.
- f. For iTaukei land, arrangements may be necessary to mitigate any adverse impacts that would be borne by those already using or occupying the land.

55. The outputs of the process would include a report documenting: (i) consultation process undertaken; (ii) formal, signed agreement establishing the range and duration of use rights to be transferred, as well as any negotiated terms or considerations; and (ii) fulfilment of any agreed obligations. The entire process requires independent third-party verification. The process, including third-party verification is documented in a land due diligence report.

56. **Land acquisition.** For permanent land acquisition, procedures will be initiated once land surveys are completed, the design is done, and the alignment plan is agreed and approved by the MTCA. The MTCA will forward outline plans to the DOL, showing the estimated land-take, and request them to acquire the land. The DOL, on receiving the request, passes the alignment plan to the statutory section to prepare acquisition diagrams and carry out a search on land owners affected. After this, the plans are forwarded to the Valuation Division, which will assess compensation requirements and obtain all the land clearances. Once the Valuation Division has received the consent of the landowners, field inspections are carried out and a valuation report prepared based on an inventory of losses, taking into account relevant data and sales analysis. MTCA's lands and valuation officers under close supervision by the PMU social officer, work with DOL and relevant agencies in this process, including valuation of compensation. As stated in the previous section, MTCA will also inform landowners of availability of the service of private valuer at the beginning stage of this process.

57. Where iTaukei lands are involved a meeting will be convened with members of the identified mataqali, arranged by the MTCA social officer, assisted by the Provincial Council, to undertake negotiations to come to agreed values. The MTCA will send the proposal to the TLTB, which will negotiate on behalf of the landowners. The mataqali owning the land will, however, have a final say whether to accept or reject the TLTB recommendations.

58. **Compensation.** A Sale and Purchase Agreement is entered between the TLTB on behalf of the mataqali, and DOL. The Sale and Purchase Agreement is forwarded to the TLTB for its Board's consent, accompanied by the relevant fees. Cheques are then processed and paid to the TLTB Board, based on estimated area, to be adjusted after the final survey and completion of works.

59. Leasehold native land follows a similar process, where a field inspection is carried out, a Valuation Report prepared and a Price Agreement executed. The Agreement is sent to the TLTB with relevant consent fees for the Board to approve. If the lease is a registered one, then a caveat is lodged in the Titles Office (as an interim arrangement to prevent changes before the Sale and Purchase agreement can be finalized). The price paid for land will sometimes need to be divided between lessees and owners. Crown or state leases follow a similar process but do not require the Director of Lands consent. In the case of freehold lands, after discussion with the DOL, the Valuation Division will prepare a Sale and Purchase Agreement and negotiate the purchase.

60. When compensation has been paid, a Certificate of Transfer is prepared and sent for execution. The MTCA, with no objection from the WB, is then able to issue the notice to proceed with the construction.

61. Following completion of the construction work, a final survey plan is done and once approved, this is viewed against the original acquisition diagrams. If the land used is found more than the original estimate then compensation will be adjusted to the exact size of the land used. In the case of leasehold land, after final surveys have been approved, compensation is adjusted in case of any excess land and surrender documents are prepared. The lessee is asked to provide lease documents for registration of the surrender at the Titles Office. The surrender documents are then forwarded to the TLTB prior to registration. The caveat is then withdrawn and title is returned to the owners.

62. The PMU social officer will work closely with the DOL and the TLTB through the entire land acquisition process to ensure safeguards are implemented as set out in this LARF.

E. ASSESSMENT OF IMPACT AND PREPARATION OF LARP

E.1 Subproject Screening

63. The subproject's screening process will identify potential impacts of temporary and/or permanent land acquisition and adopt necessary measures to avoid or minimize such impacts. MTCA will screen impacts by completing the Subproject Screening Form as found in Annex 1. Based on the screening, MTCA will adopt the following approaches:

- a. Relocation of diversions and/or further redesign of the subproject to avoid/minimize land acquisition/resettlement.
- b. Preparation of a LARRD for low risk subprojects that do not require temporary use of land or land acquisition and/or create associated resettlement impacts;

- c. Preparation of a LARRD describing the mitigation measures to be included in the ESMP for low risk subprojects that require temporary use of land (and associated impacts);
- d. Preparation of a LARRD describing the process for obtaining access to land through the donation protocol, this will include third-party verification as set out in Section D.5.
- e. Preparation of the LARP if there are unavoidable permanent land acquisition/resettlement impacts.

