

Resettlement Planning Document

Resettlement Plan: Milestone 13 Report

Assessment of Land Acquisition and Resettlement Requirements

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Samoa: Sanitation and Drainage Project

Prepared by GHD Pty Ltd, in association with Tinai, Gordon & Associates Ltd.

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**Samoa Sanitation and Drainage
Project
Loan No. 2026 SAM (SF)**



Project Implementation Assistance Consultant

**Milestone 13 Report
Assessment of Land Acquisition and
Resettlement Requirements**

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in association with
**Tinai, Gordon &
Associates Ltd**



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Author: Angelito Corpuz (Reviewed by Russell Abrams)

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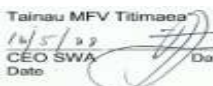


RD Representative
Date 16/5/08

Verified by :

Ta'inau M.F.T. Titimaea MD – SWA

Date : 16th May '08



Tainau MFV Titimaea
16/5/08
CEO SWA
Date

Va'aelua N. Va'aelua CEO – MWTI

Date : 16th May '08



Va'aelua Nofu Va'aelua
CEO MWTI
Date 16.5.08

Approved by :

Latu S. Kupa Project Manager, SSDP

Date : 16th May 08

Disclaimer 1: Approval by MoF does not mean that the Government of Samoa agrees to all the individual consultant's opinion which some would still need further discussion for the implementation.

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Head Office

Level 8, 180 Lonsdale Street
Melbourne, VIC 3000, Australia

Samoa Sanitation and Drainage Project Office

Postal: P O Box 2965, Apia, SAMOA
Location: SWA Sanitation Division, Vaitele
Tel: 20 167 / 20 376; FAX (+685) 31 785

Distribution List

Name	Position	Entity
Ms Hinauri Petana	CEO	MoF (EA)
Ta'inau M.F.T. Titimaea	MD / Chair SC	SWA (IA)
Jammie Sāena Sālū	Component Coordinator	SWA
Amosa Pouoa	Component Coordinator	MWTI (IA)
Jude Kohlhase	Component Coordinator	MNRE / PUMA
Latu S. Kupa	Project Manager - PMU	KEW CONSULTS
Dr. Martin O'Dell	PIAC – Project Director	GHD
Russell Abrams	PIAC – Team Leader	GHD
Leiataua Tom Tinai	PIAC – Deputy Team Leader	TGA
PIAC Project Office	<i>(Project records)</i>	--

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ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank
AP	Affected Person
BPSWP	British Petroleum South West Pacific
IA	Implementing Agency
LARP	Land Acquisition and Resettlement Plan
LARS	Land Acquisition and Resettlement Specialist
MS	Milestone
MWTI	Ministry of Water, Transport and Infrastructure
PIAC	Project Implementation and Assistance Consultant
RC	Resettlement and Compensation
RSDD	Regional Sustainable Development Division
SNAs	Special Needs Areas
SSDP	Samoa Sanitation and Drainage Project, or the Project
SWA	Samoa Water Authority

1. INTRODUCTION

1. This Milestone (MS) 13 Report provides the activities undertaken and the outputs prepared by the Land Acquisition and Resettlement Specialist (LARS), from 20th April to 11th May 2007. MS 13 covers the Assessment of Land Acquisition and Resettlement Requirements for Loan No. 2026 – SAM (SF): Samoa Sanitation and Drainage Project (SSDP), in which schedule of activities is summarized in Figure 1 where the inputs of offices concern in the Project are required.

Figure 1: Tasks/Activities under Milestone 13

Task/Activity		Month Week Commencing	March		April				May				June			July			August								
			19	26	2	9	16	23	30	7	14	21	28	4	11	18	25	2	9	16	23	30	6	13	20	27	
1	Prepare surveyor ToR and obtain quotes																										
2	Award contract																										
3	Undertake surveys and prepare plans / maps - cadastral and land status / content																										
4	Determine ADB requirements wrt R&C docs they need to see																										
5	Advise LB (by MWTI)																										
6	LB advertise land requirements																										
7	Prepare R&C plan (MWTI with PIAC assistance)																										
8	Milestone 13 completed																										
9	LB agrees compensation values																										
10	Review of R&C plan / no objection from ADB																										
11	Land available to contractors																										
	Scheduled commencement of Drainage Rehab Contractor																										
	Scheduled commencement of floodway improvement contractor																										
March 2008?? - Dry Season																											

2. Based on the above schedule, the LARS will be responsible for the following tasks: (i) Activity No. 4: Determine the Asian Development Banks (ADB) requirements with regards to Resettlement and Compensation (RC) documents that the Bank needs to see; and (ii) Activity No. 7: Prepare the RC plan for MWTI with Project Implementation Assistance Consultants' (PIAC) assistance. The LARS has already produced the documents required of the tasks assigned but there are still few gaps which have yet to be filled up because they depend on the long process of land acquisition such as confirmed compensation with owners of affected lands, among others.

2. ASSESSMENT OF SITES FOR THE TWO SSDP COMPONENTS

3. The appraisal of documents such as the MS reports, architectural drawings and maps, and the assessment of the existing conditions at project sites were carried out being pre-requisites of the tasks assigned to the LARS. The documents that were appraised and have been instrumental in the assessment of project sites include the MS 14, Environmental Impact Assessment (March 2007) and the cadastral surveys of sites to be affected by the Drainage and the Sewage Sanitation Components.

4. The assessment of the existing conditions was carried out in the sites covered by each component. For the Drainage Component, it covers the stretch of Gasegase, Asaga and Fugalei streams and the proposed new drainage system that will be connected with the existing open drain besides the St. Mary's School property facing Fugalei Street. For the Sanitation and Sewage Component, rapid appraisals were conducted in the following locations: (1) the former oil depot of the British Petroleum South West Pacific (BPSWP) at Mulinu'u Point in Sogi Village; (2) the three septic tanks subject for upgrading at two special need areas (SNAs) in Fugalei Public Market and in Samoa National Hospital; and (3) the streets where the pressurized lines will be installed, namely: (a) the Beach Road from Aggie Grey's Hotel to the Old Parliament House; (b) Ifiifi Street from National Hospital to Beach Road; (c) the corner of Fugalei Street at the public market turning left to Saleufi Street; (d) at Convent Street starting from the proposed bridge; (e) in Vaitele Street starting at Malifa Compound to the corner of Ifiifi Street; (f) at Convent Road that will pass the town clock and Beach Road towards Matefele; and (g) at the Beach Road between the corners of Vaea Street and that of Fugalei Street.

5. These assessments have been carried out as a means for categorizing the impacts of land acquisition consistent with ADB's policy on Involuntary Resettlement¹. The following are the criteria and requirements in screening the impacts of land acquisition, based on the Bank's Involuntary Resettlement policy:

- (i) **Involuntary Resettlement Category A: Significant** – “Significant” means 200 or more people will experience major impacts such as being physically displaced from, or losing 10% or more of their productive (income generating) assets. Category A projects require a full resettlement plan, and some of these projects may require a resettlement framework prior to the preparation of full resettlement plan;
- (ii) **Involuntary Resettlement Category B: Not Significant** – Projects under this category include involuntary resettlement impacts that are not deemed significant and require a short resettlement plan. Some of these projects may require a resettlement framework prior to the preparation of short resettlement plan;
- (iii) **Involuntary Resettlement Category C** – No involuntary resettlement effects are foreseen on projects falling under this category. They neither require a resettlement plan nor a resettlement framework.

3. STATUS OF ACCOMPLISHMENTS

Documents Required by ADB

6. By adopting the Bank's screening criteria in categorizing the impacts of land acquisition, the two SSDP Components were assessed and they were noted to fall in different categories. The Drainage Component falls under Involuntary Resettlement Category B, as land acquisition will have impacts to three affected persons (APs), but only one, the Saili family, will experience permanent land acquisition. However, the number of APs have yet to be determined because there are some persons whose plants and trees at the banks of the streams might be affected and they are also entitled for compensation. The Sewage and Sanitation Component falls under Category C in which a resettlement plan is not required. However, there are certain documents that the Ministry of Water, Transport and Infrastructure (MWTI) and Samoa Water Authority (SWA) have to submit to ADB as evidences to such claims. Below are the documents that should be submitted to ADB by the Implementing Agencies (IAs) for each SSDP Component.

The Drainage Component

7. In packaging the report on Land Acquisition and Resettlement Plan (LARP), the following sequence of documents should be arranged for submission to ADB:

- Involuntary Resettlement Categorization Form to be filled up and signed by the Project Team Leader;
- Procedural Compliance Checklist;
- Endorsement of the Short Land Acquisition and Resettlement Plan (LARP) by Chief Executive Officer of the MWTI;
- The LARP main report together with the executive summary and annexes.

¹ This refers to Operational Manual (OM) F2/OP, issued on 25 September 2006.

Sewage and Sanitation Component

8. While a resettlement plan is not required for the Sewage and Sanitation Component, there are certain documents that should inform ADB that it falls under Category C, such as the following:

- Endorsement Letter of the Managing Director of SWA to the Chief Compliance Officer of ADB's RSDD;
- Involuntary Resettlement Categorization Form to be filled up and signed by the Project Team Leader;
- Endorsement of the by the responsible executive of the Samoa Water Authority;
- Report on the Land Acquisition Requirement for Wastewater Management and Sanitation Component.

9. Except for the endorsements from the respective responsible executives of MWTI and SWA, the LARS has identified and provided all the documents required by ADB under MS 13.

3.2 Preparation of Resettlement Compensation Plan

10. The preparation of two separate documents related to RC was discussed with ADB Project Officer Mr Stephen Blaik during his mission in Samoa from April 23 to May 5, 2007.

3.2.1 The Drainage Component

11. The LARS prepared a Short LARP consistent with the screening criteria of ADB on Involuntary Resettlement as described in para. 5 (ii) of this report, and satisfying the requirements in Compliance Checklist. The Short LARP strictly follows the ADB's Involuntary Resettlement policy as provided for in Section E, para. 26 of OM Section F1/OP. Considered a development project, the Short LARP includes a statement of objectives with (i) scope of land acquisition and resettlement; (ii) legal and policy framework and entitlements; (iii) implementation mechanism that covers gender impact and mitigating measures, disclosure and community consultation, mechanism for grievances, institutional arrangement, compensation budget and financing, implementation schedule and monitoring.

12. However, what are lacking in the LARP are the statistical and qualitative information owing to the confirmed valuation of affected lands.

13. **Annex A** shows the complete report on Short LARP together with the required ADB documents as described in para. 7.

3.2.2 The Sewage and Sanitation Component

14. While the LARP is not required for this component there is a need for background information for such claim. The Assessment of Land Acquisition Requirement Report provides information on sub-project locations, assessment of land requirements for the sub-components such as the wastewater treatment plant, the septic tanks of the proposed special needs areas and pressurized sewer lines. It also contains the project disclosure and public consultations that have already been undertaken by the PIAC.

15. The report is ready for submission to request ADB for confirmation of its "No Objection" for the award of civil works contract if the SWA has already produced the following documents, i.e. official endorsement from the executive concern and the document from the Ministry of Finance stating the availability of land for the Wastewater Treatment Plant, including that for the infiltration gallery.

16. **Annex B** provides the report on the Assessment of Land Acquisition Requirements together with the required ADB documents as described in para. 8.

3.3 Other Accomplishments

17. The LARS has also accomplished the following which are essential for MS 13:

- (i) The Legal Framework for SSDP which contains the comparison of the policies on land acquisition by the Government of Samoa and the Policy Requirement of ADB as basis for formulating the Project Principles and the compensation policy of SSDP that will be incorporated in Project Information Booklet for distribution to APs;
- (ii) The training of the local counterpart on the preparation of LARP which has covered rapid appraisal, categorization of LARP, the use of joint detailed measurement survey and inventory of losses instrument, the important use of cadastral maps and the information required in LARP. The LARS also gave his counterpart the copies of ADB's Involuntary Policy and the templates of documents required for the submission of LARP to ADB.
- (iii) The Approval of Cabinet to the purchasing of the remainder Section 1 portion of the Freehold commercial land for the construction of the Drainline to the mangrove. Cabinet Approval for the final land compensation for the project is at **Annex C**

4. REMAINING TASKS

18. For the total completion of the two documents, there are still activities that should be accomplished prior to their submission to full completion. Government at the time for the completion of this review will negotiate with the owner of the freehold land for the Drainage section 1 on the appropriate compensation in accordance to market value. Government has already set aside its budget of around \$850,000 Tala for such transaction. The total affected land is estimated at 750m²

**Land Acquisition and Resettlement Plan –
Drainage Component**

INVOLUNTARY RESETTLEMENT CATEGORIZATION

A. Project Data		Project No. _____
Country/Project Title: Loan No. 2026-SAM: Samoa Sanitation and Drainage Project (SSDP)		Date: _____
Department/ Division: Ministry of Works Transport & Infrastructure		
Processing Stage: Detailed Design		
Lending Modality: <input checked="" type="checkbox"/> Project Loan <input type="checkbox"/> Hybrid Loan ¹ <input type="checkbox"/> Financial Intermediation		
<input type="checkbox"/> Program Loan ² <input type="checkbox"/> Emergency Loan <input type="checkbox"/> Loan or Equity Investment		
<input type="checkbox"/> Sector Loan <input type="checkbox"/> SDP Loan		
Other Project Types : <input type="checkbox"/> Grant <input type="checkbox"/> JFPR <input type="checkbox"/> GEF <input type="checkbox"/> Other Sources: _____		
Coverage: <input checked="" type="checkbox"/> Country <input type="checkbox"/> Regional <input type="checkbox"/> Inter-regional		
Project : <input type="checkbox"/> Detailed Design Before Loan Negotiations <input checked="" type="checkbox"/> Detailed Design Completed During Implementation		
Processing Events (Tentative Schedule) and dates:		
PPTA Fact Finding : _____	Due Diligence before PSSCM ³ _____	
Loan Fact Finding : _____	PSSCM : _____	
MRM : _____	Due Diligence after PSSCM (if anticipated): _____	
Appraisal : _____	_____	

¹ "Hybrid loans" have features of a regular project loan and a sector loan, such that some subprojects, components, or investments are selected and prepared only after loan approval.

