

Resettlement Framework

July 2011

TON: Tonga-Fiji Submarine Cable Project

Prepared by Tonga Cable Limited for the Asian Development Bank.



Tonga Cable Limited

Compensation and resettlement framework

Tonga Connectivity

FINAL

July 4, 2011

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Tonga Connectivity

Prepared By:

Tonga Cable Limited

November 2010

The Compensation and Resettlement Framework – Tonga Connectivity is a document prepared by Tonga Cable Limited in relation to its fibre optic cable project to connect Tonga to Southern Cross Cable in Fiji.

I. INTRODUCTION

A. Background of the Project

Several Pacific Islands already have, or are in the process of getting, submarine cables to facilitate their internet connectivity. The experience of those with cables shows a large increase in the internet traffic through the effects of superior quality, more abundant capacity and lower circuit costs.

Currently there are two telecommunication companies operating in Tonga. Both are using satellite to connect to the rest of the world. Satellite is very limited in capacity and very costly to use.

Tonga Communications Corporation (TCC) with the assistance of Hibbard Consultants embarked on a feasibility study, obtained Budgetary Proposals and considered several options and developed different business models to select the best possible option for Tonga.

The obvious points for access to the global internet are those points which have cables direct to the USA. The relevant ones for Tonga are Australia, New Zealand, Fiji, Samoa, American Samoa and French Polynesia. In exploring the options for the international cable, consideration of the technical parameters along with commercial and political factors were considered.

The nearest internet access point for Tonga is Suva which is approximately 800kms from Nuku'alofa.

After risk analysis and evaluation of each option it was clear that a repeatered cable to Fiji is the best option at this time.

B. Project Description

The main objective of this project is to provide fast, reliable, economical and efficient way of communication for people of Tonga. The project will connect Tonga via a repeatered cable to Suva, Fiji. The cable will be connected to Southern Cross Cable Network which provides connection to New Zealand, Australia and mainland USA via Hawaii.

Tonga Cable Limited (TCL) will be the gateway for connection to fibre optic cable and will provide wholesale capacity to TCC, Digicel and any other ISPs or telecommunication companies that may be established in future in Tonga.

The funding is expected to be provided through 20% capital investment by TCC with the balance to be financed through grants and soft loans from Asian Development Bank and World Bank.

Preliminary work is completed, bidding documents are being updated and expected to be ready before end of December 2010. TCL is anticipating selection of successful bidder and signing agreement with supplier to take place by end of March 2011.

The cable is expected to land in Fintel Landing Station in Suva. Negotiation with Fintel on Landing Party Agreement is in advance stage and expected to be finalized before February 2011.

II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

A. Objectives and Principles of the Compensation Plan

Consistent with ADB's Safeguard Policy Statement (2009) and WB's safeguard policy on involuntary resettlement (OP 4.12), the following objectives and principles guide the development of this Compensation Framework and the implementation of the ensuing Compensation Plan.

The Compensation Plan is designed to address any unforeseen impact and any potential claims that might arise out of implementation of the project and to provide procedures and guidelines for compensation to those who are impacted by the Project.

The Environmental Impact Assessment that was prepared by Landcare Research for this project has identified potential impact on the following areas and the following people:

1. Customary land and fisheries owners in Fiji where the cable would land
2. Inshore fisheries in Fiji and Tonga
3. Oyster aquaculture in Tonga
4. Access to Nuku'alofa port by commercial vessels
5. Fishermen in Tonga and Fiji may be affected by the laying of the cable for a short time (in Laucala Bay and Nukualofa)

Although the chances for sizeable impact is quite slim and in cases such as access to port by commercial vessel could be eliminated entirely by proper planning (in average one vessel arrives every 8.6 days), nevertheless a plan for compensation must be in place in case people experience negative impacts to their livelihoods as a result of the project.

B. Legal Framework

There are no direct reference nor specific policy in Tonga's laws to provide compensation in similar cases as identified above. However, there are cases on involuntary resettlement and land acquisition that could be referred to and used as guidelines for development of this compensation plan.

In practice, each involuntary resettlement and level of compensation is assessed according to the nature of the project and the extend of its impact. The evaluation process includes a review of the Affected Persons' benefits from the project in terms of improving their quality of life and a determination of appropriate compensation for losses they may have sustained.

