

Short Land Acquisition and Resettlement Plan

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Sopu Drainage Channel Subproject

A. Introduction

1. The Government of Tonga (GOT) has identified enhanced urban services as essential for inclusive growth and poverty reduction. The Integrated Urban Development Sector Project (thereafter Project) will contribute through flood mitigation measures in low-lying and low-income residential areas, improved major road arteries, reduced vehicular-pedestrian conflicts, rehabilitated and extended roadside drainages, extended, repaired and sealed access roads in low-lying residential areas, and enhanced monitoring of groundwater quality, to the improvement of urban infrastructure in Nuku'alofa, the country's national capital and largest urban area. The Project, which will be implemented by the Ministry of Works (MoW), will also enhance capacities in urban planning, project management and maintenance. The project will be financed under an ADB loan with counterpart funding from the GoT.

2. Some investment components (subprojects) have resettlement impacts, which need to be identified and mitigated prior to implementation as experience indicates that involuntary resettlement, if unmitigated, gives rise to severe economic, social, and environmental impacts: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost.

3. This short Land Acquisition and Resettlement Plan (LARP) has been prepared in accordance with the GOT's laws and regulations and ADB's policy on Involuntary Resettlement for the Sopu Drainage Channel Subproject (thereafter subproject). The LARP was prepared following surveys and investigations of preliminary technical designs.

B. Scope of Resettlement Impacts

4. The Sopu Drainage Channel Subproject will include the construction of a 2.1 km drainage channel through a mainly residential area comprising both developed (reclaimed) and undeveloped parcels of land. As the area is developed for housing and land is filled, undeveloped blocks are subject to a "ponding" effect by trapped water. The Sopu Drainage Channel will connect the largest isolated open water areas to the watershed outlet, allowing these areas to periodically "flush" during rain storms, thereby reducing the existing health hazards they induce. It will also provide a drainage route during storms rather than backing up runoff into existing homes. Further, the drainage channel will establish a legal drainage easement within which no further construction will take place. It has been recommended that as the road network in this area is expanded, provisions for a storm water collection system should be included with the outlets terminating in the proposed Sopu drainage channel.

5. The original design of the drainage channel would have affected 48 land parcels and might have resulted in the relocation of two or three households. After careful consideration, the design of the drainage channel was realigned so that only 46 parcels of land are affected and no physical resettlement will be required. The alignment of the drainage channel has been carefully designed to minimize loss to developed properties, by following the boundaries of the subdivision of the land. The channel will be constructed on swamp inundated land characterized by large bodies of open water with poor quality mangroves and other aquatic weeds. In most cases, the design takes a slice of land from parcels of land on either side of the boundary. Of the 46 affected parcels, 8 are reclaimed and have structures,

another 8 are reclaimed or partly reclaimed but unoccupied, and the remaining 30 are unreclaimed. There are no crops or fruit trees planted within the vicinity of the proposed channel due to the swampy nature of the area and the number of affected trees is therefore very limited. The area is due to its nature also not used for any livelihoods.

Before the final design is completed, the land will be resurveyed so that residential lots can be realigned to ensure that their reduction in size does not fall below the minimum permitted area. All affected landholders will be compensated for loss of land, crops, and trees.



C. Resettlement Plan Objectives, Policy Framework and Entitlements

6. Under the Constitution of Tonga (1875) all land in the Kingdom belongs, in principle, to the Crown and is classified as (i) King's land, (ii) hereditary estates of members of the Royal Family, (iii) hereditary estates of Nobles, and (iv) Government land. The latter two estates are subdivided into allotments for the rest of the people of Tonga. In theory, every Tongan male over the age of 16 is entitled to a "tax allotment" of 3.3 hectares for agriculture, and a "town allotment"¹ of between 752 m² and 1,618 m² for residential purposes. In practice there is now little land available for distribution, particularly in the Nuku'alofa area.

7. By 2000 there were 16,021 registered tax allotments, 15,406 town allotments, and 4,818 leaseholds. In 1994 Tongatapu accounted for 53 percent of tax allotments, 32 percent of town allotments, and 78 percent of leaseholds for the year. During the five-year period to 2000, there was a 10 percent decline in town allotment registration for Tongatapu due to limited available land.

8. When the registered owner of an allotment dies, the allotment is inherited by the eldest son, or other male heir. Women can only lease land or hold land in trust for their male heirs. Sale of land is prohibited, but land may be leased. Leases can only be sold by the land owner, both leases and allotments may be used to secure bank loans. Given the fact that there is already limited land available, especially for the allocation of town lots to all eligible males, this future increase in demand will put further pressure on the existing system of land allocation.