² Applies to program loans with investment components.

³ Due diligence should be conducted and reported in the RRP for Private Sector Credit Committee Meeting (PSSCM) submission.

B. Screening Questions for Resettlement Categorization

Probable Involuntary Resettlement Effects*	Yes	No	Not Known	Possible	Remarks
Will the project include any physical construction work?	x				
Does the project include upgrading or rehabilitation of existing physical facilities?	x				
Are any project effects likely leads to loss of housing, other assets, resource use or incomes/livelihoods?		x			
Is land acquisition likely to be necessary?	x				
Is the site for land acquisition known?	x				
Is the ownership status and current usage of the land known?	x				
Will easements be utilized within an existing Right of Way?	x				
Are there any non-titled people who live or earn their livelihood at the site or within the Right of Way?		x			
Will there be loss of housing?		x			
Will there be loss of agricultural plots?	x				Partially but less than 10%
Will there be losses of crops, trees, and fixed assets?		x			
Will there be loss of businesses or enterprises?		x			
Will there be loss of incomes and livelihoods?		x			
Will people lose access to facilities, services, or natural resources?		x			
Will any social or economic activities be affected by land use-related changes?		x			
If involuntary resettlement impacts are expected:					Only land acquisition.
• Are local laws and regulations compatible with ADB's Involuntary Resettlement policy?		x			
• Will coordination between government agencies be required to deal with land acquisition?	x				Only when necessary.
• Are there sufficient skilled staff in the Executing Agency for resettlement planning and implementation?		x			The Project Imp. Assistance Consultants will assist.
• Are training and capacity-building interventions required prior to resettlement planning and implementation?		x			

*Whenever possible, consider also any future subprojects or investments.

Information on Affected Persons:

Any estimate of the likely number of households that will be affected by the Project?

☐ No ☒ Yes If yes, approximately how many? **2**

Are any of them poor, female-heads of households, or vulnerable to poverty risks?

☒ No ☐ Yes If yes, please briefly describe their situation.

Are any APs from indigenous or ethnic minority groups?

☒ No ☐ Yes If yes, please explain?

Additional Information Requirements for Private Sector projects:

☐ Resettlement and land acquisition completed
Intermediary

☐ PSOD is lending to a Financial

☐ Resettlement to be completed

☐ The project is an Equity Investment

☐ Project entails risk by association (e.g associated
Risk

☐ The project is a Partial Credit /Political

facilities are part of the project but not funded
by the proponent)
describe _____

Guarantee

☐ Others, please

E. Involuntary Resettlement Category ☐ New ☐ Recategorization

After reviewing the answers above, the Project Team Leader and Social
Development/ Resettlement Specialist agree subject to confirmation, that the project:

1. Project Categorization and Resettlement Planning Requirements

☐ Category A, Significant IR impact, a full Resettlement Plan is required.

☒ Category B, Nonsignificant IR impact, a short Resettlement Plan is required.

☐ Category C, No IR impact, no resettlement report is required.

☐ Additional information is needed for categorization and is to be gathered by
the Project Team Leader. In the interim, the project is classified as:

☐ Category A/B

☒ Category B/C

☐ Social Development/ Resettlement Specialist to participate in Fact
Finding

☐ Consultant support is required to prepare Resettlement
Plan/Resettlement Framework (RP/RF), therefore the TOR for a Social
Development/ Resettlement Specialist should be included in TA Report

**2. Additional Requirements for Sector, Sector Development Program/Project
Loans, Emergency Loans and Hybrid Loans**

☐ Resettlement Framework

☐ Core Subproject Resettlement Plans

Note:

A draft RP/RF disclosed to APs and endorsed by the Executing Agency is required before Management Review Meeting (MRM).
A summary RP/RF should be included as a core appendix in the draft RRP for MRM.
A satisfactory RF/RP is required before Appraisal.

Proposed by:

 Va'aelua Nofo Vaaelua CEO MWTI Date <i>16.5.08</i>	 RD Resettlement/ Social Dev't Specialist Date <i>16/08/08</i>
Checked by:	Endorsed by:

_____	_____	_____	_____
RSES Social Dev't Safeguard Specialist	Date	Director, RSES	Date

Approved by:

_____	_____
Chief Compliance Officer	Date

Procedural Compliance Checklist for a Resettlement Plan

	Yes/No	REMARKS
General		
Endorsed by the Executing Agency?	Yes	
Executive Summary Included?	Yes	
RP satisfactory for appraisal? In accordance with OM F2 (para 26), including, gender assessment.	Yes	
RP requires updating during detailed technical design?	No	
Disclosed to affected people?	Yes	
Disclosed on ADB Website?	No	
Summary RP included as core appendix to the RRP?	Not Applicable	
RP covered in assurances in the RRP and covenanted in Loan Agreements?	Not Applicable	
Specific		
Project specific resettlement policy principles consistent with IR policy?	Yes	
Socioeconomic survey covered 20% of severely affected persons and 10% of affected persons?	No	There are no severely affected persons as only 2 persons are affected
Cut-off date established?	Yes	
Entitlement matrix consistent with what described in the text?	Yes	
Entitled persons and impacts fully defined?	Yes	
Compensation rates established based on replacement cost?	Yes	
Budget fully covers all land acquisition and resettlement activities at replacement cost and consistent with text and entitlement matrix?	Yes	
Rationale/justification for sustainable livelihood restoration measures described in RP?	No	No person will be relocated.
Vulnerable groups identified and specific measures to assist them incorporated?	No	No vulnerable of any kind will be affected by the Project
Timetable of activities consistent with project civil works schedule	Yes	
Monitoring and evaluation and reporting requirements specified?	Yes	Only for internal monitoring. The services of the external monitoring agent are not required.

Loan No. 2026 – SAM: Samoa Sanitation
and Drainage Project (SSDP)
**Land Acquisition and Resettlement Plan –
Drainage Component**

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ACCRONYMS AND ABBREVIATIONS

ADB	Asian Development Bank, or the Bank
AP	Affected Person
CBD	Central Business District
DMS	Detailed Measurement Survey
EMA	External Monitoring Agency
GoS	Government of Samoa
IA	Implementing Agency, or MWTI
IOL	Inventory of Losses
LARP	Land Acquisition and Resettlement Plan
m	Meter
m ²	Square meter
mm	Millimeter
MWTI	Ministry of Water, Transport and Infrastructure, or the IA
NGO	Non-government Organization
PIAC	Project Implementation Assistance Consultants
PIB	Project Information Booklet
RCP	Reinforced Concrete Pipe
ROW	Right-of-Way
SSDP	Samoa Sanitation and Drainage Project, or the "Project"
STEC	Samoa Trust Estate Corporation

EXECUTIVE SUMMARY

A. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

1. The Drainage Component of the Project covers the upgrading of three existing drainage systems and the development of a new one. The upgrading will be undertaken by means of removing the sludge and liters, realigning the banks through cutting and filling of soils, and strengthening the unstable portions of the banks in the streams of Gasegase, Asaga and Fugalei which serve as the floodways in the Central Business District (CBD) of Apia. The scope of work will cover 2,850 m in all. The new drainage system, with length of 355 m, will be connected with the existing open drain besides the St. Mary's School property facing Fugalei Street that will then cross to a low-lying area in order for its outlet to reach the Fugalei Stream. It will be made of 1,600 millimeter (mm) reinforced concrete pipes (RCP), protected with concrete box culvert that will be buried to the ground.

2. In order to meet the SSDP objectives for the Drainage Component, lands will be acquired by the Ministry of Works, Transport and Infrastructure (MWTI) with assistance from the Project Implementation Consultants (PICs). Based on the detailed measurement survey (DMS), a total of 750m² of lands will be acquired from the owners of customary land, freehold lands and public land. The survey revealed that land acquisition will have 2 APs, and 0 trees and 0 crops that will be cleared from the project sites. The Drainage Component falls under **Resettlement Category B**, and the concurrence of the affected persons was already obtained.

B. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

3. The legal framework governing the LARP is founded on the laws of the Government of Samoa (GoS) and the ADB's Policy Requirements on Involuntary Resettlement (1995). Given the gaps and inconsistencies shown in the annex of the main report, the Project principles were formulated to bridge the gaps between their policies, to ensure that all APs will be provided with replacement lands, compensated for all their losses at replacement cost and provided with rehabilitation measures aimed at improving, or at least maintaining, their pre-project living standards and income-generating capacity. From the Project principles, the eligibility requirements and the compensation and entitlement policies under the SSDP were designed. The compensation and entitlements of the APs found during the DMS were summarized in an Entitlement Matrix. The MWTI will commit itself for compliance of the policies.

C. IMPLEMENTATION MECHANISM

1. *Gender Impact and Mitigating Measures*

4. Land acquisition will not affect the women. However, their main concern is the flood during rainy season for it creates a lot of inconveniences to them, but this is already considered in the Project design and will be addressed during the implementation.

2. *Information Dissemination, Consultation, Participatory Approaches and Disclosure*

5. The Project Implementation Consultants (PICs) assisting the MWTI have already made two public meetings and consultations with stakeholders, in June and November 2006. Specific to land acquisition the meeting was held on November, 2006 at Vaimoso Village. The topics explained to the participants were the objectives of the meeting, the need for the Project, the roles of the village people, land acquisition and eligibility of APs as well as the compensation and entitlements. They were shown the project map and given copies of Project Information Booklet. While there are only few APs, land acquisition for the Drainage Component will still be anchored on consultations and community participation in order to lessen the risks of construction delays arising from grievances. As part of their participation, they were asked to review and approve the LARP which was given to them in booklet form.

3. *Grievance Redress Procedures.*

6. Although only few APs will be affected by land acquisition and it is expected that there would only be minor issues, this LARP has also set-up the contingent mechanism for grievance redress in case there would be complaint from any of the APs.

4. *Compensation, Relocation and Income Restoration*

7. The MWTI, through the PICs, will conduct due diligence in validating the names of the APs claiming ownership to affected lands and properties which were recorded in the DMS questionnaire. But since only one AP whose customary land will be permanently acquired, it is assumed that negotiation for compensation will be much easier to arrange. The MWTI will apply the principle of replacement cost based on the prevailing market rates for compensating the APs but none for relocation and income restoration since nobody will be relocated from their place.

5. *Institutional Arrangement*

8. MWTI will take care of the negotiation for compensation. It will only request for the intercession of the Department of Land, Survey and Environment should the AP will not agree on compensation being offered.

6. *Compensation Budget and Financing*

9. The overall budget for implementing this LARP is \$1,105,000 Tala. This includes the compensation for land (\$850,000 Tala), compensation for plants and trees (NIL), 20% provision for administration cost as drawn from the total compensation (\$170,000 Tala), and provision for 10% contingency. There are no budget provisions for (a) houses or structures; (b) other assets; (c) business income and livelihood; (d) compensation for renters of houses; (e) lessees of business shops; (f) registered enterprises; (g) person belonging to vulnerable group; and (h) compensation for affected graveyard, historical landmark and place of worship, as

none of these will be affected by land acquisition, permanent or otherwise. The MWTI management will commit the budgets for implementing the LARP as part of its equity to the total project investment.

7. Implementation Schedule

10. The Drainage Component shall be constructed over the period of 300 days. MWTI will ensure that land acquisition will not overlap with civil works construction activities.

8. Monitoring and Evaluation

11. The PICs will be in-charge for the internal monitoring of LARP implementation. It will see to it that all land acquisition and payments for compensation have been completed to facilitate MWTI's request to ADB for the confirmation of "No Objection" for the award of civil works contracts to contractors. On the part of MWTI, it will furnish the Bank the duly authenticated documents as proofs of compliance for implementing the LARP. External monitoring by an external monitoring agency (EMA) is not required.

D. DISCLOSURE OF THE LARP

12. The following disclosure of the LARP document is required per ADB's Public Communication Policy:

1. For MWTI:

- Before appraisal – draft LARP.
- After completion of the final LARP – the final LARP.
- Following revisions to the LARP as a result of detailed technical design or change in scope of the Project – the revised LARP.

13. The information on LARP will be made available in the form of brochures, leaflets, or booklets. For non-literate persons, this will be read to them by any of their household members.