In 2007 a report was prepared by Global Works Inc., Stephen Blaik, and Kai Schmidt-Soltan in accordance with the Government of Tonga's laws and regulations and ADB's policy on Involuntary Resettlement for the Sopa Drainage Channel Subproject in Tonga titled Short Land Acquisition and Resettlement Plan.

The study of the above mentioned report shows that government had set certain amount as compensation for each tree or plant and whether the loss of use of land is permanent or temporary and generally paid the compensation within a timeframe prior to the action of the civil works.

In respect to land acquisition, Section 142 of Land Act (1988) requires the Minister of Lands and Survey to notify affected persons of Government's intention to acquire land by providing 30 days notice. The amount of compensation and method of addressing the claims are normally approved by government on a project by project basis.

The laws in Fiji, in respect to resettlement and compensation, are similar to Tonga's. In addition, Fiji is undergoing legal review of their procedures and guidelines for compensation payments for customary fishery owners with a likely outcome being the issue of guidelines later in 2010 over what constitutes fair call for compensation.

C. The World Bank's Policy on Involuntary Resettlement (OP 4.12)

The World Bank's policy on involuntary resettlement has the following objectives:

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- (c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

D. How Fijian and Tongan Legislation Comply with the World Bank's Resettlement Policy (OP 4.12).

Both Fiji and Tonga have in place legislation that seeks to restore people's livelihoods due to impacts of a project by paying appropriate compensation. This is compliant with the World Bank's policy. The project will ensure that any compensation payments are promptly paid and that the amount paid replaces lost assets and any associated transaction costs. The project will also ensure payments are made prior to impacts being experienced.

E. Description of Potentially Affected Persons

There are three main areas that are identified by EA report as potentially affected person:

Group 1: Customary land and fisheries owners in Fiji where the cable would land.

"The proposed development will have no significant impact on indigenous customary use rights owners of either customary fishing ground at the Suva end and, with no formal customary tenure in Tonga end, there will be no legal use rights encroached upon. During the laying of the cable, however, the ability of fishermen to access the area may be temporarily curtailed for operational reasons. The temporal and spatial extent of this curtailment is considered insignificant."

There is a potential for the customary use rights owners in Fiji to be entitled to compensation payments due to damage caused to their fishing ground as a result of the proposed development.

Group 2: Inshore fisheries in Fiji and Tonga

In respect to Tonga and people who potentially could be affected the EA report indicates;

"The proposed development is likely to have only a minimal impact on inshore fishing activities on the back reef in Sopo and the inshore areas within Nuku'alofa Harbour."

The only fishing activities that are carried within Nuku'alofa Harbour area are the casual fishing by those who stand on the reef and fish from the edge of the reef for fun. This type of fishing is not on regular basis and is not confined to certain areas either, it could be carried in any area along the reef. These activities could be disrupted by the project for no more than a day or two as the cable is being positioned. Once the cable is laid it will represent no risk to the fishery.

If the Marine Survey indicates the necessity of trenching across the back reef in Nuku'alofa it will be confined both geographically and temporally. Fishing activities are able to relocate during the short period of disturbance.

In respect to Suva end of cable the EA report indicates:

“In Suva gleaning activities on the shoreline, and fishing activities within Laucala Bay, are likely to be disrupted by a similar short-term, restricted area nature to that of Nuku’alofa. Consequently there will be only minimal impact at the Suva end.”

Group 3: Oyster aquaculture in Tonga

“There is the potential for trenching activities and the sediment disturbed during this activity to impact adversely on the oyster aquaculture grow-out lines, a pilot project by the Tonga Ministry of Fisheries, close to the small boat passage in Nuku’alofa Harbour.”

As indicated above if trenching becomes necessary, it could impact the oyster aquaculture activities in nearby area. However, slit screens could be used to reduce the potential magnitude of this impact.

Group 4: Access to Nuku'alofa port by commercial vessels

Based on EA report: “The proposed development is likely to have a short-term impact on the access to, and egress from, Nuku’alofa harbour by deep-draft commercial vessels. But, with the average frequency of vessels calling at the port being one vessel every 8.6 days, it is likely that avoidance of scheduled vessel movements can remove this impact.”