¹ When Tonga's constitution was adopted in 1875 there were no towns and most people lived in scattered households near the land they cultivated. Major Chiefs owned all the land under their control and lived in larger settlement with their immediate retainers. The constitution created a new system of land tenure which gave property right to the common people and new residential arrangements of nucleated villages divided into "town allotments" adjacent to farmlands divided into "tax allotments".

9. The principles and policies on land acquisition and compensation under this LARF are based on the “Land Act” (1988) of the GOT and ADB’s Policy on Involuntary Resettlement (1995). A comparison of the two and measures on how to bridge the gap are presented in **Table 1**:

Table 1: Comparison of Tongan Laws and ADB’s Policy on Involuntary Resettlement

Tonga’s Land Acquisition Policy	ADB’s Policy on Involuntary Resettlement	Gaps and measures to bridge these gaps
Sections 138 – 141 relates to the reservation and/or resumption of land for public purposes.	Involuntary resettlement should be avoided wherever feasible.	The GOT has no specific policy consistent or equivalent with that of ADB
No specific policy in Tongan Law, but there is precedent for livelihood support in other projects.	Where population displacement is unavoidable, it should be minimized by providing viable livelihood options.	The GOT has no specific policy consistent or equivalent with that of ADB.
Sections 141 (2) provides powers to the Minister of Lands for the payment of compensation where land is compulsorily acquired. In the case of loss of crops and structures compensation will be in cash. In the case of loss of land, compensation may be in the form of land and/or cash.	Replacing what is lost. If individuals or community must lose all part of their land, means of livelihood, or social support systems, so that a project might proceed, they will be compensated and assisted through replacement of land, housing, infrastructure, resources, income sources, and services, in cash or in kind, so that their economic and social circumstances will be at least restored to the pre-project level. All compensation is based on the principle of resettlement cost.	The GOT policy is generally consistent with ADB policy; however the GOT policy does not require that the economic and social circumstances of individuals are restored to at least the pre-project level.
No specific policy in Tongan Law. In practice, each involuntary resettlement is assessed according to the development project. The assessment includes a review of the APs' benefits from the project in terms of improving their quality of life and a determination of appropriate compensation. Compensation is generally paid within a timeframe prior to the action of the civil works.	Each involuntary resettlement is conceived and executed as part of a development project or program. ADB and executing agencies or project sponsors, during project preparation, assess opportunities for affected people (AP) to share project benefits. The APs need to be provided with sufficient resources and opportunities to reestablish their livelihoods and homes as soon as possible, with time-bound action in coordination with civil works.	The GOT has no specific policy consistent or equivalent with that of ADB.
Land Act, Sections 142 requires the Minister of Lands to notify affected persons of Government’s intention to acquire land. At least 30 days notice must be provided. In practice, APs are informed and consulted on the project, plans and the actions to be taken particularly in respect to compensation entitlements and options. Grievance redress mechanisms are approved by GOT on a project by project basis.	The APs are to be fully informed and closely consulted on compensation and/or resettlement options, including relocation sites, and socioeconomic rehabilitation. Pertinent resettlement information is to be disclosed to the AP at key points, and specific opportunities provided for them to participate in choosing, planning, and implementation options. Grievance redress mechanisms for APs are to be established. Where adversely affected people are particularly vulnerable groups, resettlement planning decisions will be preceded by a social preparation phase to enhance their participation in negotiation, planning, and implementation.	The GOT has no specific policy consistent or equivalent with that of ADB.
No specific provision in Tonga Law.	Institutions of the APs, and, where relevant of their hosts, are to be protected and supported. APs are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted.	The GOT has no specific policy consistent or equivalent with that of ADB.
No specific provision in Tonga Law for indigenous peoples. However such practice is embedded in the customs and traditions of Tonga and the land tenure system. Land users with no legal claim have no rights. However there are cases of estoppels in which occupiers of land have legally resisted eviction.	Indigenous groups, ethnic minorities, pastoralists, people who claim for such land without formal legal rights, and others, who may have usufruct or customary rights to affected land or other resources, often have no legal title to their lands. The absence of a formal legal title to land is not a bar to ADB policy entitlements.	The GOT has no specific policy consistent or equivalent with that of ADB.
No specific provision in Tonga Law. In practice, information on APs is collected by specific surveys and through records maintained by the	The APs are to be identified and recorded as early as possible in order to establish their eligibility through a population record or census that serves as an eligibility cut-off date, preferably at the project identification	The GOT has no specific policy consistent or equivalent with that of ADB.