2. The Bank

49. ADB shall make publicly available the LARP on ADB's resettlement website:

- Before appraisal – a draft LARP.
- Upon receipt of the Final LARP – the final LARP
- Upon receipt of the revised LARP – the revised LARP.

I. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

D. Project Description: The Drainage Component

3. As one of the three components⁴ of ADB Loan No. 2026 – SAM: Samoa Sanitation and Drainage Project (SSDP), the Drainage Component covers the upgrading of three existing drainage systems and the development of a new one. The upgrading of drainage systems will be undertaken in the streams of Gasegase, Asaga and Fugalei which are among the floodways in the Central Business District (CBD) of Apia, the country's main urban area. Gasegase and Asaga streams are connected with Fugalei stream that drains floodwaters to the South Pacific Ocean at Sogi Village. The scope of work for the upgrading involves the removal of sludge and liters, the realignment of banks through cutting and filling of soils, and strengthening the unstable portions of the banks. The coverage of rehabilitation on the three streams has a combined length of 2,850 meters (m).

4. The construction of a new drainage system, with length of 355 m, will be connected with the existing open drain besides the St. Mary's School property facing Fugalei Street. It will then cross to a low-lying area in order for its outlet to reach the Fugalei Stream. The width for the right-of-way (ROW) is planned for 7.0 m, of which, 2.5 m will be set aside for the drainage and 4.5 m for access of the vehicle during the construction. The drainage system shall be made of 1,600 millimeter (mm) reinforced concrete pipes (RCP), protected with concrete box culvert that will be buried to the ground.

5. In order to meet the SSDP objective for the Drainage Component, lands will be acquired from the owners of freehold lands, customary lands and from the trustee of public lands. The Ministry of Water, Transport and Infrastructure (MWTI) is the Implementing Agency (IA) of this Component with assistance from the Project Implementation Assistance Consultants (PIAC). In applying the Asian Development Bank's (ADB) screening on involuntary resettlement, the Drainage Component falls under **Resettlement Category B**, which requires for a Short Resettlement Plan as the project will affect less than 200 people.

E. Impacts of Land Acquisitions

6. Land acquisition is expected to have very minimal effects with only 2 affected persons (APs) were identified after the project boundaries were marked during the cadastral survey on July, 2007. They are the owners of affected lands, crops and trees. The impacts of land acquisition are described as follows:

1. Loss of Land

7. A total of 750 m² of lands will be required that comprises 750 m² of freehold lands. No customary land will be required. The freehold land will be acquired from Mr. Maposua Rudolph Keil (750 m²). While the upgrading of Gasegase river, Fugalei and Asaga streams will not require land acquisition, the clearing will affect few trees.

⁴ The two other components are the Wastewater Management and Sanitation that will be implemented by the Samoa Water Authority, and the Capacity Building and Project Implementation Assistance.

8. On the development of new drainage, it will require a total area of 2,485 m² for temporary use based on the width and length of the ROW. These will all be Government lands. Although these properties are found at the CBD, there are no structures built therein as they are part of Apia's flooded area. The owners of the temporarily affected lands will not receive compensation, but they will be paid for rent during construction and the land will be returned to original condition, or better.

2. Loss of Crops and Trees

a) Plants

7. The following APs whose plants, on various stages of their growth, will be affected by the upgrading and the development of drainage system:

NIL

b) Trees

8. The inventory of affected trees was totalled to NIL, of which NIL are fruit trees and NIL are wood trees. The inventory of losses (IOL) on trees of each AP is as follows:

NIL

9. Summarized in **Table 1** is the extent of impacts from land acquisition for the Drainage Component.

Table 1: Summary of Impacts of Land Acquisition for Drainage Component

Description of Impacts	Quantified Impacts of Land Acquisition				Total
	Gasegase Stream	Asaga Stream	Fugalei Stream	New Drainage	
Number of APs	1			1	2
Land acquisition:	NIL				NIL
Permanent (Customary land, in m ²)					NIL
Temporary (Freehold land, in m ²)				750 m ²	750 m ²
Temporary (Public land, in m ²)					
Plants:					NIL
Trees:					NIL

10. Shown in **Annex 1** are the detailed impacts on individual APs.

C. Socioeconomic Information on the APs

11. The **1** APs who live near the banks of the streams are engaged in various occupations, such as, carpentry, working in the hotels, working in grocery shops, and sport administration. Their household incomes vary, with the lowest is \$5,000 Tala while the highest is \$15,000 Tala. The combined population of their household is 10, of which, **6** are males and 4 are females. The age of the eldest AP is 38 years old while the youngest is 5 years old. However, none of them belongs to the vulnerable group.

II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

12. The legal framework governing this LARP is founded on the laws of the Government of Samoa (GoS) and the ADB's Policy Requirements on Involuntary Resettlement (1995). Since the MWTI will be involved in land acquisition, it will commit itself for complying with the principles and conditions stipulated in this LARP. If there are any gaps between the ADB and the GoS policy, the policy of the former applies. The basic goal of the legal framework is to ensure that all APs will be provided with replacement lands, compensated for all their losses at replacement cost and provided with rehabilitation measures aimed at improving, or at least maintaining, their pre-project living standards and income-generating capacity.

A. Legal Framework on Land Acquisition and Resettlement in Samoa

13. The following provisions in the 1960 Constitution of Samoa serve as the basic legal foundation of land acquisition and resettlement policies in the country:

Section 13: Rights regarding freedom of speech, assembly, association and residence - (1) All citizens of Samoa shall have the right to:

- (a) freedom of speech and expression;
- (b) assemble peaceably and without arms;
- (c) form associations or unions; and
- (d) move freely throughout Samoa and to reside in any part thereof.

Section 14: Rights regarding property - (1) No property shall be taken possession compulsorily, and no right over or interest in any property shall be acquired compulsorily, except under the law which, of itself or when read with any other law –

- (a) Requires the payment within a reasonable time of adequate compensation therefore;
- (b) Gives to any person claiming that compensation a right of access, for the determination of his interest in the property and the amount of compensation, to the Supreme Court.

Section 101: Land in Samoa – (1) All land in Samoa is customary land, freehold land or public land.

(2) Customary land means land held in Samoa in accordance with Samoan custom and usage and with the law relating to Samoan custom and usage.

(3) Freehold land means land held in Samoa for an estate in fee simple.

(4) Public land means land vested in Samoa being land that is free from customary title and from any estate in fee simple.

Section 102: No alienation of customary land – It shall not be lawful or competent for any person to make any alienation or disposition of customary land or of any interest in customary land, whether by way of sale, mortgage or otherwise howsoever, nor shall any customary land or any interest therein be capable of being taken in execution or be assets for the payment of the debts of any person on his decease or insolvency:

Provided that an Act of Parliament may authorize –

(a) The granting of a lease or license of any customary land or of any interest therein;

(b) The taking of any customary land or any interest for public purposes.

14. From the above Constitutional provisions, several laws and statutes were legislated and enacted by the Government⁵ to regulate the use of lands in Samoa, in which several provisions can be applied on land acquisition under the Project, such as: (a) The Taking of Land Act 1964; (b) The Alienation of Customary Land Act 1965; and (c) The Land and Titles Act 1961. However, the relevant provisions in the Taking of Land Act 1964 serve as basis for land acquisition in the country.

B. ADB's Policy on Involuntary Resettlement

15. ADB's policy on involuntary resettlement provides an effective opportunity for people dispossessed or displaced to achieve development benefits. The objectives are to: (i) avoid involuntary resettlement whenever feasible; (ii) minimize resettlement where population displacement is unavoidable; and (iii) ensure that displaced persons receive assistance so that they are at least as well-off as they would have been in the absence of the Project. The Policy stipulates three important elements in involuntary resettlement, such as: (a) compensation for lost assets and loss of livelihood or income at replacement cost, (b) assistance in relocation including provision of relocation sites with appropriate facilities and access to social services, and (c) assistance with rehabilitation so as to achieve at least the same level of well-being with the Project as before. The Bank's Policy further prescribes that the absence of legal title to the land is not a barrier to compensation and rehabilitation of APs. All persons adversely affected by any Project that the Bank supports are entitled to the assistance to restore pre-project conditions through compensation, resettlement and livelihood restoration. The poorest and vulnerable affected people, including households headed by women, the elderly, disabled, ethnic minorities, and the landless, must be assisted to improve their socio-economic conditions.

⁵ Unlike the western and the Asian countries, the government in Samoa is organized into National Government and Village *Fono*s which represent the local government. There are no provincial and municipal governments.

C. Gaps and Consistencies between the GoS and ADB Policies

16. Important considerations are given to the resettlement policies of the GoS and that of ADB in formulating the compensation and entitlements of APs under the SSDP. By way of comparison, the policies are presented in **Annex 2** showing their gaps and consistencies.

D. Project Principles

17. As there are differences between the GoS's Taking of Land Act 1964 and ADB's Involuntary Resettlement Policy, the following Project principles will govern the land acquisition and resettlement policy under the Project. These principles were formulated to fill the gaps that are lacking from the Act so that they will be consistent with ADB's policy requirements, with due consideration to the existing customs and traditions of the people in Samoa.

- (a) Acquisition of customary, freehold and/or public lands shall be minimized and avoid the resettlement of people, as much as possible.
- (b) Where population displacement is unavoidable, it should be minimized by providing viable livelihood options.
- (c) The *matais*⁶ will be systematically informed and consulted on the acquisition and compensation of customary lands, while their affected *aigas*⁷ will be informed and consulted on their affected assets, the rights and options available to them and the proposed mitigating measures, and to the extent possible involve them in the decisions to avoid any delay in land acquisition and resettlement plan implementation. The same shall be accorded to APs who have interests on freehold lands.
- (d) In the consultation process, the IA will also include the representatives of the Village *Fonos*, community leaders and civil society organizations like non-government organizations (NGOs) where the Project is located.
- (e) The customs and traditions as well as the religious practices and observances of the people should be respected and preserved.
- (f) The APs are to be identified and their affected properties should be completely recorded during the census in which the last day represents the cut-off date for eligibility. Eligible persons are entitled to compensation and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income earning capacity and production levels. The compensation and rehabilitation measures to APs are:
 - Cash compensation at replacement cost of houses and other structures without deduction for depreciation or the remaining values of salvageable materials. If the AP is shifting to another location, then transportation and food allowance should be given to his/her family;

⁶ The *matais* are the appointed heads of the families and the administrator of their customary lands

⁷ They are known as members or extended families of the *matais*.

- Replacement of customary land and/or freehold land being used for agriculture of equal productive capacity acceptable to the APs⁸. Cash compensation may be given for marginally affected land, or if land-for-land for severely affected productive land is not possible, cash compensation at replacement cost should be provided;
 - Cash compensation at replacement cost or market rates, or replacement of marginally affected customary and/or freehold lands acceptable to APs; and
 - Transportation and food allowances as well as rehabilitation measures for APs relocating at least 5 km from their original place.
- (g) Lack of formal legal rights to assets lost should not deprive any AP from receiving compensation, entitlement and rehabilitation measures. Distinctions should not be made between APs “*with*” and “*without*” formal legal title to the affected property.
- (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 shall be calculated at replacement cost or at current market rates in the Project area at the time of compensation.
- (i) The 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 should be provided to the socially and economically vulnerable groups like the women-headed households, children, the landless, pastoralists and the elderly people without support structures and people living in extreme hardships during the resettlement plan implementation process.
- (k) The previous level of community services and resources available to APs should be accessible to them after resettlement to the new sites.
- (l) The Village *Fonos* and the *matais* will be responsible for hearing and resolving grievances and complaints from the APs during the implementation of the LARP.
- (m) Where necessary, the IA will arrange for the assistance of relevant institutions for the effective consultation, implementation of land acquisition, resettlement plan, and compensation and rehabilitation program.
- (n) The *matais*, their *aigas* and other APs will be involved in decision making related to land acquisition and resettlement and they will be assisted by the IA to mitigate the adverse impacts of resettlement.
- (o) The full cost of land acquisition and resettlement shall be included in the project cost and benefits and adequate budgetary support shall be committed and make them available by the IA during implementation. Except for land

⁸ It means that the land provided as compensation should be able to produce the same or better than the yield the AP was producing from the previous land. The production should be in planting season immediately following the land acquisition. It can be for a future period if transitional allowance equivalent to the APs previous yield is provided while waiting for the land to achieve the same productivity as the previous land.

acquisition, compensation and relocation of APs may be considered for inclusion in ADB loan financing for the Project, if requested by the IA from the Bank.

- (p) The IA shall establish appropriate reporting (including auditing and redress functions), monitoring and evaluation mechanisms as part of the resettlement management system, and where necessary, the Project shall hire an external monitoring agency (EMA) to evaluate the resettlement process and results that will be reported directly to ADB. (The EMA may include qualified NGOs and/or research institutions in Samoa).
- (q) Finally, land acquisition, compensation and resettlement activities must be satisfactorily completed, rehabilitation measures in place but not necessarily completed as this may take longer time, and the land is cleared of all obstructions and free from encumbrances before ADB officially confirm its “No Objection” to the IA for the award of civil works contract to construction contractors.