64. In the event of no permanent land acquisition/resettlement, this will be reported in the subproject report along with the LARRD report confirming that there is no need to prepare a LARP. The due diligence report will include:

- a. A brief description of the site including a location map and pictures;
- b. A description of proposed works and type of activities;
- c. Confirmation of land status, ownership, and usage (supported by land records);
- d. Findings of the field visit and observations on the subproject site including requirements for temporary use of land and whether this will create associated impacts such as removal of crops and trees or impacts (partial or full) on main structures;
- e. Process and outcome of consultations with stakeholders. Records of meetings (attendance, minutes, etc.) and third part verification process in cases of land donation;
- f. In cases of land donation, assessment and/or description of how the conditions for land donation as set out in the protocol (Section D.5) have been met; and
- g. Confirmation that there are no land issues or there are requirements for temporary use of land (and associated impacts) that will be mitigated through measures included in the ESMF and a LARP is not needed.

65. The subproject report, including the Subproject Screening Form and all other relevant information about land access, acquisition/resettlement, will be submitted to WB together with the feasibility study report.

E.2 Initial Social Assessment

66. If resettlement is anticipated for any subproject, the MTCA, by itself or through its partner entity or contractor, will carry out an initial social assessment to determine potential social issues and likely adverse impacts at the sub-project identification stage. Based on the initial social assessment decision can be taken on the types of detailed studies and field investigations required and necessary documentation.

E.3 Preparation of LARP for Subprojects

67. The LARP will be prepared for subprojects involving land acquisition/resettlement impacts as determined in the initial social assessment. Annex B provides the outline of the LARP.

The MTCA and its implementing partner agencies will prepare the LARP with assistance from DOL, TLTB and other relevant authorities in the subproject area, and with close consultation with village leaders and APs. The LARP must be submitted to and approved by WB prior to awarding a contract for civil works for subprojects involving resettlement impacts. The preparation of the LARP will include the following steps and activities:

- a. MTCA, through its PMU social officer, will organize consultations with APs. The purpose of the consultations is to inform the APs about the scope of works and the land acquisition/resettlement requirements. In the presence of village leaders, landowners/APs and other stakeholders, MTCA will identify the affected land and assets on the ground.
- b. MTCA will conduct a detailed measurement survey (DMS) based on detailed engineering design and demarcation of land to be acquired. The DMS will include a) a census and socio-economic survey of APs, and b) measurement and inventory of affected land and other assets. The census and inventory of losses survey will count all APs and a detailed list of affected land and other assets will be prepared. It will be conducted in a participatory manner to estimate impacts and losses. The socio-economic survey may cover all APs if their number is small, or at least 10% of APs and 20% of severely affected APs if their number is big. The surveys will document existing socio-economic conditions of APs, including (a) demographic, education, and occupational profiles; (b) livelihoods and income; (c) type of land, use of land and other resources; and, (d) other relevant social aspects. The data will be disaggregated by gender and other relevant aspects such as number of APs belonging to vulnerable groups.
- c. MTCA will draft the LARP following the outline provided in Annex B. The LARP will document the types and amounts of land that will be required. It will also summarize numbers of APs; how they are affected by the losses; compensation and other assistance to which they are entitled to; and, amounts of compensation. The details will vary depending on the magnitude of land acquisition/resettlement. The LARP will then be disclosed and subjected to public consultation. It will also serve as the major document in further negotiating with APs. The LARP will include an implementation schedule ensuring that civil works will not commence until compensation and/or assistance has been paid to APs.
- d. The final version of the LARP is approved by MTCA, re-disclosed in its website and the WB website and implemented accordingly.

F. CONSULTATION, PARTICIPATION AND DISCLOSURE

68. Information dissemination, meaningful consultation, and participation of APs and key local agencies will be undertaken to maintain transparency, raise awareness, reduce potential conflicts and delays, and achieve the objectives of the LARP as well as the Project's Stakeholders Engagement Framework. The actions that will be undertaken for participation in the various stages of land acquisition and resettlement planning are:

- a. Identification of stakeholders, who will be involved in planning and implementation: APs, implementing partner agencies (FRA, Airport Fiji, Savusavu and Labasa town councils), iTaukei Affairs Board, TLTB, Rural Local Authority, Provincial Administration, Provincial Council, District Office, local communities at subproject sites, other project authorities, and interested parties like the NGOs.
- b. Dissemination of information (including project entitlements), and appropriate mechanisms for feedback and facilitation of the consultation process.
- c. Setting of a grievance mechanism and procedures.
- d. Community participation in monitoring the LARPs.