GROUP 5: Fishermen in Tonga and Fiji may be affected by the laying of the cable for a short time (in Laucala Bay and Nukualofa)

There is a possibility that during the layout of the cable the ability of fishermen to access the area be temporarily curtailed for operational reasons. Although the temporal and spatial extent of this curtailment is considered insignificant, nevertheless; they are considered as potential group to be affected by the project.

F. Eligibility Criteria for Defining the Types of Potentially Affected Persons

A measurement survey will be used to identify individuals and groups who may be eligible for compensation based on project impacts. A cut-off date, associated with each category, will be used to discourage any individual or group to take advantage of the compensation measures as people could move into the area in order to be eligible for compensation payments. After the cut-off date they are not eligible for any compensation. The cut-off date is established as the date when the EA consultations took place (July 2010). As per World Bank OP 4.12 the following eligibility criteria applies:

- (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- (b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are

recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see Annex A, para. 7(f); and 19)

- (c) those who have no recognizable legal right or claim to the land they are occupying.

In the case of this project, eligible individuals and groups have been identified as per the findings of the EA, as described above. The following entitlements apply in their case:

Group 1: Customary land and fisheries owners in Fiji where the cable would land.

We will await the publication of the guidelines that will be provided by government of Fiji and the level and amount of compensation, will be determined based on said guidelines.

Group 2: Inshore fisheries in Fiji and Tonga

Considering the level of disturbance being minimal and temporary and possibility of fishing in other areas with the same possible results, this group is most likely not entitled to any compensation. However a final decision on this will be made during implementation of the project and will be dependent on impacts.

Group 3: Oyster aquaculture in Tonga

In consultation with Ministry of Fisheries and their consultants every steps will be taken to minimize the potential damage. But if there is still some damages, the actual cost of oysters damaged by the project, based on current market value in Tonga will be paid. The Ministry of Fisheries and their consultants must clearly demonstrate that the damage was caused by the project and no other elements.

Group 4: Access to Nuku'alofa port by commercial vessels

Considering the time required by vessel laying the cable and the fact that in average there is one vessel arriving every 8.6 days and the vessels could clearly maneuver around the cable laying vessel, there are unlikely to be any impacts to this group.

GROUP 5: Fishermen in Tonga and Fiji may be affected by the laying of the cable for a short time (in Laucala Bay and Nukualofa)

Considering the extend of activities and time frame needed to for the cable to be laid in the above section and level of disturbance being minimal and temporary and possibility of fishing in other areas with the same possible results, this group is most

likely not entitled to any compensation. However a final decision on this will be made during implementation of the project and will be dependent on impacts.

Group 6: Any other impacted stakeholder not noted here will be eligible for compensation as defined by the eligibility criteria as long as their land, fishing area, etc, was present before the cut-off date.

IV. FORMULATION OF COMPENSATION PLAN

A. Preparation of Compensation Plan

The compensation plan will be prepared and managed by TCL. During the design and implementation stage, if mitigation measures are found not to be sufficient and stakeholders experience impacts to their livelihoods as a result of this project, compensation payments will be paid. These impacts are expected to be very small, if any. Compensation payments must be paid before impacts are experienced to ensure people do not experience livelihood losses. In addition, an Abbreviated Resettlement Plan must be prepared to document the people impacted and the compensation payments. People will be consulted throughout this process.

A-1. Abbreviated Resettlement Plan

If impacts to people's livelihoods are experienced as a result of this project compensation payments will be paid to the affected stakeholders. This process will be documented in an Abbreviated Resettlement Plan which will include:

- (a) a census survey of displaced persons and valuation of assets;
- (b) description of compensation and other resettlement assistance to be provided;
- (c) consultations with displaced people about acceptable alternatives;
- (d) institutional responsibility for implementation and procedures for grievance redress;
- (e) arrangements for monitoring and implementation; and
- (f) a timetable and budget.

A-2. Grievance Mechanism

TCL will appoint a point of contact in Tonga and in Fiji for those who are affected by this project and are entitled to compensation due to project impacts. This point of contact will be publicized to people so that they are aware of the process for grievance redress. This grievance mechanism will also be utilized to address any stakeholder concerns on the project, whether compensation related or not.