E. Project Compensation and Entitlement Policies

18. Formulated from the preceding Project principles, the compensation and entitlements will be based on the types and levels of losses to APs arising from land acquisition under the SSDP. The following are the compensation and entitlement measures that will be applied on the properties and assets that shall be lost from them:

1. *Loss of Land*

- (a) Temporary loss of customary, freehold and public lands

19. This type of loss is expected during the upgrading of existing and construction of new drainage due to the requirement for the temporary work stations of workers and for the storage of construction materials.

- No compensation for land but it will be restored to its original condition or better before it is returned to the owner. However, the Project will give one-time payment of easement fees to the *matai* and the owner of freehold land. In case of the affected public land, one-time payment of easement fee or any amicable arrangement that may be reached by the IA with the government agency holding the public land. The formula for calculating the easement fee for the temporary use of land is as follows:

$$\frac{\text{Area of affected land}}{\text{Total area of land}} = \text{___\%} \times \text{the total market value of the land} = \text{Easement Fee}$$

- (b) Permanent loss of customary, freehold land and public land.

20. The loss is envisaged for the realignment, clearing and upgrading of floodways as part of the drainage system.

- (i) Customary land

- Partially affected agricultural and/or residential land.
 - Cash compensation for the partially affected portion of the land, payable to the *matai*, based on replacement cost or market value in their locality, if the impact is less than 10% and the remaining land remains viable for sustainable use. The compensation shall be calculated in the same manner as that of the easement fee;
 - Cash compensation for developments⁹ made on residential lands, payable to the *matai*, the *aigas* or other APs;
 - Restatement on the scope of the license or lease of affected customary land of the *matai*.
 - Full compensation for the land payable to the *matai*, based on replacement cost or market value in their locality, if the impact is 10% or more and the remaining portion of the affected land is no longer viable for continuous use by the *aiga*; or, replacement land, preferably within the lands administered by the same *matai*, which shall be arranged and paid by the IA for the affected *aiga*. However, if replacement land is not available from the land being administered by the *matai*, the IA together with the *matai* will arrange with the other *matai* in the same village to accommodate the affected *aiga* in their lands. The IA will facilitate the consultations with the neighboring *matai* and his *aigas*.
- Fully-affected agricultural and/or residential land.
 - Full compensation for the land payable to the *matai* based on replacement cost or market value in their locality, and replacement land, preferably within the lands administered by the same *matai*, which shall be arranged and paid by the IA for the affected *aiga*;
 - If replacement land is not available from the land being administered by the *matai*, the concerned IA together with the *matai* will arrange with another *matai* to accommodate the affected *aiga* in their lands. The IA will facilitate the consultations with the neighboring *matai* and his *aigas*.

(ii) Freehold land

- Partially affected residential land.
 - Cash compensation for the partially affected portion of the land, based on replacement cost or market value in their locality, if the impact on remaining land is less than 10% and the remaining land remains viable for continuous residential use by the AP. The compensation shall be calculated in the same manner as that of the easement fee;
 - Cash compensation on developments made on residential land;

⁹ Developments made on residential land cover the beautification of surroundings and the concreting of the yard, among others.

- Restatement on the scope of the license or lease of the affected freehold land, in which expenses shall be charged to the Project.
- Full compensation, based on replacement cost or market value in their locality, if the impact is 10% or more and is no longer viable for continuous use, with the IA will assist in looking for replacement land, acceptable to the AP.
- Fully-affected residential land
 - Full compensation for the land, based on replacement cost or market value in their locality with the IA will assist in looking for replacement land, acceptable to the AP.

(iii) Public Land

- Partially affected public land
 - Payment for the affected portion of the land, or any amicable arrangement that can be reached by the IA with the government agency holding the public land, if the impact is less than 10% of the total area;
 - Payment for the whole land or any amicable arrangement that can be reached by the IA with the government agency holding the public land if the impact of the affected portion is 10% or more of the total area;
- Fully affected public land
 - Payment for the whole land or any amicable arrangement that can be reached by the IA with the government agency holding the public land;

2. Loss of Houses and/or Structures

21. The houses, small business shops, fences and/or other structures are those that shall be affected by permanent land acquisition.

- (a) House or structure made of semi-permanent materials, i.e., wood, concrete and galvanized iron.
 - (i) Cash compensation for the house and/or structure of the *aiga* and/or AP based on replacement cost at current market rates in their locality without provision for deduction of the value of salvageable materials;
 - (ii) Allowance for cost of demolition and reconstruction;
 - (iii) No compensation for the house or structure if such was built or repaired after the cut-off date for eligibility for taking advantage of the opportunity for compensation.

- (b) House or structure made of permanent materials, i.e., concrete and galvanized iron,
 - (i) Cash compensation for the house and/or structure of the *aiga* and/or AP based on replacement cost at current market rates in their locality without provision for deduction of the value of salvageable materials;
 - (ii) Allowance for cost of demolition and reconstruction.
 - (iii) No compensation for the house or structure if such was built or repaired after the cut-off date for eligibility for taking advantage of the opportunity of compensation.
- (c) Common Structures (e.g., waiting sheds)
 - (i) Restoration of structures to original condition or better.
 - (ii) No compensation for the structure if such was built or repaired after the cut-off date for taking the opportunity of compensation.

3. *Loss of Income from small business and/or wages from employment*

22. This impact would arise if land acquisition will affect the operation of small business shops leading to losses of income and wages of workers.

- (a) Compensation for loss of wage by any of the employed family members based on present rate¹⁰ and number of days lost due to relocation;
- (b) Compensation for loss of earnings by affected owners of small business shops based on number of days lost due to relocation;
- (c) Compensation for loss of wage by workers of small business shops based on number of days lost due to relocation.

4. *Loss of Plants and Trees*

23. These refer to plants and/or trees that shall be affected either by temporary or permanent land acquisition.

- (a) Cash compensation for plants will be based on market values in their locality;
- (b) Cash compensation for trees will be based on type, age and productivity;
- (c) The compensation is payable to whoever grew the plants and/or trees;

¹⁰ The rate per hour for those who work in business establishments is Tala 3.50 while those involved in menial jobs, e.g. construction worker, is Tala 2.00.

- (d) No compensation if the plant or trees were planted on the affected land after the cut-off date for taking advantage of the opportunity for compensation.

5. **Loss of Access to Common Property Resources**

24. This case happens if the construction will temporarily affect the peoples' access to the roads.

- (a) Provision for temporary access to common property resources during sub-project construction;
- (b) Restoration of or provision for permanent access which is equal or better than the previous condition.

6. **Transportation and Subsistence Allowance**

- (a) Transportation Allowance to the *aiga* or other AP and their family members and for the transfer of their household effects, based on the distance of resettlement site from their original place;
- (b) Subsistence Allowance of **Tala 150** for two weeks food consumption of *aiga* and his/her family members that shall be relocated at least five (5) kilometers from their original place.

7. **Special Assistance**

25. This assistance will only be provided if there are APs that belong to the vulnerable group, i.e. the poorest, the women, elderly or disabled who head their households and the indigenous peoples whose house will be relocated to another place that would result to their further marginalization.

- (a) Special assistance of **Tala 60** for every factor of vulnerability to the very poor *aiga* or AP that belongs to vulnerable group¹¹ that shall be further marginalized by the Project due to resettlement. For example, an *aiga* or AP who heads a family is disabled and elderly shall receive **Tala 120**.

F. **Eligibility Criteria, Category of APs and Types Losses**

1. **Eligibility**

26. The APs eligible to receive compensation and entitlements under the Project are individuals and public or private institutions “*with*” or “*without*” legal title who are residing, working, cultivating and/or taking care of the lands that shall be temporarily or permanently acquired for the Drainage Component of SSDP as of the last dates of the joint detailed measurement survey (DMS) and inventory of losses (IOL). The

¹¹ Per ADB's policy, vulnerable group includes those persons who head their family and who are ethnic minority, elderly, widow, single parent, persons with disability, etc. There is no ethnic minority in Samoa.

survey instrument used in the joint DMS and IOL is shown in **Annex 3**. The following dates serve as the cut-off dates in the areas where the joint DMS and IOL were conducted:

From	To	Locations of the Survey
June 2006	Oct 2006	Vaimoso

27. In case of new owners of the affected lands or houses and structures after the cut-off date for eligibility, they will also receive compensation under the following conditions: (a) the affected land or structure is sold by the original AP listed in the DMS; and/or (b) the original AP have subdivided the affected land to his/her children prior to payment of compensation.

2. Category of APs and Types of Losses

28. Based on the joint DMS and IOL conducted 2006 the following categories of APs are entitled to receive compensation for the loss of lands and other assets:

- (a) *Category 1*: The *matai* whose **customary land** is being used for agricultural and residential is partially and permanently affected;
- ~~(b) *Category 2*: Person whose **freehold land** is partially and temporarily affected;~~
- ~~(c) *Category 3*: Government institutions whose **public land** is partially and temporarily affected; and~~
- ~~(d) *Category 4*: Persons that include the *matai*, the *aigas* and other persons whose perennial and/or annual **crops**, and/or fruit-bearing or wood **trees** are affected.~~

29. This Short Land Acquisition and Resettlement Plan (LARP) confirms that land acquisition in the Project site will not negatively affect, permanently or temporarily, the following: (a) houses or structures; (b) other assets; (c) business income and livelihood; and (d) access to common property resources. Furthermore, there are no renters of houses, lessees of business shops and registered enterprises found during the DMS that will be affected by land acquisition and there is no person that belongs to vulnerable group like indigenous people, women-headed household, very poor and disabled will be affected, as well. Neither the upgrading and/or the construction of the floodways will negatively affect any environmentally protected area, graveyard, historical landmark and place of worship.

30. The Entitlement Matrix summarizing the compensation and entitlement of the four categories of APs is shown in **Table 2**.

III. IMPLEMENTATION MECHANISM

A. Gender Impact and Mitigating Measures

31. Land acquisition in any of the existing and proposed sites of the drainage will not negatively affect women. On the individual interviews with women folks whose houses are near the banks of the streams, their main concern is the flood during rainy season for it creates a lot of inconveniences to them like the mobility in going for work, going with their young children to schools and going to public market as well as attending their weekly religious congregations.

32. However, this concern is already considered in Project design and will be addressed during the implementation.

B. Information Dissemination, Consultation, Participatory Approaches and Disclosure

1. Project Disclosure

33. The PIAC have already made two public meetings and consultations with stakeholders; one with the community in June 2006 at Sogi Village, the other with the business and private sector in November 2006 at Vaimoso Village. The stakeholders have actively participated for they have raised the environmental issues and concerns pertaining to the drainage. In those public meetings, the Project was officially disclosed to the public. Specific to land acquisition the meeting was held on March, 2007 at Vaimoso Village. The participants were appraised on the objectives of meeting, the need for the Project, the roles of the village people, land acquisition and eligibility of APs as well as the compensation and entitlements (see **Annex 4** on list of participants). They were shown with project map, and for their reference, they were given copies of Project Information Booklet (PIB), with sample is shown in **Annex 5**.

2. Participatory Approaches

34. While there are only few APs, land acquisition for the Drainage Component will still be anchored on consultations and community participation in order to lessen the risks of construction delays arising from grievances. The framework for participatory approaches is presented in **Table 3** which defines the roles of APs and the reasons for their participation in all stages of land acquisition. As part of their participation, they were asked to review and approve the LARP which was given to them in booklet form. Their individual concurrence is shown as **Annex 6**.