F.1 Mechanisms for consultation

69. A variety of mechanisms will be utilized to consult with stakeholders and APs during preparation and implementation of LARRD or LARP including: (a) village meetings involving both women and men from communities - to consult them and to disseminate information about the subproject; (b) specific facilitated meetings with APs including mataqali leaders, land owners, and users affected directly by the project; (c) separate meetings with women APs and vulnerable households; (d) key informant interviews with relevant government staff, mataqali leaders, Turaga-ni-Koro, chiefs, women, religious and youth leaders (d) one-to-one socio-economic household survey of APs and affected communities; (e) participatory compilation of the Inventory of Losses, and (f) informal conversations with passers-by and transport and other infrastructure users near the subproject sites. Consultations will be undertaken in the Fijian vernacular where possible, or translated from English into the local Fijian dialect. Household interviews or focus group discussions with Indo-Fijians should, where possible, be conducted in Hindi or English.

70. An important incentive to greater participation is to ensure consultations are undertaken at venues and times that do not disadvantage women. Where it is impossible or inconvenient for women to attend community meetings or DP consultations because of child care responsibilities, caring for the sick and elderly, or because of traditional norms, women will be consulted in their own homes.

F.2 Responsibilities for Consultation and Participation

71. The MTCA will have overall responsibility for consultation and participation of stakeholders. The PMU social officer, supported by the E&S specialist and community engagement officers in Labasa and Savusavu will facilitate community liaison activities.

72. The PMU E&S specialist and social officer will ensure that consultation occurs as planned, and that information is disclosed in a timely way. They will be responsible for preparing information brochure and disseminating it widely to affected communities and local authorities.

73. When land donation is involved, appropriate third-party verifiers will be engaged by MTCA to independently observe and validate the land donation process (as per Section D.5), this

will include consultations by them with potential land donors to ensure the process is both free and informed.

74. The PMU social officer, with the assistance of DOL Valuation Division in the MLMR will be responsible for (a) village consultation meetings; (b) all initial valuations; (c) identification of owners and leaseholders and (d) negotiations with land owners for purchase of land. Their role is an important one in terms of informing APs of the value of their assets.

75. The TLTB (through the various Provincial Councils) which represents and negotiates on behalf of the mataqali land owners, will sign agreements on their behalf and is responsible for securing the consent of mataqali members prior to making such agreements.

76. The concerned Provincial Council will facilitate discussions around land acquisition, between the MTCA PMU and communities.

F.3 Disclosure Arrangements

77. This LARF, together with other Project safeguard documents such as the ESMF and ESCP, will be disclosed in the MTCA website and WB website. Stakeholders and APs will be provided with relevant, timely information about the project, its land acquisition requirements, and policies on compensation and entitlements, and established grievance redress mechanism (as described under section H) during the preparation of the LARRDs and LARPs. The LARRD and LARP will be disclosed to APs and stakeholders, and an information brochure will be available in English and Fijian, summarizing the entitlements and other relevant information.

78. The LARRD and LARP will be disseminated at meetings, and available at local authority offices in affected districts. These will also be uploaded to the WB website upon submission by the MTCA. The MTCA and its implementing partners, in close coordination with the Labasa and Savusavu town councils, concerned provincial councils, the iTaukei Affairs and the TLTB will continue to consult and engage with APs, landowners, tenants, prior to and throughout project implementation. Formal consultation with APs will take place again after detailed design work is completed, and prior to commencement of any project works, to enable compilation of a full census and inventory of losses. Community leaders and representatives from the DOL and TLTB will inform the affected parties and will respond to all compensation related inquiries.

G. COMPENSATION PAYMENT, INCOME RESTORATION AND RELOCATION

G.1 Disbursement and Payment of Compensation

79. MTCA will coordinate with DOL, TLTB, Provincial Councils and District Administrations to disburse and pay compensation to APs in accordance with the Entitlement Matrix as described

in preceding sections. Compensation will be paid and affected structures, if any, will be relocated before taking possession of land/properties and prior to the start of civil works. Local authorities, particularly, the village leaders (Turaga-ni-Koro), will assist in identifying entitled persons and delivering the compensation amounts.

G.2 Income Restoration Measures

80. Apart from direct compensation, implementation of other measures to restore incomes and livelihoods for APs will be adopted, such as employment in project construction, skills training, community development, or assistance to vulnerable groups, to be specified in the subproject LARP. Income restoration measures will focus on the poor and vulnerable people whose daily income and livelihood sources are at risk.

81. It is estimated that each of the subproject could take up to 18 months to construct and waged labour opportunities will be made available as a priority to APs. The APs who will be offered employment on the Project, will be provided with on-the-job training by the contractors. Such training will include skills required by subproject activities.

G.3 Measures for Replacement Land

82. APs losing land, either freehold or native land, are expected to find replacement land of equal or better productive potential at nearby places. Because most lands are owned communally by the mataqali units, in many parts of Fiji it is a relatively simple procedure for clan leaders to reallocate land among their members to ensure no one is disadvantaged by the project. However, in some districts there are land shortages, and replacement land may not be easily available. In this case, alternative income restoration methods will need to be undertaken for APs losing significant portion of their productive land, such as employment and skills training.