V. CONSULTATION, PARTICIPATION, AND DISCLOSURE

A. Mechanisms for Meaningful Consultations

During the course of environmental impact assessment of the project several consultations with stakeholders took place in Tonga and Fiji.

The purpose of these consultations were to:

- elicit stakeholders' interest in and influence over, the proposed development
- identifying stakeholders preferences and priorities in respect to aspects of, or factors influenced by, the development
- determining a manageable set of mitigation measures that will preserve stakeholders' interests.

Considering the administrative and social structures in Fiji and Tonga, the Environmental Assessment Team adopted face-to-face consultation styles to suit the nature of stakeholders as identified below:

- Government agencies, being generally knowledgeable about their mandate, were consulted in small one-on-one meetings, with the staff participation determined by senior managers
- Affected individuals, having various states of comprehension and interest, were approached individually, and either consulted individually or, if they preferred, in a community meeting so they could share their ideas with others
- Groups of people with a coherent structure, usually having a shared interest and position in respect to the development, were consulted in group meetings
- Groups of people without a coherent structure, notably the subsistence fishers on the Nuku'alofa reef platform, were met informally on site
- Interest groups, including NGO's and recreational fishers, were consulted in group meetings.

All those consulted were invited to elaborate or pursue their interests with the EA team after the meetings.

Potentially affected or interested stakeholders in this project occur in both Fiji, Tonga, and internationally. The EA team identified national and local stakeholder agencies and international environmental NGOs as indicated in the project Terms of Reference and in collaboration with the project proponent, and key agencies of government in both Tonga and Fiji.

The Team engaged these stakeholders both at intervals during this investigation and during an intensive consultation programme over the period 23–29 July 2010. In addition to institutional stakeholders, the EA team consulted with communities: in group meetings in Nuku'alofa and Suva, in one-on-one meetings in both Tonga and Fiji, and with local subsistence fishers on the Nuku'alofa reef platform.

Included among those consulted were:

In Fiji

- Whale & Dolphin Conservation Society
- IUCN
- WWF
- Fiji Islands Maritime Safety Agency
- Ministry of Primary Industries – Fisheries Division
- Department of Environment
- Vanua Suva customary fishing rights owners
- Vanua Burebasaga customary fishing rights owners
- Department of Lands and Survey

In Tonga

- Tonga Cable Ltd
- Pacific Forum Line, Tonga
- Peace Corps
- Ministry for the Environment and Climate Change
- Fishing Industries Association of Tonga
- Sports Fishing Association
- Deepwater Fishing group
- Tonga Chamber of Commerce
- 'Alatini Fishing Company Ltd
- ANZ Bank
- Ministry of Lands, Survey and Natural Resources
- Ports Authority Tonga
- Dateline Transam Shipping
- KORDI Minerals
- MAFFF-Fisheries
- Nautilus Minerals

Without exception, stakeholders were supportive of the proposed development and they were content that potential impacts affecting their interest domains were able to be mitigated to low levels. The outcome of these consultations could be summarised as follows:

- Environmental regulatory authorities confirmed the need for an environmental assessment but agreed that the WB/ADB terms of reference satisfied their needs.
- Agencies concerned with maritime operations generally regarded the proposed development as 'business as usual' and largely pointed to their usual requirements for compliance and reporting.
- Government agencies with oversight of fisheries saw little potential impact in the oceanic environment, and a few manageable impacts in the coastal environment
- Other government agencies were relaxed about the development and

assisted with advice about compliance and reporting.

- NGOs showed their considerable expertise in their respective areas of interest (e.g., cetaceans, biodiversity hotspots, etc.) and constructively contributed to identifying mitigation measures to minimise or eliminate the residual impact.
- Local interest groups, including recreational fishers, described their areas of interest and methods, and concluded that there was little conflict with their activities.
- Groups of people were interested in any deleterious effect on them, and were generally reassured that there were none.
- Individuals, most commonly neighbours, were keenly interested in the development and its potential impact on them, but were generally reassured that the effects would be minor.
- Subsistence fishers were amenable to adapt their activities during the construction phase and content that the impact on their activities would be brief and minor.