Table 2: Entitlement Matrix

Losses	Types Of Land	Types Of Impact	Entitled Persons Based on Eligibility	Project Compensation and Entitlement Policy	Project Policy Restrictions to Eligible APs	Potential Implementation Issues	Mitigating Measures to Implementation Issues
A. Loss of Land	1. Customary Land	a. Temporary Acquisition	<ul style="list-style-type: none"> The <i>matai</i> who was recorded in the DMS as of the cut-off date. (1 AP) 	<ul style="list-style-type: none"> One-time payment of easement fee and restoration of land to original condition or better. 	<ul style="list-style-type: none"> No compensation for land. 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None
		b. Permanent Acquisition	<ul style="list-style-type: none"> The <i>matai</i> who was recorded in the DMS as of the cut-off date. (the same <i>matai</i> whose land is temporarily affected) 	<ul style="list-style-type: none"> Cash compensation based on replacement cost or market value of the marginally affected portion of the land in the locality, and if the impact is less than 10% that is still viable for continuous use; Cash compensation on developments made on the land; Full compensation based on replacement cost or market value in the locality, and if the impact is 10% or more and the land is no longer viable for continuous use; Full compensation to fully affected land based on replacement cost or market value in the locality. 	<ul style="list-style-type: none"> None. None. None. None 	<ul style="list-style-type: none"> None. None. None. None 	<ul style="list-style-type: none"> None. None. None. None

Table 2: Entitlement Matrix (continuation)

Losses	Types Of Land	Types Of Impact	Entitled Persons Based on Eligibility	Project Compensation and Entitlement Policy	Project Policy Restrictions to Eligible APs	Potential Implementation Issues	Mitigating Measures to Implementation Issues
A. Loss of Land (continuation)	2. Freehold Land	a. Temporary Acquisition	<ul style="list-style-type: none"> The APs who were recorded in the DMS as of the cut-off date. (2 AP) 	<ul style="list-style-type: none"> One-time payment of easement fee and restoration of land to original condition or better. 	<ul style="list-style-type: none"> No compensation for land. 	<ul style="list-style-type: none"> None. 	<ul style="list-style-type: none"> None.
		b. Permanent Acquisition	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None
	3. Public Land	a. Temporary Acquisition	<ul style="list-style-type: none"> The government institution holding the land. (SLAC) 	<ul style="list-style-type: none"> One-time payment of easement fee and restoration of land to original condition or better; or Any amicable arrangement that may be reached with the government agency holding the land. 	<ul style="list-style-type: none"> None None 	<ul style="list-style-type: none"> None None 	<ul style="list-style-type: none"> None None
		b. Permanent Acquisition	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None

Table 2: Entitlement Matrix (continuation)

Other Losses		Entitled Persons Based on Eligibility	Project Compensation and Entitlement Policy	Project Policy Restrictions to Eligible APs	Potential Implementation Issues	Mitigating Measures to Implementation Issues
B. Loss of Plants and Trees	a. Plants	<ul style="list-style-type: none"> The <i>matai</i>, <i>aiga</i> of the <i>matai</i> or other AP who were recorded in the DMS as of the cut-off date. (<i>APs that include the matais, freehold land owners and other APs whose occupied lands are not affected</i>). 	<ul style="list-style-type: none"> Cash compensation will be based on prevailing market value 	<ul style="list-style-type: none"> No compensation if the plants were planted after the cut-off date for taking advantage of the opportunity for compensation. 	<ul style="list-style-type: none"> None. 	<ul style="list-style-type: none"> None.
	b. Trees	<ul style="list-style-type: none"> The <i>matai</i>, <i>aiga</i> of the <i>matai</i> or other AP who were recorded in the DMS as of the cut-off date. (<i>APs that include the matais, freehold land owners and other APs whose occupied lands are not affected</i>). 	<ul style="list-style-type: none"> Cash compensation will be based on prevailing market value 	<ul style="list-style-type: none"> No compensation if the trees were planted after the cut-off date for taking advantage of the opportunity for compensation. 	<ul style="list-style-type: none"> None. 	<ul style="list-style-type: none"> None.

Table 3: Framework for Consultation and Participatory Approaches in LARP under SSDP

Stages	Subject of Consultation	Role of Affected Persons/Households	Reasons for Community Participation
Preparation Stage			
<ul style="list-style-type: none"> • Consultation and focus group discussions/meetings. 	<ul style="list-style-type: none"> • Understanding the Project components from the Project disclosure. 	<ul style="list-style-type: none"> • Participate in community consultation. 	<ul style="list-style-type: none"> • Ensure that APs fully understand the Project components and its benefits. • Promote an informed and collective-decision making. • Gather issues and concerns of the community that can be incorporated in LARP.
<ul style="list-style-type: none"> • Separate consultations with women. 	<ul style="list-style-type: none"> • Understanding the Project components and concerns of women. 	<ul style="list-style-type: none"> • Active participation in consultation and sharing their concerns about the construction of drainage system in their area. 	<ul style="list-style-type: none"> • Gather issues and concerns about the construction of the drainage system.
<ul style="list-style-type: none"> • Planning for LARP. 	<ul style="list-style-type: none"> • Land acquisition and design options for drainage system. 	<ul style="list-style-type: none"> • Agree with the design of the drainage system in their area by issuing written resolution indicating their names and signatures. 	<ul style="list-style-type: none"> • This measure will lessen conflicts and send the message to APs that their involvement in LARP came from their collective decisions.
<ul style="list-style-type: none"> • Formulating compensation and entitlement package. 	<ul style="list-style-type: none"> • Compensation and entitlement package. 	<ul style="list-style-type: none"> • Agreement on compensation and entitlement package by issuing written resolutions indicating their names and signatures. 	<ul style="list-style-type: none"> • This also promotes an informed and collective decision-making among APs.
<ul style="list-style-type: none"> • Consultation on LARP before submission to ADB 	<ul style="list-style-type: none"> • Contents of LARP. 	<ul style="list-style-type: none"> • Review and agree on the contents of LARP. 	<ul style="list-style-type: none"> • The consultations promote transparency seeing to it that their comments /suggestions are incorporated in LARP.
Implementation Stage			
<ul style="list-style-type: none"> • Grievance and redress. 	<ul style="list-style-type: none"> • Grievance and redress procedures. 	<ul style="list-style-type: none"> • Provide background of the issues. 	<ul style="list-style-type: none"> • Ensure that problems are address within reasonable time.
<ul style="list-style-type: none"> • Internal monitoring 	<ul style="list-style-type: none"> • Roles of APs in internal monitoring during the LARP implementation. 	<ul style="list-style-type: none"> • Provide inputs on LARP implementation. 	<ul style="list-style-type: none"> • The information from APs will help the PIAC to assess the level of compliance on LARP implementation.
Construction Phase of the Drainage Component			
<ul style="list-style-type: none"> • Employment of APs or any members of their households or relatives in the construction of the drainage. 	<ul style="list-style-type: none"> • Employment in the construction of the Drainage Component. 	<ul style="list-style-type: none"> • Recommend their household members or relatives for employment in the construction. 	<ul style="list-style-type: none"> • Employment of any household members of the APs during construction will also enhance their incomes.

Post Construction Phase

- Turn over of the newly constructed drainage system.
- Acceptance of the newly constructed drainage system in their village.
- Participate in the inspection and the turn over of the drainage facility;
- Issue written resolutions to MWTI appreciating the completion of the facility.
- The involvement of APs and the village people in the inspection and turn over will give them the sense of project ownerships since it is their communities that will directly benefit from the drainage.

C. Grievance Redress Procedures

35. Although only few APs will be affected by land acquisition and the MWTI expects that there would only be minor issues that can be resolved in out-of-court settlement, this LARP has set-up the contingent mechanism for grievance redress in case there would be complaint from any of the APs. **Table 4** shows the procedures for redress in case there would be complaints arising from compensation.

Table 4: Grievance and Redress Procedures

Steps	Concerning Compensation for Customary Land	Concerning Freehold Lands, Houses, Structures and Other Assets
Step 1	The <i>matai</i> files his grievance/complaint verbally or in writing to the Village <i>Fono</i> . The Village <i>Fono</i> will meet the <i>matai</i> , the MWTI and PIAC representative to hear both sides and resolve the grievance/ complaint within 15 days.	The AP files the grievance/complaint verbally or in writing to MWTI, through the PIAC. If unwritten, the responsible personnel of PIAC will put it in writing. The AP, MWTI and PIAC representatives will meet to hear the complaints, and resolve them within 15 days.
Step 2	If no solution or understanding is reached, the <i>matai</i> files the grievance/complaint to the appropriate Court.	If no solution or understanding is reached, AP files the grievances/complaints to Village <i>Fonos</i> for MWTI's resolve within 15 days.
Step 3	If no solution or understanding is reached, the Court shall determine the compensation (refer to Part III, Section 26 (3) of The Taking of Land Act 1964) which is final and executory.	If MWTI fails to address within the prescribed period, or the resolution is unsatisfactory to AP, then the AP files the grievance/complaint to the appropriate Court.
Step 4	If the <i>matai</i> fails to claim compensation as determined by the Court, Sections 27, 28, 29 on Part III of The Taking of Land Act 1964 will apply.	The appropriate civil court will assess the merit of grievance/complaint and schedule the hearing. The Court's decision is final and executory. On freehold lands, the Court shall determine the compensation (refer to Part III, Section 26 (3) of The Taking of Land Act 1964) which is final and executory.
Step 5		If the AP fails to claim compensation on freehold land, as determined by the Court, Sections 27, 28, 29 on Part III of The Taking of Land Act 1964 will apply.

D. Compensation, Relocation and Income Restoration

36. The MWTI, through the PIAC, will conduct due diligence in validating the names of APs claiming ownership of affected lands and properties which were recorded in the DMS questionnaire. The MWTI will also conduct due diligence if the customary land subject to acquisition is mortgaged to any financial institution. Since only one owner of customary land will be permanently acquired, it is assumed that negotiation for compensation will be much easier to arrange. The MWTI will apply the principle of replacement cost that is based on the prevailing market rates for compensating the APs.

37. The relocation and income restoration of the APs will not be implemented since no households will be relocated from their place.

E. Institutional Arrangement

38. Since only one family of AP will be affected by permanent land acquisition and three APs by temporary acquisition, MWTI will take care of the negotiation for compensation. It will only request for the intercession of the Department of Land, Survey and Environment should the AP will not agree on compensation being offered.

F. Compensation Budget and Financing

39. The unit prices used in calculating the budget for compensation were the prevailing market prices at the time of the survey, as presented in **Annex 7**. The market values of land, with due consideration to their locations, were consulted with the land broker. The values of affected plants and trees were obtained from the Ministry of Agriculture, Forests, Fisheries and Meteorology.

1. Compensation for Land

40. The budget for compensation of land was summed up to \$1.2 million Tala. It covers the permanent acquisition of partially affected customary land and the easement fees for the temporarily affected freehold lands, which are explained as follows:

- (a) There is no budget for compensation of the affected customary land since it will only be a re-alignment of boundaries for the same family which is in line with the family requirements to reduce flooding problem to their household
- (b) The easement fee for the temporary acquisition of customary land is NIL. For the freehold land, Mr Maposua R Keil will receive an appropriate amount in Tala after the final valuation agreement
- (c) There is no budget for easement fee of the affected public land since MWTI will secure for amicable arrangement with STEC.

2. Compensation for Plants and Trees

41. The total budget for compensating the affected plants and trees was calculated at Tala **NIL**. This covers the compensation for the four APs whose lands will be affected as well as the other APs whose occupied lands will not be affected but who grow plants and trees at the bank of the streams.

(a) Plants.

NIL

(b) Trees.

NIL

42. As summarized in **Table 5**, the overall budget for implementing this LARP is Tala \$1,105,000 Tala. This includes the compensation for land (\$850,000 Tala), compensation for plants and trees (NIL), 20% provision for administration cost as drawn from the total compensation (\$170,000 Tala), and provision for 10% contingency. Consistent with the statements in para. 29, this LARP did not provide budgets for (a) houses or structures; (b) other assets; (c) business income and livelihood; (d) compensation for renters of houses; (e) lessees of business shops; (f) registered enterprises; (g) person belonging to vulnerable group; and (h) compensation for affected graveyard, historical landmark and place of worship. None of these properties will be affected by land acquisition, permanent or otherwise.

Table 5: Budget for Implementing Land Acquisition and Resettlement Plan-Drainage Component

Nature of Expenses	Amounts in Tala				Total
	Gasegase Stream	Asaga Stream	Fugalei Stream	New Drainage	
Lands:					
Compensation					
Easement Fees					
Plants and Trees					
Plants					
Trees					
Total Compensation					
Add- 20% Administration Cost					
Sub - Total					
Add – 10% Contingency					
Total Budget					

43. The MWTI management will commit the budgets for implementing the LARP as part of its equity to the total project investment. In the said budget, the professional fees of consultants, the salaries of PIAC personnel and internal monitoring are not included in land acquisition and resettlement as they have separate budget allocations in the total Project Cost.

G. Implementation Schedule

44. The Drainage Component of SSDP shall be constructed over the period of 240 days. But before the civil works begin, MWTI will complete the payment for compensation and the lands are cleared of obstructions. It will ensure that land acquisition will not overlap with civil works construction activities, as shown in **Figure 1**

which summarizes the schedules of LARP implementation related to the project administration on the Drainage Component.

Figure 1: Schedule of LARP Implementation for Drainage Component

Number	Activities	Responsibility	Qtr 1			Qtr 2			Qtr 3			Qtr 4			Qtr 1			Qtr 2		
			1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	1	2
Implementation of LARP																				
1	Negotiation and agreement on compensation	MWTI/APs	■																	
2	Preparation of the Deeds of Acquisition of Customary Land	MWTI	■																	
3	Preparation of the Agreement on Lease of Freehold Land	MWTI	■																	
4	Approval of budget for compensation	MWTI		■																
5	Payment of compensation and entitlements	MWTI			■															
6	Resolution of complaints and grievances	MWTI				■														
7	Internal monitoring	MWTI/PICs																		
8	Submit LARP compliance documents for validation by ADB	MWTI					■													
9	Confirmation of "No Objection" for the award of const. contract	ADB						■												
Construction Phase																				
10	Preparation of bidding documents	MWTI/PICs							■											
11	Evaluation of bids	MWTI/PICs								■										
12	Award of civil works contract	MWTI/PICs									■									
13	Mobilization of equipment and human resources	Contractor											■							
14	Civil works construction	Contractor																		
15	Employment of AP or any members of household/relatives	Contractor																		
16	Internal monitoring	MWTI/PICs																		
Post Construction Phase																				
17	Turn-over of the newly constructed drainage	Contractor																	■	
18	Inspection of the finished drainage	MWTI/AP																	■	
19	Issue written Resolution of Appreciation to MWTI	APs																	■	

H. Monitoring and Evaluation

45. The PIAC will be in-charge of the internal monitoring of activities on LARP implementation. It will see to it that all land acquisition and payments for compensation have been completed to facilitate MWTI's request to ADB for the confirmation of "No Objection" for the award of civil works contracts to contractors. As proofs of compliance, the MWTI will furnish the Bank the photocopies of the following duly authenticated documents: (a) minutes of consultations with APs on agreement on compensation; and (b) journal voucher(s) or equivalent documents(s) showing the payments for compensation and entitlements to APs. These proofs will facilitate for ADB to confirm its "No Objection" to MWTI for the award of civil works contracts.