H. GRIEVANCE MECHANISM

H.1 Requirement for Grievance Redress

83. To receive and facilitate the resolution of APs' any concerns, complaints, or grievances about the project's safeguards performance, a grievance mechanism (GM) is developed under the Stakeholder Engagement Framework⁹ of this Project. When and where the need arises, this mechanism will be used for addressing any complaints that may arise during the implementation and operation of the Project and its subprojects, including land acquisition or resettlement complaints. The GM will address these concerns and complaints promptly and transparently. The GM will be gender responsive and readily accessible to all APs at no costs.

⁹ Please see the SEF for the GM details.

84. The GM will use traditional systems for conflict and dispute resolution and established institutional arrangements according to the types of lands (State, Freehold, Native) to be affected. As far as possible, problems, concerns or grievances will be resolved at the subproject level. The GM will not however impede APs access to the Fiji's judicial or administrative remedies. MTCA in coordination with relevant agencies will inform APs about the GM.

85. The GM will utilize all available uptake points. Among others, these include (i) verbal or in-person visits to any project or subproject offices/construction sites or community leaders' offices, (ii) calls or SMS to a dedicated line and mobile number, (iii) mail and (iv) online platforms such as the Project website, email and social media accounts.

86. The GM applies equally to the land donation process and procedures as it does to land acquisition and all other processes and mechanisms applied by the project.

87. The key functions of the GM will be to (i) record, categorize and prioritize the grievances; (ii) settle the grievances in consultation with complainant(s) and other stakeholders; (iii) inform the aggrieved parties about the solutions; and (iv) forward the unresolved cases to higher authorities.

88. The subproject manager or engineer supported by PMU social officer will be the grievance focal points to receive, review and address project related concerns and to resolve land related disputes in coordination with the government authorities. APs will be made fully aware of their rights during consultations about land requirements. No costs will be charged for anybody making a complaint. APs will be exempted from any fees associated with resolving the grievance pursuant to the project's grievance redress procedure.

89. Complaints will be recorded and investigated by PMU social officer, with support from the PMU E&S specialist, working with relevant staff of the individual subproject. The MTCA Project Manager will be immediately informed/updated of any complaints from APs by PMU social officer. A GM Management Information System (MIS) – either a stand alone GM MIS or embedded in the Project MIS – will be maintained which will show the details and nature of the complaint, the complainant, the date and actions taken as a result of the investigation. It will also cross-reference any safeguard compliance report or other relevant documentation.

90. When subproject implementation starts, a sign will be erected at all sites providing the public with updated project information and summarizing the GM process including contact details of the subproject's GM focal points. All corrective actions and complaints responses carried out on site will be reported back to MTCA through the GM MIS. MTCA will include information from the GM MIS and corrective actions/responses in its progress reports to the WB.

91. In the whole process, relevant Fiji agencies (DOL, TLTB, iTaukei Affairs, etc.) will be always available to review public complaints and advice on the MTCA's performance for grievance redress.

H.2 Key Steps of Grievance Redress Process (Based on the SEF)

STEP 1

92. Any APs, by themselves or through their representatives like the village head/chief, can file complaints or grievances through any uptake point.

93. To avoid conflicts of interest and keep the integrity of the system, the GM provides different options for lodging a complaint. This means that people can raise their concerns with any uptake point or someone they trust and can also choose to talk with either a man or a woman. This is especially important in situations that involve gender-based violence, sexual exploitation, abuse, or harassment.

STEP 2

94. Upon receipt of the complaint, the PMU social officer will log the details in the GM MIS. The MIS will record complaints by date, name, contact address and contact information (number, social media accounts, etc.) if available, and details or substance of the complaint. If the complainant desires, their identity may be kept anonymous but the nature of their concern should still be recorded. A duplicate copy of the entry is given to the person making the complaint for their record at the time of registering the complaint. The duplicate copy given to the complainant will also describe the procedure that will be followed in assessing the concern or complaint.

95. For non-SEA/SH and straightforward grievances, the subproject engineer, following the principles and protocol of the Project GM, i.e. with traditional/community leaders, can make an on-the-spot determination to resolve the issue. The PMU social officer will review the action of the SP Engineer and provide appropriate guidance. Complaints are expected to be resolved within two weeks at the most.