Going forward, the project will consult closely with potential impacted people to assess whether or not they are experiencing impacts from the project and work on compensation measures if needed.

VI. BUDGET AND FINANCING

The World Bank policy on involuntary resettlement requires that displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

TCL with assistance of World Bank has agreed to pay compensation to affected people for loss of income or damages that could be caused by implementation of this project.

During the design and implementation of the project, every effort will be made to minimize effect and damage to those who might be affected. However, there might be some unavoidable impacts that need to be compensated. The estimate compensation budget for each category will be defined once and if there are impacts.

VII. MONITORING AND REPORTING

The monitoring of implementation of the compensation plan will be undertaken by the Board of Directors of TCL. They will monitor the following indicators on a regular basis:

- (a) Dissemination of information and consultation procedures;
- (b) Proper payment of compensation to affected people in various categories;

- (c) Following the procedures that are set to respond to claims and addressing grievances.

TCL will create a database of compensation plan and information regarding the affected people, claims and compensation paid which will be maintained and updated on a regular basis.

TCL also will provide the necessary reports to the relevant Tonga government ministries, the World Bank and the Asian Development Bank, which will cover the following points:

- (i) The number of affected people by each category of impact;
- (ii) The status of claims and the amount of compensation paid;
- (iii) Any outstanding claims or issues that requires TCL's Board assistance;
- (iv) Any implementation problems that had arisen.

Grievance Redress Mechanism

Tonga Cable

Prepared By:

Tonga Cable Limited

May 2011

The Grievance Redress Mechanism – Tonga Cable is a document prepared by Tonga Cable Limited in relation to its fibre optic cable project to connect Tonga to Southern Cross Cable in Fiji.

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Grievance Redress Mechanism

INTRODUCTION

The main objective of Tonga Cable Project (the Project) is to provide fast, reliable, economical and efficient way of communication for people of Tonga. The project will connect Tonga via a fibre optic cable to Southern Cross Cable Network in Suva, Fiji.

It is possible that people may have grievances about the Project's social or environmental impacts. These grievances will need to be addressed quickly and transparently, and without retribution to the affected person (AP). This document provides a mechanism for receiving, evaluating and facilitating resolution of affected people's grievances in respect to construction and operation of the Project.

GRIEVANCE REDRESS MECHANISM (GRM)

In order to respond to AP's concerns effectively and in timely manner, Tonga Cable Limited (TCL) has adopted the following procedures to be used at different levels of management, to address social and environmental safeguard grievances that may arise from the Project.

For the purpose of this document and in order to facilitate receiving and addressing concerns from AP, the Project is divided into two sections;

1. Construction of Landing Station in Tonga and installation of its cable (Tonga Section).
2. Installation of fibre optic cable in Fiji (Fiji Section).

For Tonga Section the following procedure will be followed;

A. During construction:

1. During construction the contractor will be initially responsible for monitoring and supervising the compliance with the Environmental Management Plan (EMP) and the Compensation and Resettlement Framework (CRF) and responding to any AP's concerns. The Project Manager appointed by the contractor (PMC), will be the first point of contact. The overall responsible entity is TCL.
2. Most complaints arising during construction are expected to be minor complaints concerning dust or noise that should be able to be resolved quite easily and acted upon immediately at the site by the Project Manager. Where the complaint is of a more serious nature the PMC will have up to two weeks to resolve the complaint.
3. All complaints arriving at the Site Office¹ are to be entered in a Register that is kept at TCL's office, showing; date, name, contact address and reason for the complaint. A duplicate copy of the entry will be given (if requested) to the AP for their record at the time of registering the complaint. The Register will show who has been directed to deal with the complaint and the date when this was made together with the date when the AP was informed of the

¹ The Site Office will be accessible to all segments of affected people

decision and how the decision was conveyed to the AP. The Register is then signed off by the person who is responsible for the decision and dated. The Register will be kept at the TCL Office and is a public document. There are no fees attached to the AP for making a complaint.