46. And since only minimal impacts of land acquisition are expected from the Project, the external monitoring by EMA is not required.

IV. DISCLOSURE OF THE LARP

47. Per ADB's Public Communications Policy¹², the following disclosure of the LARP document is required:

A. The MWTI:

- Before appraisal – draft LARP.

¹² This refers to *The Public Communications Policy of The Asian Development Bank: Disclosure and Exchange of Information*, March 2005.

- After completion of the final LARP – the final LARP.
- Following revisions to the LARP as a result of detailed technical design or change in scope of the Project – the revised LARP.

48. The information in the LARP will be made available in the form of brochures, leaflets, or booklets. For non-literate persons, this will be read to them by any of their household members.

B. The Bank

49. ADB shall make publicly available the LARP on ADB's resettlement website:

- Before appraisal – a draft LARP.
- Upon receipt of the Final LARP – the final LARP
- Upon receipt of the revised LARP – the revised LARP.

[illegible]

Annex 2

Comparison of Land Acquisition and Resettlement Policy

Land Acquisition Policy of the Government of Samoa (GOS)	Scope of ADB's Land Acquisition and Involuntary Resettlement Policy Requirements	Gaps and Consistencies between the GOS and ADB Policies
In Part IIA of the Taking of Land Act 1964, Section 24F states that: "In the exercise of the powers conferred by this Part of this Act the Minister or his officers, workmen or others by his direction shall do as little damage as may be;..."	Involuntary resettlement should be avoided wherever feasible.	While the Act has stated it in different statement, the meaning of which is consistent the Bank's policy.
Part IIA, Section 24F of the Taking of Land Act 1964 could also be cited as the equivalent policy statement of ADB. Part IIA of the Act also covers electricity lines.	Where population displacement is unavoidable, it should be minimized by providing viable livelihood options.	While there is no provision for livelihood option in the Act, Section 24F of Part IIA, further states that "...and every person having any estate or interest in land entered upon for the purposes of this Act or injuriously affected thereby or suffering any damage from the exercise of any of the said powers shall be entitled to full compensation to be ascertained in the same manner as compensation for land taken under Part III of this Act." This provision is also consistent with that of the Bank's policy.
<p>Part III of the Taking of Land Act 1964, covering Sections 25 and 26 provides for the following:</p> <p>Section 25. Persons entitled to compensation, and for what payable – (1) Every person having any estate or interest in any land taken under this Act for any public purpose, or injuriously affected thereby, or suffering any damage from the exercise of any powers given by this Act, shall be entitled to a full and just compensation for the same from the Minister.</p> <p>(1A) Notwithstanding subsection (1) of this section, where it is customary land which has been taken under this Act for any public purpose, or injuriously affected thereby, or suffering any damage from the exercise of any of the powers given by this Act, the Minister and the Court shall be entitled to proceed as if the <i>matai</i> who had the <i>pule</i> (power) over that land at the relevant date is the only person so entitled to a full and just compensation from the Minister and to be paid that compensation.</p> <p>Section 26. How compensation ascertained – (1) As soon as reasonably possible after the Minister is satisfied:</p> <p>(a) That compensation has become payable under this Act; and</p> <p>(b) As to the person entitled to such compensation, by reason, if the land taken or affected or suffering is customary land, of the <i>matai</i> having the <i>pule</i> thereover at the relevant date having been determined by an order of the Samoan Land and Titles Court – the Minister shall offer such sum as he thinks fit as compensation to that person, and that person may agree with the Minister as to the compensation payable by the Minister.</p> <p>(2) Any such agreement between the Minister and such a <i>matai</i> shall be binding</p>	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 Act is consistent on the principle of replacement cost. However, the only gap noted in the Act is the absence of the provision for compensation for means of livelihood or social support systems.

<p>on any other person claiming an interest in that land under Samoan custom and usage.</p>	<p>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.</p>	<p>The GoS has no written policy consistent or equivalent with that of the Bank.</p>
<p>Section 14. Surveys, plans, and objections in respect of freehold land – Whenever it is proposed to take freehold land for any public purpose, the Minister shall: (c) Cause a notice to be publicly notified and to be sent to each owner, occupier and person having an interest in the land, or the agent of any of them, whose name and address are readily ascertainable, stating the Government's proposal to take the land, the public purpose for which it is wanted, that the plan thereof may be inspected in the said office in ordinary office hours, and that any persons affected may give written notice of objection with reasons to the Director within 28 days of the first publication of the notice.</p> <p>The same provision is written in Section 14A covering customary land in which the notice is written in <i>Savali</i>.</p>	<p>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.</p>	<p>The provisions in Section 14 and 14A are closely consistent with this ADB policy although the Act was promulgated more than 40 years ago. It has the following elements: (a) public notice; (b) presentation of the project plan; (c) provision for consultation; and (d) opportunity for complaint or objection. It also provides for claim by vulnerable persons, eg mentally defective, through their trustees. In case of freehold land, the owners are compensated for their land and affected properties.</p> <p>In the case of customary land, there are two layers of compensation; ie, the <i>matais</i> for the affected customary land while the <i>aigas</i> for their directly affected structures, trees and crops. But this type of compensation should be cleared with the <i>matais</i>.</p>
	<p>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.</p>	<p>The GoS has no equivalent written implementing rules and regulations. However such practice is embedded in the customs and traditions of the <i>matais</i> to take care the members of their <i>aigas</i>.</p>
	<p>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.</p>	<p>There is no equivalent written policy on the part of the GOS. But neither a group of indigenous people nor ethnic minorities inhabits in Samoa. And, during the site assessment, not a pastoralist is seen in the project sites.</p>
	<p>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 stage, to prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits.</p>	<p>The GoS has no equivalent written implementing rules and regulations.</p>
	<p>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.</p>	<p>The GoS has no equivalent written implementing rules and regulations.</p>
	<p>The full resettlement costs are to be included in the presentation of project costs and benefits. This includes cost of compensation, relocation and</p>	<p>The GoS has no equivalent written implementing rules and regulations. This policy requirement will be presented in all Resettlement Plans.</p>

	<p>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.</p>	
	<p>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.</p>	<p>The GoS has no equivalent written implementing rules and regulations. The respective highest management of MWTI and SWA should decide on this.</p>

Annex 3

Code No. -**Loan No. 2026-SAM: Samoa Sanitation and Drainage Project (SSDP)**
(Inventory of Losses of Affected Persons)Village: _____ Street Name _____
Name of Matai _____

Introduction: The purpose of this census is to conduct an inventory of losses (IOL) arising from land acquisition for SSDP and to determine the right amount of compensation that each affected person (AP) shall be entitled to receive from the Project. The implementing agencies are the Ministry of Works, Transportation and Infrastructure (MWTI) and the Samoa Water Authority (SWA). We will greatly appreciate for your information and we will consult you again after the plan has been completed.

1. PROJECT COMPONENT *(Cross the underline before the appropriate letter).*

- ___[a] Drainage: ___ for Upgrading ___ Construction of New Drainage
___ Gasegase Stream ___ Asaga Stream ___ Fugalei Stream
___[b] Waste Management and Sanitation: *(check the appropriate subcomponent)*
___ Sewage Treatment Plant; ___ Septic Tank; ___ Sewer Line

2. DEMOGRAPHIC AND SOCIOECONOMIC CHARACTERISTICS

[a] Name of Respondent: _____

[1] A matai? ___ Yes ___ No

[2] Age ___ [3] Gender: ___[a] Male ___[b] Female

[4] Civil Status: ___[a] married ___[b] single ___[c] widow/widower ___[d] divorced

[5] Occupation _____

[6] Education: ___[a] elementary ___[b] high school ___[c] college

[7] Monthly income _____ Tala

[b] Name of spouse: _____

[1] Age ___ [2] Occupation _____

[3] Education: ___[a] elementary ___[b] high school ___[c] college

[4] Monthly income _____

[c] Members of the family

Name	Age	Relationship	Sex or Gender			Occupation/ Type of Work	Monthly Income
			Male	Female	Total		

3. LAND ACQUISITION

[a] Cadastral Lot No. _____ (the lot number is found in the cadastral map)

[b] **Temporary Land Acquisition** (this is applicable to Sewer Lines).

___[1] Customary land ___[2] Freehold land

	Use of the Land	Total Size of the land (in sq. meters)	To be taken	
			In Sq. meters	% of the total size of the land
a	Residential			
b	Commercial			
c	Industrial			
Total				

3. The temporary affected land is under lease: ___[a] Yes **X** [b] No

4. If yes, how long is the period of lease? _____

5. Amount of lease: Tálá **N/A, Government Land**

6. Periodic payment of lease?

7. Is the lease of land mortgaged? ___[a] Yes **X** [b] No[c] **Permanent Land Acquisition** (this is applicable to drainage, sewage treatment plant and septic tank). ___[1] Customary land ___[2] Freehold land

	Use of the Land	Total Size of the land (in sq. meters)	To be taken	
			In Sq. meters	% of the total size of the land
a	Residential			
b	Commercial	8088	750	9
c	Industrial			
Total		8088	750	9

3. The permanently affected land is under lease: ___[a] Yes **X** [b] No4. If yes, how long is the period of lease? **N/A**5. Amount of lease: Tálá **N/A**6. What is the periodic payment of lease? **N/A**7. Is the land or lease of land mortgaged to a financial institution? ___[a] Yes **X** [b] No**4. IMPACTS OF LAND ACQUISITION**

The impacts mean the adverse effects to the objects presently established on the affected lands, whether the acquisition is either temporary or permanent.

[a] **Plants**

Names of Plants in Affected Land	Unit of Measure	Unit Price	Volume	Total Amount
No Plants				

[b] Trees

Names of Affected Trees	Age of Trees	Number	Unit Cost	Total Replacement Cost
(a) Fruit-bearing trees				
None				
Sub-total				
(b) Wood Trees (for lumber)				
None				
Sub-total				
Total				

Note: Unless the trees are planted and nurtured by the APs, the affected trees will not be compensated.

[c] Affected Structure

Cross the underline before the appropriate number that indicates the type of affected structure.

___ [1] house ___ [2] business shop ___ [3] waiting shed ___ [4] fence ___ [5] warehouse

[1] Total area of the affected structure: _____ square meters (m²)

[2] Affected area of the structure: _____ m²

[3] Length of affected fence: _____ meters

Cross the underline before the appropriate number indicating the construction materials used in the affected structure: ___ [1] light materials ___ [2] permanent materials ___ [3] combination of light and permanent materials.

Construction Materials to be Replaced in the Affected House	Unit of Measure	Unit Price	Volume	Total Amount

Total				

[d] Affected Utilities and Facilities

___[1] electricity connections ___[2] water utilities ___[3] others (specify) _____

Cost Items	Amount
Cost of Materials	
Cost of labor	
Total Cost	

[e] Affected Business Shop

[1] Type of business to be affected _____

[2] Average sales per day _____ [3] Number of workers _____

[4] Average daily salary of employees _____

5. ASSESSMENT OF THE AP

[a] An elderly (i.e. 65 years old and above). ___[1] Yes ___ [2] No.

[b] Heads a very poor family. ___[1]Yes ___ [2] No.

[c] Has physical disability. ___[1] Yes ___ [2] No.

If yes, indicate the disability _____.

[d] A woman who is separated from husband and heads the family. ___[1] Yes ___ [2] No.

[e] A woman who is a widow and heads the family. ___[1] Yes ___ [2] No.

Interviewer: _____

Date Interviewed: _____

Independent State of Samoa
Samoa Water Authority
Loan No. 2026-SAM: Samoa Sanitation and Drainage Project

Date of Consultation: _____
Name of Village: _____

[illegible]

Validated by: _____
Designation: _____

Annex 5

Independent State of Samoa
**Ministry of Works, Transport and Infrastructure
And Samoa Water Authority**

Project Information Booklet:
**ADB Loan No. 2026-SAM:
Samoa Sanitation and Drainage
Project (SSDP)**

1. What are the objectives of this public meeting? – The first objective of this meeting is to inform the public that the Government of Samoa will implement a Project that involves the clearing and upgrading of drainage system, and waste management and sanitation in Apia, particularly the Central Business District. The second objective is to get your opinion after the discussion that shall be considered in the Project design. SSDP will be jointly implemented by the Ministry of Works, Transport and Infrastructure (MWTI) and Samoa Water Authority (SWA). The Government has applied for a loan from Asian Development Bank (ADB) for Project implementation.

2. What constitutes the Clearing and Upgrading of Drainage System? – This component covers the clearing of floodways. The MWTI will implement this component.

3. How about the Waste Management and Sanitation Component? – This involves the construction of sewage treatment plant and sewer lines as well as the upgrading and installation of septic tanks in low-lying areas at the central business district of Apia. It will also connect the business establishments and the National Hospital to a central sewer line along the Convent Road. In-charge of this component is the SWA.

4. Why this Project is needed? – The present drainage system in Apia could no longer cope with the pressure of rising population density brought by urban migration and the increasing tourists that visit Samoa. High rainfall brings frequent problem on flooding as waste water overflows from old and outdated drainage system which are blocked by sludge and soils used for landfill. Included in foul water overflows are wastes from septage and latrines that poses health risks to everybody as these are released to surface environment.

5. Where would the two Project components be constructed? – The Clearing and Upgrading of Drainage System will be done for Fugalei and

along the Gasegase and Asaga streams. The construction of sewage treatment plant and the upgrading and installation of septic tanks have yet to be firmed-up. The sewer lines will be located in their existing sites or in the easement of the existing road rights-of-way. It will adopt a technology that will not affect the pedestrians and motorists.

6. Will the people in the villages have participations in the project? – Definitely yes, because the people in the community have to be consulted in the many aspects of project preparation. This public meeting is already a part of the peoples' participation. As soon as the Project Implementation Consultant is through with their technical design, it will be presented to you for your concurrence. If you don't have any objections, you will sign your names at the back of the technical plans, or you may a joint resolution, which means that you approve the project plan. The concerned Village Fonos will also issue their resolutions approving the project. These resolutions will be secured from you by MWTI and SWA as evidence that the public and the Village Fonos have approved the project. The persons whose properties will be affected will be consulted on their compensation either by MWTI or SWA being part of the process before their respective land acquisition or resettlement plans are submitted to ADB. The land acquisition and resettlement plan is an important document for the release of Project loan. But please take note that no houses or structures will be affected by land acquisition as these were already investigated by the Project Implementation Consultant, and therefore relocation of households will not happen. Based on initial assessment, less than 15 persons would be affected by land acquisition.

7. Will the project affect the people? – Yes, because lands will be acquired for these two project components. It might affect the fences or any development made on the lands occupied by the house. Given the land requirements, acquisition shall be partial which shall be permanent or temporary. But acquisition of lands will be minimized and resettlement of houses will be avoided as much as possible.

8. When will the Project construction begin? – The Project shall be constructed over the period of 240 days. But before the construction begins, there are several steps that will be followed by MWTI and SWA, such as: (i) inform and consult the people; (ii) survey and markings of sites for project components; (iii) verification survey of affected lands; (iv) consultation and agreement on compensation with the **affected persons (APs)**; (v) writing of

land acquisition and resettlement plan; (vi) MWTL and SWA will have to consult with the affected persons and get their agreements on land acquisition; (vii) upon agreement of the plan, MWTL and SWA will submit it to ADB to get also the concurrence of Bank; (viii) MWTL and SWA will pay the compensation for affected properties; (ix) they will submit evidences of compliance to ADB before it gives them the go signal for the award of construction contract to project contractors. Please, be informed that construction **will not begin** until the all the affected persons are fully paid for their compensation.

9. Who are the persons eligible for compensation? – The persons who are eligible for compensation include those “with” or “without” legal title to the land who were listed in the inventory of affected persons as of the last day of the census and inventory of losses that will be conducted in your village. For clarification, APs “with” title to the lands are the *matais* who will receive cash compensation for their affected lands, including the fences they have constructed, and vegetables, plants and trees planted on the lands. Those “without” title to the lands are the *aigas* and other persons who are not *matais* but who will be compensated for the structures constructed on the affected lands, and vegetables and trees they have grown in the affected lands. This provision is being clarified because in many situations, only those with title to the lands are entitled to compensation while those who don't have are set aside despite of the developments they made thereon.

10. What compensations shall be paid on affected lands? – Compensations on affected lands will depend on various existing conditions, such as:

- (i) **Condition 1:** *Titled land which does not extend to the easement of road rights-of way (ROWs) and shall be permanently acquired for the Project* – (a) cash compensation to the real owner equivalent to the prevailing market rates per square meter (m²), or replacement land acceptable to the owner; and (b) provision for access to public facilities.
- (ii) **Condition 2:** *Titled land which does not extend to the easement of ROWs but shall be temporarily acquired for the Project* – (a) no compensation for land but shall be return to the original condition or better; or (b) payment of rent to the real owner by the construction contractor if the land will be used as temporary work

stations or storage of construction materials; and (c) provision for access to public facilities.

- (iii) **Condition 3:** *Land which is not owned by present occupant of the land but does not extend to the easement of ROWs and shall be permanently acquired for the Project* – (a) cash compensation to the real owner equivalent to the prevailing market rates per square meter (m²) or replacement land acceptable to the owner; and (b) provision for access of present occupant to public utilities.
- (iv) **Condition 4:** *Land which is not owned by present occupant of the land which does not extend to the easement of ROWs but shall be temporarily acquired for the Project* – (a) no compensation for land but shall be return to the original condition or better; or (b) payment of rent to the real owner by the construction contractor if the land will be used as temporary work stations or storage of construction materials; and (c) provision for access to public facilities.
- (v) **Condition 5:** *Developments made on land whether titled or not but which extend to the easement of ROWs which is owned by the Government* – Cash compensation on affected house and developments made on the land such as fences constructed thereon, plants and trees, payable to the present occupant of the land.

11. What is the basis of compensation for affected house and structure? – Compensation for affected house and structure shall be based on the prevailing market price of materials used thereon, plus the cost of reestablishment like labor and delivery of construction materials, without deduction for depreciation and values of salvageable materials.

12. What is the basis of compensation for affected plants and trees? – Compensation for plants will be based on the prevailing market prices. Compensation for fruit trees will be based on the average harvest for the past three harvest season multiplied by the unit price anticipated in the next or present harvest season. For wood trees, compensation will be based on type, age and productivity.

13. Who will pay the compensation? – For those that will be affected by clearing and upgrading of the drainage, the MWTL. For those that will be affected by waste management and sanitation component, payment will

come from SWA. The compensation that will be paid by MWTI and SWA are their equity to the total investment on the Project.

14. How will the compensation be paid? – The MWTI and SWA may issue checks to the APs and have them encash with the Bank of Western Samoa. They can also pay the APs through their respective Treasury Office.

15. How can the owners, for example the matais, be compensated for their lands if they live outside the country? – The MWTI and SWA will ask their relatives for their addresses abroad. They will be consulted on compensations for their lands, including developments made thereon. If they agree on compensation, the MWTI and SWA will prepare the Deed of Sale for signature by them. The MWTI or SWA then will deposit the moneys to their bank accounts.

16. What if any of the APs died before they receive compensation? – In case of the *matas*, the check will be named to his successor duly appointed by their *aigas*, subject to verification by MWTI and SWA on the Registry of *Matas* being kept at the Registry of Lands and Titles Court. In case of other APs who are not *matas*, the check will be named to the authorized household representative who should present any acceptable documents for their identification, and an authorization from the members of their family.

17. What are the bases for calculating the compensation? – All unit prices for calculating the compensation for lands and other affected properties will be based on replacement cost at prevailing market rates in Apia.

18. Are there institutions that will assist in resolving the issues related to compensation? – Yes and there will be procedures for grievance and redress. Any grievances or complaints from either of the *matas* or *aigas* and/or other APs shall be solved in a timely and satisfactory manner since MWTI and SWA will do their best to reach for out-of-court settlement on compensation. In case of complaint coming from the *matas*, he can file his grievance or complaint to the Village *Fono* to mediate on the issue. In case of the *aiga* or other AP, he/she can file the complaint with the Grievance and Redress Committee (GRC). The committee shall be composed of five (5) members, such as: the *matas*, as the chairman; a sub-committee representative from the Village *Fono*; and, three (3) from the *aigas* of the *matas*. They will also serve as the Compensation and Resettlement Committee to promote transparency on payment for compensation.

19. What if the compensation for land is refused? – The MWTI or the SWA may invoke the State's power of eminent domain. The MWTI and/or SWA will arrange with the Ministry of Natural Resources, Environment and Meteorology (MNREM) to advise the Department of Land, Survey and Environment to assist in elevating the land compensation issue to the Lands and Titles Court.

20. What other benefits will the APs get from the Project? – There are various benefits that the APs will get from the Project. On the short-term, they or any member of their family will be given preference in employment during project construction. This will be stipulated in the contract when the respective Bids and Award Committee of MWTI and SWA will award the contract to the construction contractor. On the long-term, flooding and exposure to risks on health will be greatly minimized that will further boost the image of Apia which is the center of trade, commerce and tourism in Samoa.

21. When will the census and inventory of losses be conducted in your village? – Before the census is conducted, the MWTI and SWA will coordinate with the Village *Fonos* and the *matas* who have jurisdictions in the proposed project sites. They will mark first the project boundaries. After the marks have been established, the Project Implementation Consultant then will send surveyors that will conduct the detailed measurement survey on lands. They will consult with the *matas*, their *aigas* and other APs and record the inventory of their affected properties in a questionnaire that will be used in the survey. The properties recorded in the survey questionnaire will be the bases in calculating the compensation. The surveyors will not leave any village until all the APs have been interviewed.

22. How will the land acquisition and resettlement plan be also accessible to the public? – The land acquisition and resettlement plan will be uploaded by ADB on the ADB website to facilitate dialogue with affected people and other individuals and organizations. The Bank will ensure that the Project allows for stakeholders' feedback during implementation and that relevant information about any major changes to project scope is also shared with the APs and the stakeholders.

**YOU MAY NOW ASK YOUR QUESTIONS
AND CLARIFICATIONS**

Date finished: April 22, 2007; 11:06 p.m.
Apia, Samoa

Annex 6

17 May 2008

Faamatuainu Amosa Pouoa
ACEO MWTI
Ministry of Works Transport and Infrastructure
Savalalo

Subject: Review of the Land Acquisition and Resettlement Plan
For the Drainage Component of SSDP

Dear Faamatuainu

Thank you very much for giving me the opportunity to review the documents concerning the above subject. I agree on the contents of the plan.

Very truly yours,

(Name and signature of AP)

(Address)

Annex 7**SURVEY ON UNIT PRICES****A. Lands**

Types of Land	Prices of Land per Square Meter (In Tala)				Suggested Price
	Quotation No. 1	Quotation No. 2	Quotation No. 3	Average	
1. Freehold Land					
2. Customary Land					

Notes:

1. In filling up this table, replace "Quotations No. 1 – 3" with the names of parties who provided the information, then calculate the average price from the three quotations. Round each average price to the nearest hundred as the suggested price, which will then be used as the budget price for calculating the compensation and easement fees for the affected lands.

B. Plants

Name of Plants	Unit Price	Suggested Price

C. Trees**1. Fruit Trees**

Name of Affected Fruit Trees	Unit Price	Suggested Price

2. Wood Trees

Name of Affected Wood Trees	Unit Price	Suggested Price

Note: Indicate the sources of information. It is anticipated that the affected trees shall be in different stages of growth, as such, their prices will also vary because of (1) age and maturity, and (2) economic value. Round the unit price for plants trees to the nearest hundred as the suggested price.

**Assessment of Land Acquisition Requirement:
Wastewater Management and Sanitation
Component**



Asian Development Bank



16/May /2008

To: Chief Compliance Officer, RSDD

Through: Director, RSES
(Director, Division)

From: Tainau Moefaa'ua FV Titimaen
MD SWA

Subject: ADB Loan No. 2026- SAM: Samoa Sanitation and Drainage Project
(SSDP)
- Involuntary Resettlement Categorization Form

Please find attached the Involuntary Resettlement Categorization Form together with the report on the Assessment of Land Acquisition Requirement for Wastewater Management and Sanitation Component for the above-mentioned project.



Tainau MFV Titimaen
Managing Director
Samoa Water Authority

INVOLUNTARY RESETTLEMENT CATEGORIZATION

A. Project Data		Project No. _____
Loan No. 2026-SAM: Samoa Sanitation		
Country/Project Title: <u>and Drainage Project (SSDP)</u>		Date: _____
Department/ Division: _____		Processing Stage: _____
Lending Modality: <input type="checkbox"/> Project Loan <input type="checkbox"/> Hybrid Loan ¹ <input type="checkbox"/> Financial Intermediation <input type="checkbox"/> Program Loan ² <input type="checkbox"/> Emergency Loan <input type="checkbox"/> Loan or Equity Investment <input type="checkbox"/> Sector Loan <input type="checkbox"/> SDP Loan		
Other Project Types : <input type="checkbox"/> Grant <input type="checkbox"/> JFPR <input type="checkbox"/> GEF <input type="checkbox"/> Other Sources: _____		
Coverage: <input checked="" type="checkbox"/> Country <input type="checkbox"/> Regional <input type="checkbox"/> Inter-regional		
Project : <input type="checkbox"/> Detailed Design Before Loan Negotiations <input type="checkbox"/> Detailed Design Completed During Implementation		
Processing Events (Tentative Schedule) and dates:		
PPTA Fact Finding : _____		Due Diligence before PSCCM ³ _____
Loan Fact Finding : _____		PSCCM : _____
MRM : _____		Due Diligence after PSCCM (if anticipated): _____
Appraisal : _____		_____

¹ "Hybrid loans" have features of a regular project loan and a sector loan, such that some subprojects, components, or investments are selected and prepared only after loan approval.

² Applies to program loans with investment components.

³ Due diligence should be conducted and reported in the RRP for Private Sector Credit Committee Meeting (PSCCM) submission.