Tonga's Land Acquisition Policy	ADB's Policy on Involuntary Resettlement	Gaps and measures to bridge these gaps
Ministry of Lands, Survey, Natural Resources and Environment.	stage, to prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits.	
No specific policy in Tonga Law distinguishing between rich and poor. All citizens are treated equally	Particular attention must be paid to the needs of the poorest APs, and vulnerable groups that may be at high risks of impoverishment. This may include those without legal title to the land or other assets, household headed by female, the elderly or disabled and other vulnerable groups, particularly indigenous peoples. Appropriate assistance must be provided to help them improve their socio-economic status.	The GOT has no specific policy consistent or equivalent with that of ADB.
No specific policy in Tonga Law; however, in general Tonga follows donors' rules and procedures.	The full resettlement costs are to be included in the presentation of project costs and benefits. This includes cost of compensation, relocation and rehabilitation, social preparation and livelihood programs as well as the incremental benefits over without-project situation (which are included in the presentation of project costs and benefits). The budget also includes cost for planning, management, supervision, monitoring and evaluation, land taxes, land fees, and physical and price contingencies. Where loans include subprojects, components or investments prepared only after project approval and loans through financial intermediaries that are likely to cause involuntary resettlement, sufficient contingency allowance must be allocated for resettlement prior to approval of the loan. Similarly resettlement plans should also reflect the timeframe for resettlement planning and implementation.	The GoS has no equivalent written implementing rules and regulations as governments use different planning and implementation systems. As this project is receiving external financial support, ADB's provisions will be used to document the cost for land acquisition and resettlement.
	Eligible cost of compensation, relocation and rehabilitation may be considered for inclusion in ADB loan financing for the Project, if requested, to ensure timely availability of the requested resources and to ensure compliance with involuntary resettlement procedures during implementation.	Dito.

1. Policy principles on land acquisition and resettlement

10. To bridge the gaps between the GoT's "Land Act" and ADB's policy, the following principles and policies will govern the LARP for subprojects and activities funded under this project, with due consideration of the customs and traditions of the people in the subproject site:

- (a) Acquisition of lands shall be minimized and avoid the resettlement of people, as much as possible, therefore are subprojects, which require the physical displacement or undermine the livelihoods of more than 200 people, not eligible for funding under this project:
- (b) Where population displacement is proven through option assessments to be unavoidable, it should be minimized by providing viable livelihood options; therefore, no subproject with resettlement impacts will be implemented before a LARP has been elaborated in line with this LARF;
- (c) Affected people will be systematically informed and consulted on the acquisition of lands, assets and possible impacts on their livelihoods. They will be informed on their rights and options and invited to participate actively in the elaboration of mitigating measures;

- (d) In the consultation process, representatives of the village fonos² and town offices, community leaders and civil society organizations like non-government organizations (NGOs) from the operational areas will be included;
- (e) The customs and traditions as well as the religious practices of all APs will be respected and historical or cultural landmarks, reservation area, and trees of 50-years or more preserved and protected;
- (f) The APs are to be identified and their affected properties and livelihoods will be recorded and validated during a detailed measurement survey (DMS) in preparation of the LARPs for subprojects with resettlement impacts. The end of this survey will represent the cut-off date for eligibility. Eligible persons are entitled to compensation and livelihood rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income earning capacity and production levels. If the resettlement impacts are considered to be minor and do not undermine the livelihoods of the affected people, cash compensation at replacement costs will be offered. For severe affected people sustainable livelihood restoration measures will be elaborated in the RPs;
- (g) Lack of formal legal rights to assets lost will not deprive any APs from receiving compensation and entitlements. Distinctions should not be made between APs “with” and “without” formal legal title;
- (h) Compensation rates for physical assets, i.e. house, building and other structures, and non-physical assets like lost income from productive assets or jobs will be calculated at replacement costs in the subproject area at the time of compensation;
- (i) APs that stand to lose only part of their physical assets will not be left with a proportion inadequate to sustain their current standard of living such a minimum size being identified and agreed upon during the resettlement planning process;
- (j) Particular attention will be given to the socially and economically vulnerable groups like female-headed households, children, the landless, the poor, elderly or handicapped people without support structures and other people living in extreme hardships during the resettlement plan implementation process;
- (k) An independent grievance redress mechanism will be established to solve resettlement related disputes and complaints from the APs;
- (l) Whenever necessary, assistance of relevant institutions to ensure effective consultations and a compressive and timely implementation of the RPs will be provided;
- (m) The full cost of land acquisition and resettlement will be included in the project cost and adequate budgetary support shall be made available during implementation;
- (n) Appropriate reporting and monitoring and evaluation will be established as part of the resettlement management system;
- (o) Finally, all land acquisition, compensation, resettlement and rehabilitation activities need to be satisfactorily completed and the subproject areas cleared of all obstructions before the commencement of civil works.