96. All SEA/SH related complaints lodged through the GM must proceed immediately to the PMU social officer, who, with utmost sensitivity and confidentiality, will facilitate referral to the right person or office following the Fiji GBV Protocol described previously.¹⁰

STEP 3

97. Complex cases that are not resolved within the two-week timeframe will be referred to the PMU Project Manager, who, in close coordination with the PMU social officer, PMU E&S Specialist, traditional/community leaders and concerned government agencies, will find a

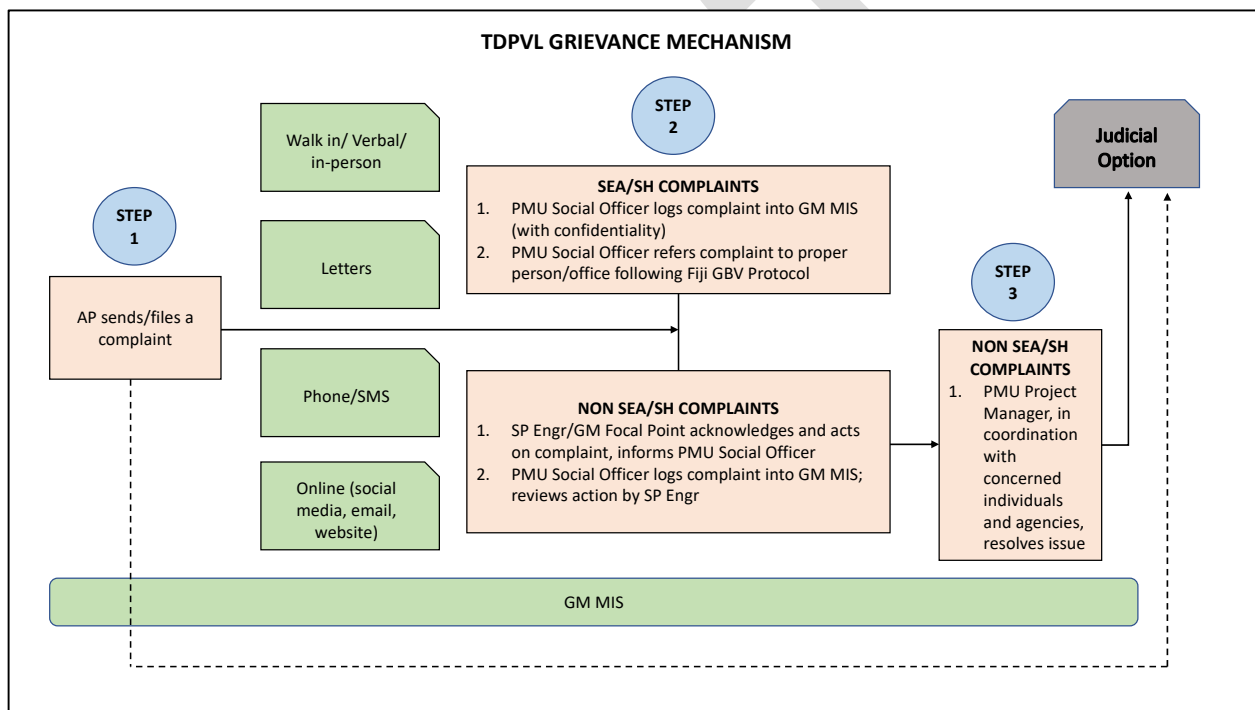
¹⁰ Given the sensitivity involving SEA/SH cases, the Project will let concerned handlers and authorities do their mandates and responsibilities and will only involve itself when said handlers/authorities require its assistance. The PMU Social Officer will monitor development in the cases and update the MIS accordingly.

solution to the issue/problem within two weeks. The PMU social officer will regularly update the affected person/s on the progress and status of the case.

98. Judicial Option

99. If unresolved, or at any time the complainant is not satisfied, he or she can take the matter to appropriate judicial option including the court. Both successfully addressed complaints and non-responsive issues will be reported to the WB by MTCA. The figure below sets out the process to resolve any project related grievances.

Figure 1: Grievance Redress Process



I. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

I.1 Institutional Responsibilities

100. The following are key agencies responsible for the project’s land access, land acquisition, resettlement and compensation activities:

- a. The Ministry of Economy will be the executing agency. The MTCA as the implementing agency will have overall responsibility for the implementation of this LARF and its subsequent LARPs. The MTCA, through its PMU E&S specialist and social officer, is responsible for the (a) identification of affected areas and APs; (b) social assessments and due diligence; (c) overall LARP preparation, implementation and monitoring; (d) community liaison; and (e) LARP budgetary provision.