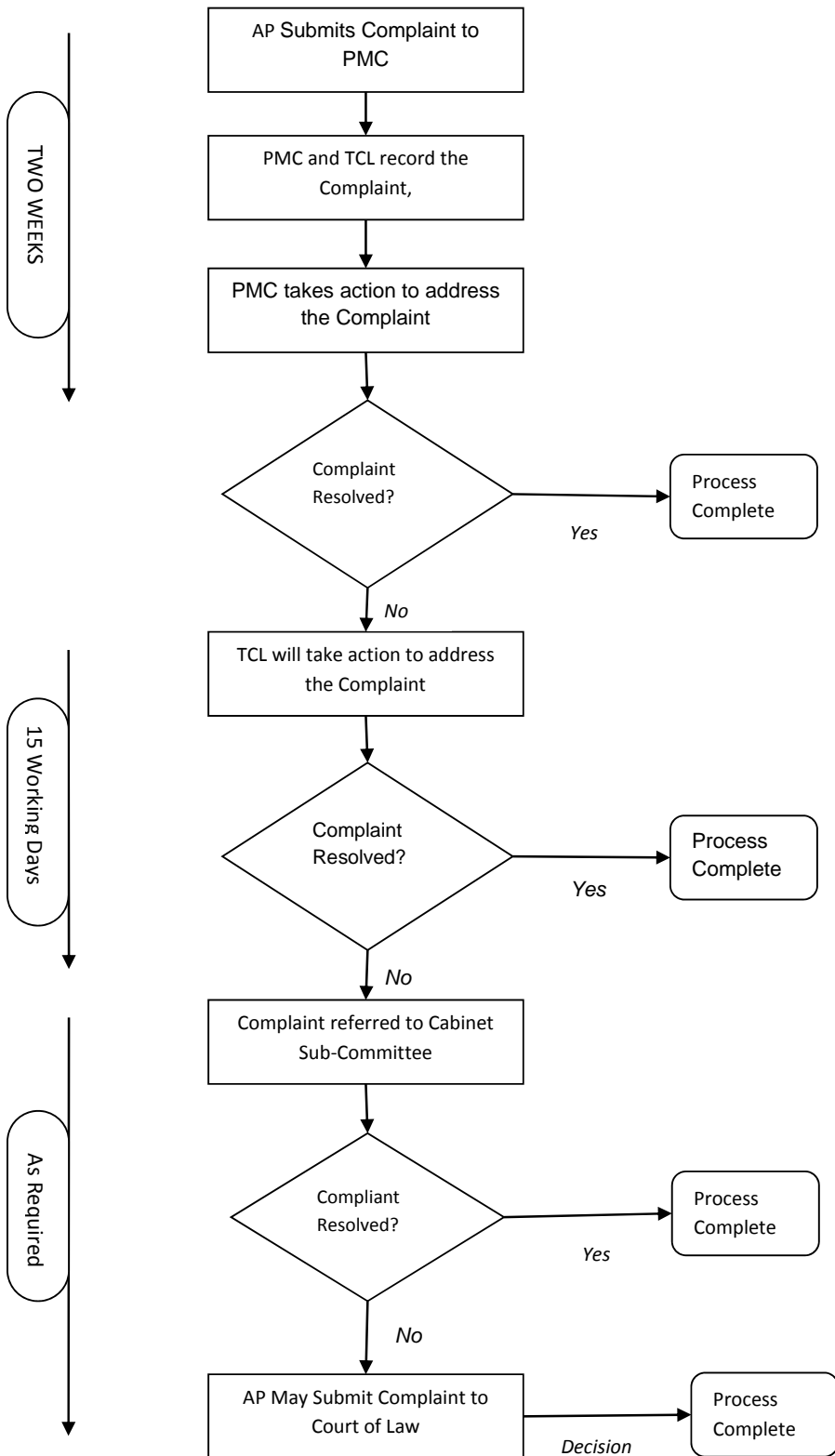
4. The PMC will consider the complaint and within a maximum of two weeks will convey² a decision to the AP. The AP also may, if so desired, discuss the complaint directly with the Project Supervisor (PS) who oversees the project on behalf of TCL. Prior to the dismissal of a complaint, the PS will present the case to the Managing Director of TCL (MD) for review. Should the MD concur that the complaint be dismissed the AP will be informed of their rights to take it to the next level as indicated below and in the chart. A copy of this decision is to be sent to the PMC.
5. Should the AP not be satisfied, they may submit an appeal in writing (form is attached as Appendix 1) to the Board of Directors of TCL. The Board will meet within 10 working days from the receipt of complaint to address the concern and will convey its decision in writing to AP within 5 working days after the Board meeting.
6. Should the AP not be satisfied with the Board's decision, the AP may take the complaint to the Cabinet Sub-Committee who is in charge of monitoring and overseeing of the whole project. The Sub-Committee will make a determination on the AP's grievance.
7. If the AP is dissatisfied with the determination of the Sub-Committee, the AP may appeal/file a complaint to the Judicial System in Tonga. This will be at the AP's cost but if the court decides that the contractor or TCL have been negligent in their operation or their determination the AP will be able to seek costs.