2. Eligibility Criteria and Types of Losses

11. The detailed measurement survey (DMS) will be used to identify eligible households and individuals, and the cut-off date associated with it (the end of the survey), is used to discourage any party to take advantage of the compensation measures as people moving into the area or starting to use resources after the cut-off date are not eligible for compensation and livelihood restoration. Eligible households and individuals have the following entitlements:

² Village Fonos are the village councils which are chaired by the District Officer or his/her representative.

Temporary loss of land

- a) For the temporary loss of land no compensation will be paid, but an annual lease of 15% of the value of the affected land will be paid to the land owner before the start of civil works. After the use, the land will be restored to its original condition or improved quality and returned to the landowner;
- b) For affected leaseholders and users without land titles an easement fee of 15% of the value of the affected land will be paid before the start of civil works.

Permanent loss of land

- a) For construction sites and permanently used land, a cash compensation for the affected portion of land will be paid to the landowner before the start of civil works. At the time of the elaboration of this LARP the market value was determined by the Ministry of Land to be T\$ 25 per m² for improved land and T\$ 7.14 for unimproved land. The figures will be updated based on the DMS;
- b) If the remaining portion of the affected land is no longer viable for continuous use, compensation at replacement value for the entire land will be provided and - if the affected landowner requests this - assistance to find a similar piece of land. All transaction costs associated with the transfer of land ownership or the establishment of lease agreements will be borne by the project;
- c) Affected leaseholder and untitled user will be assisted to find a similar piece of land and all transaction and movement costs will be borne by the project.

Loss of crops and trees

- a) For the loss of annual crops on temporarily or permanently used land, a cash compensation equivalent to the market values of each crop at the time of anticipated harvest will be paid to the owner of the crops (which does not need to be the owner or leaser of the land);
- b) For the loss of other crops and trees, cash compensation will be paid to the owner of the crops and trees (which does not need to be the owner of the land). During the update of the LARP, MoW, MLSNRE and the affected people will fine-tune the compensation rates for the different species, types, ages and productivities.

Special Assistance for vulnerable populations

- a) The project will pay particular attention to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, or persons without legal entitlements and ensure that their living standards are enhanced.

12. A Matrix summarizing the compensation and entitlements is shown in **Annex 1**.

D. Disclosure, Consultation, and Grievance Mechanism

13. All affected households were consulted twice, first for the original proposed design, and secondly after the design was amended to minimize resettlement impacts. Both men and women were consulted, and all expressed appreciation of the proposed Sopu Drainage Channel. In addition, the town officers responsible for each community were briefed on the proposed plan and invited to comment. The draft LARP was translated into the Tongan language and distributed to all APs who could be contacted and explained verbally in the Tongan language. A list of the APs met and an outline of the outcome of the consultations is attached in **Annex 2**.

E. Grievance Redress Mechanisms

14. Any grievances or complaints from the affected people shall be resolved by the project in a timely and satisfactory manner. While the Land Act suggests that grievances should be addressed through the Land Court, the project grievance redress mechanism (Table 2) has been specifically designed to resolve grievances to, where possible, avoid recourse through the Land Court and to utilize existing structures within Tonga for dispute resolution.

Table 2: Grievance Redress Framework

Stage	Process	Time Frame
1	AP submits grievance to village fono in person or through the Town Officer	
2	Town Officer deals with grievance and reports back to AP	2 days
	If unresolved	
3	AP/Town Officer take grievance to TIUDSP ESU resettlement/ community liaison officer.	Within 2 weeks of receipt of decision in Step 2
4	Issue discussed at TIUDP liaison meeting	1 week
5	TIUDP community liaison officer reports back to Town Officer/AP	2 days
	If unresolved	
6	AP takes grievance to Minister	Within 2 weeks of receipt of decision in Step 5
7	Minister refers matter to internal committee meeting	2 weeks
8	Minister's representative reports back to AP	2 days
	If unresolved	
	AP has the right to take the matter to the Land Court	Within 1 month of receipt of decision in Step 8

15. All costs incurred in addressing grievances and dispute resolution will be borne by the Government of Tonga. APs are also entitled to compensation for loss of income or any other expenses (transportation etc.) that they may incur in the process of resolving their grievances.

F. Social Impact Assessment

16. As part of the country-wide participation program carried out by the PPTA, six community workshops (approximately 200 participants) were undertaken in Nuku'alofa, and included the two urban districts, women's groups, churches, youth, and one workshop for the residents of Sopu and Popua. These resulted in a community needs assessment and a socioeconomic survey (SES) of 431 randomly selected households. The results for households within the catchment area of the Sopu drainage channel were extracted from the SES and analyzed separately. In addition, all households occupying plots directly affected by the proposed drainage channel were interviewed twice, during and after the design of the channel alignment. Analysis of the SES and a comparison between Nuku'alofa overall and the Sopu channel area are shown in Table A3.1 in **Annex 3**.

17. While in Nuku'alofa as a whole, about 27% of households are in the two lowest income categories (including 3% with 'no regular income'), in Sopu-Kolomotu'a over 55% of households are found with these categories. The main income source is employment in government, overseas remittances and those on very low incomes are raising pigs and make tapa cloth and mats for sale. While in Nuku'alofa as a whole, approximately 20% of houses are built of concrete or brick, in the Sopu area this figure is below 10%. 88% of the households in Sopu reported an informal disposal of solid waste in the swamp, bush or sea, while the overall figure is much lower.

18. Twice as many households in the Sopu area are female-headed (table 3). Female-headed households are more likely to have low incomes because women's participation in the paid labor force, especially in better paid occupations is lower than men's, and because many women heading households are elderly and dependent on their children, or other relatives for support. As women have no legal access to own land, their access to

subsistence and/or commercial farming is limited. One female-headed household will lose land as a result of construction of the channel.

Table 3: Gender and Household Heads in the Affected Area

Sopu Drainage Channel Area	Female-Headed Households	Male-Headed Households
Sopu	9	30
Nuku'alofa	4	37

G. Monitoring and Evaluation

19. Monitoring will:
- (i) verify that project activities have been effectively completed with respect to quantity, quality and timeliness; and
 - (ii) assess whether and how well these activities are achieving the stated goals and purpose of the project.
20. Monthly monitoring of the resettlement plan implementation will be undertaken by MOW. In carrying out all activities related to monitoring, evaluation and supervision, consideration will be given to gender issues in all of the above, in accordance with the ADB *Policy on Gender and Development* and the *Gender Checklist; Resettlement (2003)*.
21. The following indicators will be monitored regularly:
- (i) Payment of compensation to APs in various categories with no discrimination according to gender, membership of ethnic group or any other factor;
 - (ii) Public information dissemination and consultation procedures;
 - (iii) Adherence to grievance procedures and outstanding issues requiring management's attention and equality of access;
 - (iv) Attention given to the priorities of APs regarding the options offered; and
 - (v) Co-ordination and completion of resettlement activities and award of civil works contracts.
22. A database of resettlement monitoring information regarding the project will be maintained and updated every month. The MOW will, assisted by the PMU, submit quarterly reports to ADB with a land acquisition and resettlement section reporting on the progress of implementation of the resettlement plan. The land acquisition and resettlement reports will cover the following issues:³
- (i) The number of APs by category of impact, and the status of compensation payments and relocation and income restoration for each category;
 - (ii) The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each;
 - (iii) The eventual outcome of complaints and grievances and any outstanding issues requiring management or ADB's assistance;
 - (iv) Implementation problems; and
 - (v) Revised actual resettlement implementation schedule.

H. Resettlement Costs

23. ADB involuntary resettlement policy requires that where involuntary resettlement is unavoidable, APs receive assistance so that they would be at least as well off as they would

³ As part of the MOW regular quarterly progress report to ADB.

have been in the absence of the project. Therefore, compensation for loss of assets must be at least equal or greater than the replacement cost of the asset. Records of recent lease sales by landowners in the Sopu area have been used as a guideline for assessing compensation for loss of land. The recent registered sale price for an improved (reclaimed) plot of residential land measuring 758 m² in the Sopu area was T\$25.00 per square meter (T\$18,950). As unimproved value of swamp land, most of which is under about 1 meter of water, is difficult to determine, the calculation of the unimproved value of the land has been assessed on the basis of costs to develop swamp-land. To fill a 758 m² lot would require 758 m³ of imported fill material which equates to approximately 200 truckloads. The current cost of fill material is approximately T\$65.00 per load plus labor and associated costs which are assessed to be approximately T\$500. Thus, the cost to fill a 758 m² lot would be approximately T\$13,500. Therefore, by deducting the cost of development from the value of an unimproved lot, the unimproved value of the land is estimated at approximately T\$ 7.19 per m², or T\$5,450 for 758 m².

24. For unimproved swamp land classified as agricultural land, the same valuation would apply since these parcels of land are unsuitable for agricultural use and will likely be subdivided into residential allotments.

25. The valuation of trees and crops will be calculated on the basis of market rates. The Ministry of Agriculture and Forestry standard rates will be adopted as a guide for estimating budget requirements. Where Trees Ministry of Agriculture and Forestry standard rates for a specific species of tree do not exist, the tree will be valued by its potential utility (i.e., whether that can be used for timber or posts). Standing trees within the affected area will be categorized into three sizes, namely small (100mm) medium (150mm) and large (200mm or more). Rates to base compensation estimates for such trees are available from Tonga Timber Limited.

26. The GOT has agreed to pay compensation for land or assets lost due to the construction of the Sopu Drainage Channel. During detailed design, the alignment of the channel will be selected to minimize the need for land acquisition and loss of assets. As most of the affected lots are unoccupied and there is potential to realign lot boundaries to ensure lot do not fall below the minimum legal requirement of 758m². The amount of compensation payable for the loss of land will not be limited to the market value of the land itself and will include all consequential losses suffered by the affected holder as a result of the compulsory acquisition. For the Sopu Drain Project Impact Area, the preferred method of compensation is cash compensation.

27. The estimate of the total compensation budget is shown in Table 4 below. It is important to note that this is based on preliminary designs and surveys and will change after detailed design.

Table 4: Estimated Budget for Compensation

Items for compensation	Number	Amount T\$
Registered, leased and allocated lots	46	208,555.32
Improvements	1	3,000.00
Trees	481	12,764.55
Total Indicative Budget for Compensation		224,319.87

J. Implementation Arrangements and Schedule

Institutional Framework

28. An Environment and Social Unit (ESU) will be formed within the Project Management Unit to be formed by the Ministry of Works to implement the Project. The ESU will be responsible for planning, implementing, and coordinating land acquisition, resettlement, and environmental activities. Formation of the ESU will be a condition for Loan Effectiveness.

The ESU will be staffed by a land acquisition /community relations officer and an environmental officer. The Crown Law Office will provide overall guidance on the Government's requirements and legal issues relating to land acquisition. The operations of the ESU may be financed through Loan funds for the duration of project implementation.

29. An international resettlement specialist will be recruited as member of the Project Implementation Assistance consultancy team and will design procedures for the identification of resettlement impacts, design of social surveys, preparation of LARPS, and resettlement monitoring procedures. The resettlement specialist will also provide on-the-job training and support to the ESU on an intermittent basis, for a total of 3 person-months, during the first two years of the project implementation.

30. The ESU may require the assistance of the following stakeholders land acquisition and resettlement activities:

- (a) The Village Fonos;
- (b) The Crown Law Office;
- (c) ADB;
- (d) Civil society organizations; and
- (d) The civil works contractor.

31. The key organizations involved in the resettlement and compensation process and their responsibilities are outlined in Table 5.

Table 5: Responsibilities by Organization

Activity	Responsible Agency	Implementing Position
Identification of APs	ESU and MLSNRE	
Physical survey	PMU and MLSNRE	Project Consultants and staff, Surveying Division
Information dissemination/consultation	PMU and MLSNRE	Project Consultants and staff, Land Management Division
Loss assessment	PMU, MLSNRE and MAFF	Project Consultants and staff, Land Valuation and Ministry of Forestry
Negotiation with owners on type of compensation	MLSNRE	Land Management Division
Notification	MLSNRE	Land Management Division
Transfer of land ownership	MLSNRE	Land Management Division
Payment of compensation	MLSNRE	Administration Division
Grievance redress	Level 1 adjudication Level 2 adjudication Level 3 adjudication	Village Fonos Minister for LSNRE Land Court
Supervision visits	PMU	Project Consultants and staff
Monthly Progress reports	PMU	Project Consultants and staff
Monitoring and evaluation	PMU	Project Consultants and staff

All resettlement activities, including full payment of compensation entitlements and realignment of lot boundaries, will be complete before construction of the Sopu Drainage An indicative implementation schedule for resettlement activities required for the Sopu Drainage Channel is presented in Table 7. Note that the schedule assumes the ESU will be fully operational by 3 March 2008.

Table 7: Preliminary Implementation Schedule

No.	Activities	Start Date	Completion Date
1	Physical survey of affected area	3 June 2008	3 July 2008
2	Replanning of allotments	3 June 2008	2 September 2008
3	Information dissemination and consultation	4 July 2008	22 December 2008
4	Compensation assessment	4 July 2008	3 October 2008
5	Notification of affected owners	3 August 2008	3 October 2008
6	Negotiation with affected owners on compensation	5 October 2007	31 October 2008
7	Preparation for payment vouchers and other logistics	2 November 2008	2 December 2008
8	Payment of compensation	3 December 2008	1 January 2009
9	Monitoring and evaluation	2 November 2008	Until completion of all compensation

Annex 1 - Entitlement Matrix

Affected asset	Type of Loss	Affected People	Entitlement	Expected Results
Customary Land	Permanent loss	Landowner	T\$25 per m ² for improved and T\$ 7.14 per m ² for unimproved land. The rate will be updated during the DMS <ul style="list-style-type: none"> If the remaining portion of the affected land is not viable for continuous use: Cash compensation for the entire piece of land, assistance to find a similar lands and all transaction costs associated with the transfer; 	Livelihood restoration
		Leaseholder & other users	Assistance to find a similar piece of land and provision of the transaction costs.	Livelihood restoration
	Temporary loss	Landowner	Lease agreement. After the use, the land will be restored to its original condition or improved quality and returned to the aiga.	Livelihood restoration
		Leaseholder & other users	An annual easement fee of 15% of the market value of the affected land (see above)	Livelihood restoration
Governmental Land	Permanent loss	Leaseholder & other users	Assistance to find a similar piece of land and provision of the transaction costs.	Livelihood restoration
	Temporary loss	Leaseholder & other users	A negotiate lease. After the use, he land will be restored to its original condition or improved quality and returned to the landowner.	Livelihood restoration
Other crops, trees	All kind of losses	Users (whether or not they have legal/customary titles)	<ul style="list-style-type: none"> Cash compensation, equivalent to the market values. For woodlands and uncultivated trees on customary land, the aiga will be considered as owner and the compensation paid to the matai. 	Income restoration
All kind of losses		Vulnerable households	Additional cash grant to head of affected households Employment in the project construction work, if available	Improved living conditions
Any unforeseen or unintended impacts emerging after the finalization of this LARF			Compensation at full replacement costs as per the spirit of this land acquisition and resettlement framework	No impact is left unmitigated.

Annex 2

Report on the Disclosure of the draft LARP for the Sopu Drainage Channel Short Land Acquisition and Resettlement Plan

1. Meetings were held with the following:

a) Kolomotu'a Village Committee

Sopu is a low, wetland in the suburb of Kolomotu'a Village. Kolomotu'a village committee consists of District and Town Officers, and elected members to the Council. The agenda of the meeting included Resettlement Plan at Sopu Drainage Channel. The plan was fully and clearly explained accordingly, with time permitted for questions and answers. The members were grateful that the problem with the wetland area will be dealt with by this project. After the discussion, the plan was agreed and approved by the meeting.

b) District Officer

A meeting was convened with the District Officer to obtain responses and to clarify any misconceptions on the plan. He agreed to the plan pending all the details to follow.

c) Town Officer

A meeting was held with the Town Officer on more detailed discussion of the plan. The common field and cemetery (Nos. 9 & 14) of the community is under his responsibility. He approved the plan with concern on landowners of affected plots that cannot be traced. He suggested that Government reviews the decision that only plots with houses are eligible for registration.

d) Professor Futa Helu

Professor Futa Helu holds the largest land that will be affected by the Sopu Drainage Channel. He read the resettlement plan with gladness that this drainage will minimize the problem of wetland that was with the Institute for such a long time. He stated himself that his health is deteriorating due to living on wetland for years.

e) Affected Household

The resettlement plan was translated into Tongan language and distributed to the affected household that could be contacted at the time. After 2-3 days of distribution, each affected household was revisited to clarify the plan and to obtain responses (refer Table 1 and 2). Efforts are still being made to contact APs who were not available when the draft LARP was disclosed.

Table A2.1: Distribution of LARP to households living in vicinity of the proposed.

Lot Nos.	Residence	Draft LARP Delivered to Home?	Receiver of draft LARP	Response to Draft LARP
1	Tonga	Yes	Landowner	Approve
3	New Zealand	Yes	Daughter	Agree
5	New Zealand (vacation)	Yes	Daughter	Agree
8	Tonga	Yes	Landowner	Approve
13	Tonga	Yes	Landowner	Approve
20	New Zealand	Yes	Tenant	Agree
25	USA	Yes	Wife	Agree
46	Tonga	Yes	Son	No response

NOTE: The landowners approve the plan. Other members of the family can only agree to the plan.

Table A2.2: Distribution of LARP to owners of lots in vicinity of the proposed.

Lot Nos.	Residence	Draft LARP Delivered to	Receiver of draft LARP Home?	Response to Draft LARP
2	Deceased Heir in Australia	Yes	Caretaker	Agree
6	Tonga	Yes	Landowner	Approve
9	Tonga	Yes	Town Officer	Approve
12	Tonga	Yes	Landowner	Approve
14	Tonga	Yes	Town Officer	Approve
15	Deceased Wife in Tonga	Yes	Wife	No response
18	Tonga	Yes	Landowner	No response
19	New Zealand (vacation)	Yes	Wife	No response
22	Tonga (Vava'u Is) Transfer of plot to another landowner	Yes	New Landowner	Approve
23	Tonga	Yes	???	No response
28	Deceased Heir in Tonga	Yes	Wife / Son	Approve
33	Tonga (Vava'u Is)	Yes	Landowner	No response
38	Tonga	Yes	Landowner	No response
40	Tonga	Yes	Landowner	No response

Note. The lots listed in Table 2 are currently vacant.

Table A2.3: List of lot owners which could not be contacted

Lot.No	Residence
4	New Zealand
7	New Zealand
10	Hawaii
11	New Zealand
16	Unable to locate
17	Unable to locate
21	Unable to locate
24	Unable to locate
26	Unable to locate
27	Unable to locate
29	Unable to locate
30	Unable to locate
31	Unable to locate
32	Unable to locate
34	Unable to locate
35	Unable to locate
36	Unable to locate
37	Unable to locate
39	Unable to locate
42	Unable to locate
43	Unable to locate
44	Unable to locate
45	Unable to locate

Note. The lots listed in Table 3 are currently vacant.

Annex 3

Table A3.1: Land in Drainage Alignment by Number of Parcels and Area

Land Class	Number	Area (m ²) Affected	Affect	Can the affect potentially be mitigated by re-planning?
Registered Town Allotments, no house	7	1778	4 will be reduced below current legal minimum size of 758 m ²	Yes
Registered Town Allotments, with house	6	816	1 will be reduced below current legal minimum size of 758 m ²	Yes
Allocated Town Allotment, with house	1	2	Not affected	-
Allocated Town Allotments, surveyed	11	2434	3 will be reduced below current legal minimum size, of which 1 will be significantly affected that requires a substitute allotment	Yes
Allocated Town Allotments, not surveyed	12	4421	8 will be reduced below current legal minimum size	Yes
Unallocated Town Allotment	1	1012	The allotment is to be utilized for re-planning and redefining of boundaries	-
Lease Holdings	6	14822	1 residential leasehold property is significantly affected as the designed drainage cuts across the middle of the lease holding. Small plantation timber trees on 1 leasehold property will be affected.	Yes
Registered Tax Allotment (Agricultural)	1	3056	Scheme planning for residential subdivision is affected	No

Table A3.2: Comparison of Household Characteristics in Sopa Drainage Channel Area With All Households Surveyed in Nuku'alofa

Household Characteristics	Households in Sopa Drainage Channel Area	All households in SES Sample
Household size		
Average no. persons per household	7.03	7.41
Housing		
Concrete or brick house	10.3	21.6
Wood, iron, other material house	89.7	78.4
Main source of water		
Tank	53.9	54.3
Well		0.9
Piped water	33.3	33.0
Other	12.8	11.8
Energy supply - lighting		
Electricity	92.3	94.7
Other	7.7	5.3
Energy supply – cooking		
Electricity	0.0	1.4
Gas	59.0	62.4
Other	41.0	36.2
Sanitation		
Septic tank	87.2	84.0
No septic tank	12.8	14.6
Other		1.4
Household wastewater disposal		
In yard	94.9	98.6
Outside yard (pond, roadside, etc)	5.2	7.3
Solid Waste Disposal		
Taken to the dump	12.2	19.5
Thrown in swamp/bush/sea	87.6	80.3
Agricultural land		
Own land	25.6	32.3
Lease land	0.0	1.6
Use land belonging to others	25.6	22.3
No access to land	48.8	43.8
Household Income per week		
No regular source of income	0.0	0.2
Less than T\$50	12.8	3.2
T\$50-100	43.6	23.8
T\$ 101-300	30.8	42.2
T\$301-600	12.8	21.8
Over T\$600	0.0	8.8