- b. MTCA will ensure that compensation is paid as required under the LARF. If needed, a top-up resettlement budget will be made available to provide the additional compensation/assistance. The PMU social officer will also be responsible for identifying capacity gaps and providing training and capacity building to Fijian agencies involved in land acquisition.
- c. The DOL and MTCA land and valuation officers will be responsible for (a) all initial valuations; (b) identification of owners and leaseholders; and (c) negotiations with land owners.
- d. The TLTB, which represents and negotiates on behalf of the mataqali land owners, will sign agreements on their behalf and will be responsible for securing the consent of mataqali members prior to making such agreements.

101. **Ministry of Tourism and Civil Aviation.** MTCA will be responsible for overseeing and managing project execution including compliance with project requirements including safeguards. MTCA will recruit a social officer to the project management team for the project who will be supported by the E&S specialist (to be appointed). MTCA's social officer will ensure that the procedures and processes established in this LARF are followed for the project. However, responsibility for preparation of the LARRD and/or LARP for individual subprojects will be shared with E&S specialists recruited specifically to assist or within any design and/or supervision consultants (DSC) engaged by MTCA to support implementation of respective subprojects.

102. **Design and Supervision Consultant (DSC).** The DSC will include international and national specialists to implement the safeguard tasks at specific subprojects as required by the LARF. This will include: (i) social safeguard/resettlement specialist (international) (SSS); and (ii) safeguards specialist (national) (NSS). The DSC will be headed by a team leader.

103. Safeguards responsibilities of the DSC include:

- a. Ensuring that safeguards are implemented as set out in the LARF and other safeguard documents so as to meet intended requirements.
- b. Undertaking safeguards assessments during the feasibility study, ensuring that the LARPs are prepared.
- c. Supervising the safeguards implementation, including implementation of relevant LARP activities.
- d. Verifying that all land has been acquired and handed over, and that there are no community health and safety risks related to land/properties not handed over, prior to the commencement of works.

104. Within the MTCA, the PMU social officer and E&S specialist will have specific responsibilities for implementation of the LARF and LARP, as described in their TORs under the ESMF.

105. **Department of Lands.** The DOL will be responsible for (a) attending village consultation meetings; (b) initial valuations; (c) identification of owners and leaseholders (d) negotiations with land owners; (e) preparation of Sale and Purchase Agreements and sending to the TLTB for Board

endorsement; (f) approval of final land surveys on completion of Project, and adjustment of land compensation required; (g) preparation of land transfer, lease surrender, or freehold dedication documents; and (h) registration of titles.

106. **iTaukei Land Trust Board.** The TLTB, which represents and negotiates on behalf of the mataqali land owners, signs agreements on their behalf and is responsible for securing the consent of mataqali members prior to making such agreements. The TLTB Board must endorse and approve the Sales and Purchase Agreements, and transfer documents.

I.2 Institutional Capacity Support

107. Capacity of MTCA and government agencies involved in land acquisition is still weak in the areas of safeguards and will be strengthened under the project.¹¹ MTCA Project Manager, in collaboration with WB Safeguard Team, will provide training to project staff and relevant government agencies such as DOL and TLTB, mainly in the form of on-the-job training, but also through special workshops to enhance their institutional capacity and improve safeguard practice in Fiji. Based on the experience of training together, working groups can be established to ensure interdepartmental coordination.

108. An initial workshop will be held for all staff involved in land acquisition in the early stages of the project,¹² following by mentoring and on-the-job training. Further workshops on specific topics will be organized, as needed, once implementation is underway, particularly to ensure that monitoring activities are undertaken according to the LARF.

I.3 Role of other organizations: civil society and women's groups

109. There are few local NGOs or women's groups involved in the planning and management of any land acquisition or resettlement activities, except for groups of the landowning mataqali. Local groups and leaders will be consulted when identifying any particularly vulnerable people. Other NGOs, if available, will be consulted about land and livelihoods issues, as well as on good practices to manage such issues. They will also be consulted during monitoring of the LARP and its outcomes, as required.

¹¹ MTCAMTCA has staff that have knowledge and experience on the local context, but have not had formal training on WB safeguard requirements. Other Fijian government organizations at both central and provincial level are familiar with Fijian legislation and regulations for acquiring land and paying compensation according to the law, but also lack staff with specific training or knowledge of WB ESF and ESS5 management measures.

¹² As specified in the ESCP.

I. IMPLEMENTATION SCHEDULE

110. An indicative implementation schedule for the Project land acquisition and resettlement activities is provided in Table 4. This includes activities to (i) prepare/update the LARP; (ii) implement the LARP; and (iii) monitor activities.

111. A more detailed schedule with specific target dates will be provided in the LARP for each subproject during implementation.

Table 4: Implementation Timeline/Schedule

Step	Activities	Responsible Agency	Timing
Prepare/Update LARP			
1	Confirm land requirements based on detailed engineering design of the subprojects. Determine areas of land, which will fall outside the existing government reserve.	Consulting engineers	Month 1
2	Provide plans identifying areas to be acquired to DOL and TLTB	MTCA	Month 1
3	Determine type of affected land tenure (iTaukei, leased, or freehold)	DOL & TLTB	Month 1
4	Determine numbers in <i>mataqali</i> group, land owners and users affected (APs), and identify any vulnerable households through social assessment	DOL, TLTB, and MTCA	Month 2
5	Conduct consultations with affected communities and agree on land acquisition	DOL, TLTB, MTCA	Month 2; Ongoing
6	Obtain written consents from each landowning unit during consultation meeting	DOL & TLTB	Month 3-4
7	Cadastral survey of land if not previously done, and submission for land registration	DOL; MTCA	Month 2
8	Conduct titles/leases search in Government titles registration office for affected land ownership	DOL and MTCA	Month 2
9	Determine and mark areas for each land unit required	DOL and MTCA	Month 2
10	Conduct inventory of losses – land, trees, crops and provide valuation for compensation	MTCA, Valuation Division DOL & MAFF	Month 4 & 5
12	Negotiate compensation with land owners (<i>mataqali</i>) or holders of Native Leases or freehold landowners	MTCA, DOL & TLTB	Month 5
13	MTCA submits the updated LARP for approval and uploading on the WB website	MTCA & WB	Month 6
LARP Implementation			
14	Execution of Sale and Purchase Agreement. Endorsed by TLTB.	MTCA, DOL and TLTB	Month 5
15	Payment of compensation and allowances	DOL, MTCA and TLTB	Month 6
16	Complete land transfers & registration	DOL	Month 7
17	Submit the Land Acquisition Completion Report to WB	MTCA	Month 7
18	Award of civil works contract, clearance of land, and briefing of contractor on safeguards	MTCA	Month 8
19	Commencement of civil works (contingent on compensation and allowances being paid)	MTCA	Month 9
20	Final survey plan on completion of work; payment of adjusted compensation as required	MTCA and DOL	Month 15
Monitoring			

21	Start AP socio-economic monitoring	MTCA	Month 12
22	Submit progress report to WB on implementation of the LARP	MTCA	Six -monthly
23	Conduct post-project survey and final monitoring report	MTCA	Month 16

J. BUDGET AND FINANCING

112. All land acquisition, compensation, and income restoration costs for the project will be financed by the government using both counterpart funds and loan proceeds.¹³ The budget for such activities will be estimated during feasibility/initial social assessment based on interviews with affected communities. This will be updated after the detailed survey and valuation, and further consultations with APs. The government will finance land acquisition and resettlement requirements that it can fund based on its existing laws. Other land acquisition and resettlement funding requirements that don't have legal bases based on Fijian laws will be funded through the loan proceeds. As discussed under Section C.5, these include compensation for non-title holders and possible top-up payment to ensure replacement costs explained in Section D.4 (Valuation). Detailed determination of sources of funding will be provided for each LARP. The government will release sufficient budget for implementation of compensation, resettlement and rehabilitation activities in an appropriate and timely manner.

113. The MTCA will prepare the necessary arrangement for disbursement of compensation in coordination with the DOL and TLTB. MTCA's annual budgets will show the cost of the land acquisition / resettlement according to project activities.

114. The LARP for subprojects provides a summary of some of the anticipated budget needed to implement the LARF for the subprojects. However, the exact amount of budget for resettlement activities at the two bridge sites will be confirmed after the detailed design. The following table presents the types of costs for compensation of land and other assets, some of the anticipated institutional costs (for implementation, M&E, costs of staff, and capacity building). The costs of the land survey and resettlement / safeguards specialists will be included in the project management and administration costs.

Table 5: Estimated LAR Costs¹⁴

Item	Cost (FJ\$)
Compensation for landowners	\$
Compensation/assistance for land users	
Sub-total	
Income support for vulnerable people	
Compensation for crops and trees:	
Staff training	
Costs of MTCA activities related to updating and implementing LARP	

¹³ Subject to final agreement between GOF and WB.

¹⁴ To be determined once designs are completed.

Monitoring and Evaluation	
Training, administration and survey costs	
Contingencies 20%	
Grand Total FJ\$:	
USD equivalent:	

K. MONITORING AND REPORTING

115. MTCA will monitor all activities associated with land acquisition and payment of compensation to APs. The scope of monitoring includes: (i) compliance with the agreed policies and procedures for land acquisition; (ii) prompt approval, allocation and disbursement of compensation payments to APs, including if necessary, supplemental compensation for additional and/or unforeseen losses; and, (iii) remedial actions, as required. The monitoring will also cover the social impacts of the project and whether APs are able to restore and preferably improve, their pre-project living standards, incomes, and productive capacity. A set of monitoring and evaluation indicators are in Annex 4. Specific subproject level indicators will be included in the LARP.

116. MTCA will prepare and submit semi-annual safeguards monitoring reports to WB as part of project performance monitoring. Safeguards status and implementation will also be reported as part of MTCA's quarterly progress reporting. MTCA will also submit subproject completion reports to WB for each site when compensation has been paid.

117. MTCA will coordinate with DOL and TLTB as well as Provincial and District administrators in monitoring activities associated with land acquisition.

ANNEX A: TDPVL Land Acquisition and Resettlement Screening Form

<i>Project Title: Loan No:</i>				
<i>Subproject: Date:</i>				
<i>Location and impact area:</i>				
<i>Answer below with tick or cross in yes, no or not known column, do not place NA in the columns.</i>				
Probable Land Acquisition/Resettlement Impacts	Yes	No	Not Known	Remarks
Temporary Use of Land				
Will the subproject need land for a diversion, camp, work yard or other requirement during construction period?				
Will the temporary use of land require removal of crops and/or trees?				
Will the temporary use of land create partial or full impacts on a main structure (house or commercial building)?				
Will the temporary use of land create impacts on livelihoods or income generating assets?				
Acquisition of Land				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
Restrictions on land use or on access				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
Information on Affected Persons				
Any estimate of the likely number of persons that will be affected by temporary use of land during construction period? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how many? _____				
Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how many? _____				
Category for resettlement impacts: A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/>				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes				
Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes				

Note: Please attach additional information on the project, as necessary.

Annex B: Outline of Land Acquisition and Resettlement Plan

- A. **Executive Summary:** It provides a concise scope, entitlements and activities.
- B. **Project Description:** It introduces the project, and projects components with land acquisition or resettlement. It also describes the alternatives considered to avoid or minimize impacts.
- C. **Scope of Land Acquisition and Resettlement:** This section discusses the project's potential impacts; describes the scope of land acquisition and explains why it is necessary; and summarizes the key effects
- D. **Socio economic Information and Profile:** The section outlines the results of the assessment of social impacts: a. defines, identifies, and enumerates the people to be affected; b. describes the likely impacts of the land and asset acquisition; c. discusses the project's impacts on the poor, and other vulnerable groups; identifies gender and resettlement impacts.
- E. **Information Disclosure, Consultations, and Participation.** This section: a. identifies project stakeholders, especially primary stakeholders; b. describes the consultation and participation mechanisms; c. describes the activities undertaken to disseminate information; d. summarizes the results of consultations; e. confirms disclosure of the draft RP to affected persons; and f. describes the planned information disclosure and consultation measures
- F. **Grievance Redress Mechanisms.** This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.
- G. **Legal Framework.** This section: a. describes national laws and ADB and WB's policy requirement; and gap-filing measures. b. describes the legal and policy for all types of displaced person; c. outlines the principles and methodologies used for determining valuations and compensation rates; and set out the compensation and assistance eligibility criteria
- H. **Entitlements, Assistance and Benefits.** This section: a) Defines DPs entitlements and eligibility, (includes an entitlement matrix); b) Specifies all assistance to vulnerable groups; and c) Outlines opportunities for DPs to derive appropriate benefits from project.
- I. **Relocation of Housing and Settlement.** This section, if relevant: a) Describes options for relocating housing and other structures; b) Describes alternative relocation sites considered; community consultations; c) Provides timetables for site preparation and transfer; d) Describes the legal arrangements to regularize tenure; e) Outlines measures to assist DPs with their transfer and establishment at new sites; f) Describes plans to provide civic infrastructure; and g) Explains how integration with host populations will be carried out.
- J. **Income Restoration and Rehabilitation.** This section, (as relevant): a) Identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources; b) describes income restoration programs, including multiple options from restoring all types of livelihoods; c) outlines measures to provide social safety net; d) describes special measures to support vulnerable groups; e) describes training programs.

- K. **Resettlement Budget and Financial Plan.** This section: a) Provides an itemized budget for all resettlement activities. b) Describes the flow of funds. c) Includes a justification for all assumptions made in calculating compensation rates. D) Includes information about the source of funding for the resettlement plan budget.
- L. **Institutional Arrangements.** This section: a) Describes institutional arrangement responsibilities and mechanisms. b) Includes institutional capacity building program. c) Describes roles of NGO's, if involved, and organizations of affected persons. D) Describes how women's groups will be involved.
- M. **Implementation Schedule:** This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities.
- N. **Monitoring and Reporting:** This section describes the mechanisms and indicators appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

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