B. During Operation

8. The same procedure is followed except that the complaint is now directed to the Manger Director of TCL to rectify. During operation the same conditions apply; i.e. there are no fees attached to the AP for making a complaint, the complainant is free to make the complaint which will be treated in a transparent manner and the AP will not be subject to retribution for making the complaint.

Below chart shows the outlines of the process in respect to the Tonga Side for responding to any concerns by Affected Person.

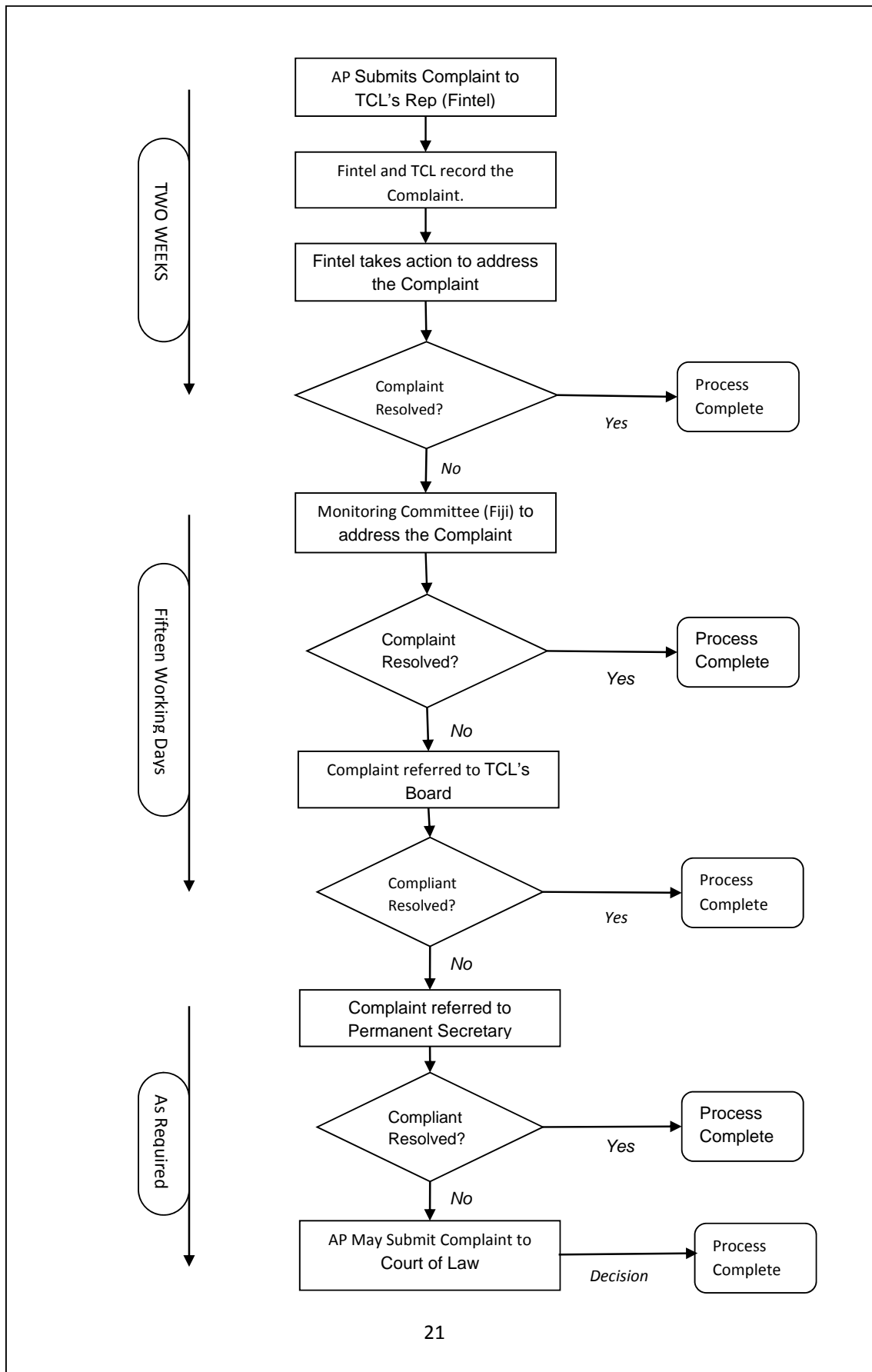
² The method of conveying the decision depends on the nature of complaint. For example if the neighbour complains verbally about the noise of equipment, the Project Manager will respond verbally and address the concern immediately. But if the neighbour has more serious concern it may require putting it in writing and therefore will receive response in writing.