B. Screening Questions for Resettlement Categorization

Probable Involuntary Resettlement Effects*	Yes	No	Not Known	Possible	Remarks
Will the project include any physical construction work?	x				
Does the project include upgrading or rehabilitation of existing physical facilities?	x				
Are any project effects likely lead to loss of housing, other assets, resource use or incomes/livelihoods?		x			
Is land acquisition likely to be necessary?	x				
Is the site for land acquisition known?	x				
Is the ownership status and current usage of the land known?	x				
Will easements be utilized within an existing Right of Way?	x				
Are there any non-titled people who live or earn their livelihood at the site or within the Right of Way?		x			
Will there be loss of housing?		x			
Will there be loss of agricultural plots?		x			
Will there be losses of crops, trees, and fixed assets?		x			
Will there be loss of businesses or enterprises?		x			
Will there be loss of incomes and livelihoods?		x			
Will people lose access to facilities, services, or natural resources?		x			
Will any social or economic activities be affected by land use-related changes?		x			
If involuntary resettlement impacts are expected:					Not applicable
• Are local laws and regulations compatible with ADB's Involuntary Resettlement policy?					
• Will coordination between government agencies be required to deal with land acquisition?					
• Are there sufficient skilled staff in the Executing Agency for resettlement planning and implementation?					
• Are training and capacity-building interventions required prior to resettlement planning and implementation?					

*Whenever possible, consider also any future subprojects or investments.

Information on Affected Persons:

Any estimate of the likely number of households that will be affected by the Project?

☐ No ☐ Yes If yes, approximately how many? _____

Are any of them poor, female-heads of households, or vulnerable to poverty risks?

☐ No ☐ Yes If yes, please briefly describe their situation

Are any APs from indigenous or ethnic minority groups? If yes, please explain?

Additional Information Requirements for Private Sector projects:

☐ Resettlement and land acquisition completed
Intermediary

☐ PSOD is lending to a Financial

☐ Resettlement to be completed

☐ The project is an Equity Investment

☐ Project entails risk by association (e.g associated
Risk

☐ The project is a Partial Credit /Political

facilities are part of the project but not funded
by the proponent)

Guarantee

describe _____

☐ Others, please

E. Involuntary Resettlement Category ☒ New ☐ Recategorization

After reviewing the answers above, the Project Team Leader and Social
Development/ Resettlement Specialist agree subject to confirmation, that the project:

1. Project Categorization and Resettlement Planning Requirements

☐ Category A, Significant IR impact, a full Resettlement Plan is required.

☐ Category B, Nonsignificant IR impact, a short Resettlement Plan is required.

☒ Category C, No IR impact, no resettlement report is required.

☐ Additional information is needed for categorization and is to be gathered by
the Project Team Leader. In the interim, the project is classified as:

☐ Category A/B

☐ Category B/C

☐ Social Development/ Resettlement Specialist to participate in Fact
Finding

☐ Consultant support is required to prepare Resettlement
Plan/Resettlement Framework (RP/RF), therefore the TOR for a Social
Development/ Resettlement Specialist should be included in TA Report

**2. Additional Requirements for Sector, Sector Development Program/Project
Loans, Emergency Loans and Hybrid Loans**

☐ Resettlement Framework

☐ Core Subproject Resettlement Plans

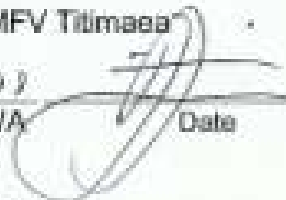

Note:

A draft RP/RF disclosed to APs and endorsed by the Executing Agency is required before Management Review Meeting (MRM).

A summary RP/RF should be included as a core appendix in the draft RRP for MRM.

A satisfactory RF/RP is required before Appraisal.

Proposed by:

<p>Tainau MFV Titimaaa</p> <p>14/5/09</p> <p>CEO SWA</p> <p>Date</p> <p>Checked by:</p>	 <p>Date</p>	<p> 16/05/09</p> <p>RD Resettlement/ Social Dev't Specialist</p> <p>Endorsed by:</p>
---	---	--

RSES Social Dev't
Safeguard Specialist

Date

Director, RSES

Date

Approved by:

Chief Compliance Officer

Date

Loan No. 2026 – SAM: Samoa Sanitation
and Drainage Project (SSDP)
**Assessment of Land Acquisition Requirement:
Wastewater Management and Sanitation
Component**

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ACCRONYMS AND ABBREVIATIONS

ADB	Asian Development Bank
BPSWP	British Petroleum South West Pacific
CBD	Central Business District
HDPE	High Density Polyethylene
IA	Implementing Agency
LARP	Land Acquisition and Resettlement Plan
MoF	Ministry of Finance
PIAC	Project Implementation Assistance Consultants
ROWs	Rights-of-Way
SNAs	Special Needs Areas
SSDP	Samoa Sanitation and Drainage Project
SWA	Samoa Water Authority
WWTP	Wastewater Treatment Plant

I. INTRODUCTION

1. This document is part of Samoa Water Authority's (SWA) compliance to facilitate its request for: (a) the approval of loan release for the Wastewater Management Component⁴ under ADB Loan No. 2026 – SAM: Samoa Sanitation and Drainage Project (SSDP), and (b) confirmation from Asian Development Bank (ADB) its "No Objection" to SWA for the award of contracts to civil works and construction contractors. The component project will not affect any person or acquire productive assets that will result to social displacement due to land acquisition as it falls under **Resettlement Category C**, since it will not affect any person, and therefore the Land Acquisition and Resettlement Plan (LARP) is not required.

2. The Wastewater Management and Sanitation Component involves the: (i) construction of wastewater treatment plant; (ii) upgrading of existing septic tanks for special needs areas (SNAs); (iii) the provision of pressurized sewer lines at the Central Business District (CBD) of Apia; and (iv) the provision of septage management system. As the Implementing Agency (IA), the SWA will be assisted by the Project Implementation Assistance Consultants (PIAC).

II. SUB-PROJECT COMPONENT LOCATIONS

3. The Wastewater Treatment Plant (WWTP) will be constructed in a public land formerly used as oil depot of the British Petroleum South West Pacific (BPSWP) at Molinu'u Point in Sogi Village. The three septic tanks subject for upgrading are located at two SNAs; two in Fugalei Public Market and one in Samoa National Hospital.

4. The pressurized lines, with an estimated length of 8,000 meters of High Density Polyethylene (HDPE) and will used pipes of various sizes, will be installed on the easements of the following roads: (1) at Beach Road from Agie Grey's Hotel to the Old Parliament House; (ii) Ifiifi Street from National Hospital to Beach Road; (iii) the corner of Fugalei Street at the public market turning left to Saleufi Street will be connected to the proposed sewer line in Convent Street; (iv) at Convent Street that will start from the proposed bridge and will turn right at Fugalei Street to join the sewer lines at the Beach Road; (v) in Vaitale Street starting at Malifa Compound to the corner of Ifiifi Street; (vi) at Convent Road that will pass the town clock and Beach Road and will branch at Matefele; and (vii) the proposed 60 m sewer line that will be established at the Beach Road between the corners of Vaea Street and that of Fugalei Street. The HDPE pipes will consists of 150 mm, 110 mm, 90 mm and 63 mm diameters. The households and the commercial/industrial users will be installed with pressurized pumps for bringing their wastewater to the sewer lines.

5. The septage management system will be located at the Tafa'igata landfill site, an upland area on southwest of Apia. The septage from the Wastewater Treatment Plant will be delivered by truck daily.

⁴ The two other components are the Drainage that will be implemented by the Ministry of Works, Transport and Infrastructure, and the Capacity Building and Project Implementation Assistance.

6. The WWTP will be constructed in 300 days while the pressurized for 365 days. Both sub-components will be awarded through competitive bidding.

III. ASSESSMENT OF LAND REQUIREMENTS

A. The Wastewater Treatment Plant

7. The proposed site for Wastewater Treatment Plant has a total land area of 8,021 square meters (m²) in which land is classified to commercial/industrial use, and registered as parcel 290, Flur III, in Volume 1 of Folio 213. The BPSWP has been leasing the area since January 1970 in which term will expire in July 2007. Present development in the area shows five (5) above ground petroleum storage tanks and several single-storey buildings. The proposed site has enough space for the storage of construction materials and temporary quarters of technical staff and workers, and will not require for temporary land acquisition during construction.

8. It has been reported that the site is impacted with hydrocarbon contaminated soil and groundwater⁵. While the BPSWP has already abandoned its facility, one building at the entrance is being used as temporary quarter by its caretaker. However, the Ministry of Finance (MoF) has assured the SWA that the removal of all structures will be handled by the BPSWP when it turned over the land to the government, including the compensation to caretaker.

9. The proposed site for the infiltration gallery, as part of the Wastewater Treatment Plant, has a total area of 3,459m² and is adjacent to the proposed Wastewater Treatment Plant. It is also registered as government property with Lot No. 616. Temporary land acquisition is not also required for this facility.

10. The copy of confirmation by the MoF on the availability of the site for WWTP is shown in **Attachment A**.

B. The Septic Tanks of the Proposed SNAs

11. While Fugalei Public Market is busy with pedestrian traffic, the two septic tanks being proposed for upgrading are located separately from the main market building. Both septic tanks, with dimension of 4 ms x 26 m, are established at different street corners. There are adequate spaces even if new septic tanks are constructed and will not disrupt the pedestrian traffic since the market is not enclosed with fences.

12. The existing treatment plant of Samoa National Hospital in Ifiifi Street is separated by some 30-35 m from the hospital building. The land where the treatment plant is established has an estimated dimension of 25 m x 40 m and is enclosed with wire fence. Land acquisition is not required should the facility is upgraded.

⁵ This was based on the Environmental Impact Assessment of the PIAC, March 2007, p.33.

C. The Pressurized Sewer Lines

13. The installation of pressurized sewer lines on the easements of the roads identified in para. 4 will not require for temporary acquisition of lands since the Cabinet has prescribed for a technology that will not affect the pedestrians and the motorists if the timing of installations coincides with the country's hosting of the South Pacific Games. The technology, known as "trenchless", is part of the condition in tendering the Project construction contract.

14. Different from the open excavation on road rights-of-way (ROWS) easements, the trenchless technology applies the very limited open diggings on the surface of the land. It begins with digging of two holes at 10 meters apart or more. The machine is lowered on one hole for boring the underground soil in horizontal direction until it reached the other hole. The HDPE pipe is then placed on one hole and pushed it by a machine until the tip reaches to the other hole. Another hole is made, bore the soil towards the other hole, and another pipe is placed. The two pipes are then connected and after which the holes are filled with soil. The process is repeated until the sewer line in the particular area is completed. With this technology, open digging is greatly reduced and will neither require temporary land acquisition nor affect any access during the installation.

15. The excess soil materials extracted from the underground will be used for filling the low-lying areas at the proposed drainage sites under the SSDP.

16. **Attachment B** shows the photographs of the existing sites covered by Wastewater Management and Sanitation Component.

IV. PROJECT DISCLOSURE AND PUBLIC CONSULTATIONS

17. The PIAC have already made two public meetings and consultations with stakeholders; one with the community at Sogi Village in June 2006, the other with the business and private sector at Vaimoso Village in November 2006. In the two public meetings, the Project was officially disclosed to stakeholders. They have actively participated for they have raised the environmental issues and concerns pertaining to the drainage. The SSDP has also conducted the Community Awareness and Consultation Workshop on 5th April 2007 in which invitation was published in a national paper on 4th of April 2007. **Attachment C** provides the copy of the published invitation and the summary of issues raised during EIA consultations and the proposed actions.

V. CONTINGENCY

18. If there would be changes in scope in any of the sub-component that will require land acquisition particularly from private persons, the SWA will prepare a LARP subject to concurrence by ADB.

Attachment A

**Confirmation from the Ministry of Finance
On the Availability of Land for
Samoa Water Authority**

Attachment B

**Selected Photographs of Sub-Component
Existing Sites**



The right side of the alley covered with grasses is one of the sites where the pressurized sewer lines will be installed. The alley is part of the Beach Road going towards the direction of Aggie Grey's Hotel.



The road easement shown above is also part of the Beach Road that will be traversed by the pressurized sewer line. The above building which stands in a reclaimed land is owned by Samoa Central Bank.



Coming from Apia Central Business District, the above road is also part of the Beach Road at Molinu'u Point in Sogi Village. The concrete structure beside the road easement is a historical landmark in Samoa, which is ten meters from the gate of the proposed site for the Waste Water Treatment Plant. However, the landmark will not be affected as there are enough spaces for diverting the sewer line.



The historical landmark as located from the gate of the former oil depot of British Petroleum South West Pacific (BPSWP). The people seen at the building are the caretaker's household member. They will not be affected by the Project as the BPSWP will handle the compensation for them.



Seen at Saleufi Street, the above is one of the two existing septic tanks that will be upgraded in Fugalei Public Market.



The private septic tank of Nia Mall owned by Pat a Him, Co., Ltd.



Above is the Eleele Fou treatment plant of Samoa National Provident Fund which is located in a reclaimed area within the vicinity of Samoa Central Bank.

Attachment C

**Project Disclosure and Summary of Issues and Concerns
Raised During EIA Consultations and Proposed
Actions**