For Fiji Section; as there is no construction involved no complaint is expected to arise however; installation of cable at Fiji Section may create some grievances by local fishermen.

9. During cable-laying the contractor will be initially responsible for monitoring and supervising the compliance with the Environmental Management Plan (EMP) and the Compensation and Resettlement Framework (CRF) and responding to any AP's concerns. The overall responsible entity is TCL.
10. In case of any grievances the AP will submit its complaint to TCL's representative (REP) at Fintel Office located at 158 Victoria Parade, Suva, Fiji.
11. All complaints arriving at the Fintel Office are to be entered in a Register that is kept at Fintel's Office, showing; date, name, contact address and reason for the complaint. A duplicate copy of the entry will be given (if requested) to the AP for their record at the time of registering the complaint. The Register will show who has been directed to deal with the complaint and the date when this was made together with the date when the AP was informed of the decision and how the decision was conveyed to the AP. The Register is then signed off by REP and dated. The Register will be kept at the Fintel's Office and is a public document. There are no fees attached to the AP for making a complaint.
12. The REP will inform the Monitoring Committee (Fiji) of the nature and the outcome of the complaint.
13. The REP will consider the complaint and within a maximum of two weeks will convey a decision to the AP. The AP may, if so desired, discuss the complaint directly with the Secretary of the Monitoring Committee (Fiji) or his/her Representative. Prior to the dismissal of a complaint, the REP will present the case to the Managing Director of TCL (MD) for review. Should the MD concur that the complaint be dismissed the AP will be informed of their rights in taking it to the next level. A copy of this decision is to be sent to the Fintel's Office.
14. Should the AP not be satisfied, they may appeal to the Monitoring Committee (Fiji) which in turn will be sent to the Board of Directors of TCL. The Board will meet within 10 working days from the receipt of complaint to address the concern and will convey its decision to the Monitoring Committee (Fiji) and AP within 5 working days after the Board meeting.
15. Should the AP not be satisfied with the Board's decision, depending on the nature of complaint, the AP may take the complaint to Permanent Secretary of the Ministry of Indigenous Affairs. The Permanent Secretary will make a determination on the AP's grievance.
16. If the AP is dissatisfied with the determination of the Permanent Secretary, the AP may appeal/file a complaint to the Judicial System in Fiji. This will be at the AP's cost but if the court shows that the contractor or TCL have been negligent in their operation or their determination the AP will be able to seek costs.

Below chart shows the outlines of the process in respect to Fiji Side for responding to any concerns by Affected Person.



Grievance Registration Form

Tonga Cable

Registration No.:	Date Received:	Received by:
Name:	Address:	Contact Numbers Mobile: Telephone:
Nature of grievance:		
Responded by:	Date of Response:	
() Accepted. Action taken:	() Declined. Reasons for decline:	
Signed by:	Approved by:	
Conveyed to AP verbal/written	By:	Date: