

# Resettlement Plan

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June 2011

## KIR: South Tarawa Sanitation Improvement Sector Project

Prepared by the Ministry of Works and Public Utilities for the Asian Development Bank.

## **RESETTLEMENT PLAN**

Document Stage: Draft

Project Number: 43072-01

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## CURRENCY EQUIVALENTS

(as of 10 June 2011)

Currency Unit	–	Australian Dollar
A\$1.00	=	\$ 1.05
\$1.00	=	A\$0.95

## ABBREVIATIONS

ADB	–	Asian Development Bank
DPs	–	Displaced persons
BSR	–	Basic Schedule of Rates
CEF	–	Compensation and Entitlement Form
DMS	–	Detailed Measurement Surveys
EA	–	Executing Agency
FHH	–	Female Household Head
GoK	–	Government of Kiribati
IA	–	Implementing Agency
IR	–	involuntary resettlement
MELAD	–	Ministry of Environment, Lands and Agricultural Development
MFED	–	Ministry of Finance and Economic Development
MPWU	–	Ministry of Public Works and Utilities
NGO	–	nongovernmental organization
PIB	–	Project Information Booklet
PUB	–	Public Utilities Board
RP	–	resettlement plan
RF	–	resettlement framework
STSIP	–	South Tarawa Sanitation Improvement Sector Project
TA	–	technical assistance

## NOTE

In this report, "\$" refers to US dollars.

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## **Executive Summary**

### **Background**

1. The Government of Kiribati plans to implement the South Tarawa Sanitation Improvement Sector Project (the Project) with the assistance from the Asian Development Bank (ADB), with the government of Australia providing co-financing through the Pacific Regional Infrastructure Facility (PRIF). The core subprojects cover the rehabilitation of the existing sanitation facilities in Betio, Bairiki and Bikenibeu, extension and upgrading of ocean outfalls, community engagement and public awareness on sanitation health and hygiene, institutional strengthening for the Ministry of Works and Public Utilities (MPWU) and the Public Utilities Board (PUB) and additional candidate subprojects to be added later guided by the government's water supply and sanitation roadmap 2011-2030 and associated investment plan.

2. This Resettlement Plan (RP) addresses the resettlement impacts for the Sample Subproject 1<sup>1</sup> for the South Tarawa Sanitation Improvement Sector Project.

3. The sample subproject consists of rehabilitation work for three locations namely, Betio, Bairiki and Bikenibeu. The works include rehabilitation of the (i) saltwater flushed sewer systems, the replacement of internal saltwater flushing connections to households and the replacement of failed pipes, valves and sanitary fittings; and (ii) sewer sub-systems including the repair and clearing of trunk mains and conveyance pipelines, manholes, pumps and control switchboards, and the installation of millistrainers and a sludge digester.

### **Land requirements**

4. Rehabilitation work will take place on existing footprints which are on both government-owned and leased lands, and some private customary land. Additional land will be necessary for new equipment that cannot be accommodated within existing acquired land.

5. The additional land will be acquired from government (640m<sup>2</sup>) and private lands (70.25m<sup>2</sup>).

6. Land acquisition will have minimal resettlement impacts on the affected population. Three displaced persons (DPs) will lose assets, consisting of 70.25 m<sup>2</sup> of land for two private land owners and 27 trees and crops including crop losses to one untitled DP. No structures will be lost. There is also no loss of or impact on common property resources.

### **Socio-economic information**

7. Socio-economic surveys and census of displaced persons (DP) were conducted to determine the extent of resettlement impacts. A total population of DPs households is 28 with per household population of 8.3. Household weekly incomes for the three affected HH are estimated at \$320.00, \$318.00 and \$250.00 derived from paid employment and small business operations. These are higher than the national average as well as the average for South Tarawa. There is no agriculture-derived income, meaning the lost trees and crops are for home consumption only. The loss of household lands as a result of the subproject land acquisition is 8.7% and 0.8% respectively for the two landowners affected.

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<sup>1</sup> Sample Subproject 2 does not require a Resettlement Plan.

8. Informal and formal consultations through community meetings and focused groups discussions involving men, women and young boys and girls were undertaken as part of project preparation. Consultations and focus group discussions assessed social impacts, poverty and gender related issues as well as resettlement issues. Direct consultations with DPs were carried out as part of the detailed measurement survey, census of DPs and inventory of affected assets. Views and comments received from DPs in these consultations have been incorporated into this RP. Formal project disclosure will be conducted on 27 June in three community meetings in Betio, Bairiki and Bikenibeu. In this meeting, the draft Resettlement Framework and draft Resettlement Plan will be presented and discussed.

### **Resettlement costs**

9. The resettlement budget for the subproject is \$3,118.82. This covers direct costs of compensation for lost assets and indirect costs for lease preparation, administration and monitoring of RP implementation. Compensation calculations are based on replacement costs based on current market values.

### **Grievances mechanisms**

10. Mechanisms for redressing grievances involve arrangements for addressing complaints effectively and timely on site during construction. These are anticipated for impacts and issues related to noise, dust, blocked access etc. Avenues for grievances that cannot be addressed onsite e.g. related to compensation payment, land ownership, include the direct involvement of PUB and the Project Implementation Unit (PIU). Where complainants remain dissatisfied, they retain the right to take their grievances to the Magistrates Court.

### **Institutional arrangements for RP implementation**

11. RP implementation is the shared responsibility of MPWU and PUB with the support of the Department of Lands within the Ministry of Environment, Lands and Agriculture Development (MELAD). Department of Lands will reconfirm land ownership and areas affected to ensure accurate calculation of compensation. PUB is responsible for preparing the Entitlement Payment Forms based on the Entitlement Matrix, notifying entitled persons and making compensation pay outs. PUB ensures that evidence of payment are collected for reporting purposes and submits reports to MPWU as required with supporting documentation.

12. MPWU has overall responsibility for RP implementation and will also liaise directly with contractors to ensure the satisfactory resolution of onsite issues including site restoration for occupied or disturbed sites before contractor crews move to other project sites.

### **Monitoring and reporting**

13. MPWU will monitor RP implementation on an on-going basis and submit monitoring reports to ADB on a semi-annual basis. PUB will provide periodic reports that will include a list of all DPs, their entitlements and the status of delivery of cash compensation. It will be ensured that ADB's requirements for RP implementation and reporting are fully complied with.

## A. Subproject Description

1. The subproject consists of the following components: rehabilitation of the saltwater flushed sewer systems for Betio, Bairiki and Bikenibeu, including the saltwater intake galleries, pumps, and electrical controls, pump stations, high level storage and towers, saltwater flushing and distribution mains and the fire hydrants installed on these mains. In addition the internal saltwater flushing connections to households will be repaired or replaced as well as failed pipes, sanitary fittings, valves, and float valves.

2. Rehabilitation of the sewer sub-systems in Betio, Bairiki and Bikenibeu involving the repair and clearing of trunk mains and conveyance pipelines, repair of manholes and replacement of frozen (rusted) manhole frames and covers, replacement of the online submersible sewer pumps, controls and electrical switchboards and rehabilitation of the pump house compounds and security fences. Procurement of a trailer-mounted sewer cleaning jetting unit and a truck-mounted hydraulic jet/vacuum unit for cleaning sewers, inclusive of sparing for major parts and a 5-year service/maintenance contract. The smaller trailer-mounted unit is required for use in areas of dense urban development inaccessible to the truck-mounted unit.

## B. Scope of Land Acquisition and Resettlement

3. The subproject will rehabilitate sanitation facilities on existing footprints in 19 sites in Betio, Bairiki and Bikenibeu. Additional land will be required in three locations where new equipment cannot be accommodated within previously acquired land.

4. The subproject will acquire a total of 710.25 m<sup>2</sup> of land, 70.25m<sup>2</sup> private customary land, and 640m<sup>2</sup> government owned or leased. The 70.25 m<sup>2</sup> of privately owned land spreads over two residential plots owned separately by two different land owners.

**Table 1: Total land area for Subproject**

Land to be acquired	Area (m <sup>2</sup> )	No. plots	Remarks
Total Government land	640.00	2	Nanikai landfill (600m <sup>2</sup> )
Total Private land	70.25	2	2 private landowners
<b>Total</b>	<b>710.25</b>	<b>4</b>	

5. There are outstanding issues related to land previously acquired. 77.0m<sup>2</sup> of land, involving 3 plots was informally acquired from private landowners by the Government of Kiribati (GOK) in the early 1980s when the facilities were initially established. In the absence of any formal agreement for gifting, GOK is now formalizing these acquisitions with appropriate settlements being negotiated. GOK has assured the Asian Development Bank (ADB) that these will be settled satisfactorily before commencement of project implementation<sup>2</sup>. These will not be included in this RP.

**Table 2: Private Customary Land Acquisition for the Subproject**

Landowner	Area (m <sup>2</sup> )
Timao Tirra	65.25
Temeri Barekia	5.0
<b>Total</b>	<b>70.25m<sup>2</sup></b>

**Table 3: Government owned and leased lands**

<b>Location</b>	<b>Area (m<sup>2</sup>)</b>
Nanikai landfill	600.0
Betio Pump Station 1	40.0
<b>Total</b>	<b>640m<sup>2</sup></b>

6. Only three (3) displaced persons (DPs) are impacted as a result of new land acquisitions, the two private landowners, and an untitled DP with trees/crops on the government land in Betio.

7. No structures will be affected and a total of 27 trees/crops will be lost. Existing right-of-way is available to all existing facilities thus no temporary access is required. Trees and crops lost are summarized below for the 3 DPs.

8. The subproject will not acquire any common property resources and it will not hinder or affect public access to any.

**Table 4: Summary of Trees and Crops Lost per Entitled Persons**

<b>Crops Lost</b>	<b>Entitled Persons (EPs)</b>			<b>Total</b>
	Temeri Barekiaiu	Harry Redfern	Timao Tirra	
Coconuts				
- fruit bearing coconuts	2	3	0	<b>5</b>
- non-fruit bearing coconuts				<b>6</b>
- non-bearing w/o trunk	2	0	4	
Pandanus	0	1	0	<b>1</b>
- fruit bearing pandanus	3	2	2	<b>7</b>
- non fruit bearing pandanus				<b>2</b>
- newly planted	2	0	0	<b>0</b>
Breadfruit	0	0	0	
- fruit bearing	0	1	0	<b>1</b>
- non-fruit bearing	0	0	0	<b>0</b>
Papayas				
- Fruit bearing papayas	0	0	1	<b>1</b>
- non fruit bearing papaya				<b>0</b>
<b>TOTAL</b>	<b>12</b>	<b>7</b>	<b>8</b>	<b>27</b>

### **C. Socio-economic Information and Profile**

9. The socio-economic information of DPs was collected by questionnaire survey and a census of affected assets. Table 5 details the entire population of DPs, by gender, age and HHs.

**Table 5: Population of DPs Households**

<b>Head of Household &amp; Household Size</b>							
Age groups	Timau Tirra		Harry Redfern		Nei Kabuta Iotebwa <sup>3</sup>		Total by Age groups
	F	M	F	M	F	M	
0-10 yrs	1	0	0	2	1	1	5
11-16 rs	1	0	1	0	0	0	2
17-22 rs	0	0	0	0	0	0	0
23-28 rs	3	1	0	0	0	3	7
28-33 rs	0	0	1	1	1	0	3
34-39 rs	0	0	0	2	0	0	2
40-44 rs	0	0	0	1	0	0	1
45-50 rs	0	0	0	0	0	0	0
51-55 rs	0	0	0	0	0	0	0
56-60 rs	1	1	1	1	1	0	5
60+	0	0	0	0	0	0	0
	<b>6</b>	<b>2</b>	<b>3</b>	<b>7</b>	<b>3</b>	<b>4</b>	<b>25</b>

F = female, M = male.

10. The total DPs population is 25, with an average household size of 8.3. This is higher than the average household size in South Tarawa of 7.5<sup>4</sup>. Population by gender is 48% female and 52% male. Population distribution by age shows a concentration of 52% between 23 – 44 years olds, with 28% 16 years or younger, and 20% between 56 – 59 years.

11. Weekly household incomes are \$320.00, \$318.00 and \$250.00 respectively and are above the national poverty level of A\$112.80 and the South Tarawa poverty line of A\$230.57<sup>5</sup>. All three households have two or more income earners, with two households generating additional income from small business activities. There is no agriculture-derived income meaning crops and trees lost in the subproject are for home consumption only.

**Table 6: Land plots – pre and post project**

Land owner	Area pre-project	Area acquired	Area post project	% lost
Timao Tirra	750	65.25	684.75	8.7
Temeri Barekia	600	5.0	595.0	0.8

12. Analysis of land acquired relative to total pre-project plot sizes show that the two landowners will lose 0.8% and 8.7% of their land to the project respectively. Crop losses will not affect household income levels as lost trees and crops are only for home consumption.

13. Gender specific impacts are associated with women's roles in household sanitation and water management and usage. These roles are not aggravated by the extent and nature of

<sup>3</sup> Head of Household for Landowner Temeri Barekia

<sup>4</sup> Kiribati National Statistics Office and UNDP. 2010. Kiribati – Analysis of the 2006 Household Income and Expenditure Survey. KNSO and UNDP Suva.



resettlement related impacts<sup>6</sup>. One of the two landowners is a widowed female household head. She is financially supported by two adult children earning regular income from salaried employment and from a home-based money lending operation, to which she also contributes time. She shares child caring duties for two grandchildren with two unemployed teenage sons. Issues of safety and security for disadvantaged groups e.g. children during construction may be a concern, but this is not considered significant.

#### **D. Information Disclosure, Consultation and Participation**

14. The primary stakeholders and intended beneficiaries for the subproject are the communities of Betio, Bairiki and Bikenibeu. They will have a reliable and properly functioning sewage system that will contribute to a healthier environment, improved household hygiene and cleaner ground water system. There are no resettlement impacts associated with this population other than the three directly-affected households.

15. Formal and informal consultations with stakeholders during project preparation consisted of 6 community meetings in Betio, Bairiki and Bikenibeu, 2 focused group discussions involving women, and 3 meetings with groups of young boys and girls in Bikenibeu and Bairiki. Direct consultations with the DPs took place during socio-economic survey and census of affected assets. Consultations were led by project preparatory technical assistance (PPTA) consultants including the Consultation and Participation Specialist with the support of the Resettlement Specialist. Consultations during the detailed measurement survey and census of assets were conducted by the Resettlement Specialist.

16. A formal disclosure of the sector project takes place on the 27 June 2011 in three separate community meetings in Betio, Bairiki and Bikenibeu. The meetings will discuss all aspects of the Project. The draft RF and RP will be presented in detailed, and comments will be recorded for consideration in the finalization of both documents.

17. Issues raised by DPs and during the socio-economic survey and inventory of assets have been taken on board in the preparation of this RP. These are (i) the general support of the DPs for the project, and (ii) landowner preference for formal leasing arrangements for their affected land.

#### **E. Grievance Redress Mechanisms**

18. Members of the public will have rights to make grievances known to the MPWU and for them to be addressed, to the extent practicable and reasonable.

19. During construction, a member of the supervising consultant's team will be assigned the role of community liaison for each of the three towns. The name and contact details of these individuals will be presented on a noticeboard at work sites and at MPWU, with instructions on how to make a complaint. For minor complaints, such as noise or dust nuisance, or disregard of safety procedures, corrective action will be instructed by the supervising consultant, and a response provided to the complainant within 48 hours. If no action is deemed appropriate, the complainant will be of his/her rights to take the complaint to the Magistrate's Court.

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<sup>6</sup> The subproject will strengthen women's capacities in the performance of these roles through various targeted skills training and information.

20. For complaints over major issues, such as injury, damage to property, or occupation of land without due agreement, the supervision consultant will respond within 24 hours and arrange a meeting with appropriate personnel including a representative of MPWU to agree on a resolution. If a solution, agreeable to all parties, is not reached within a period of seven days, the complainant may file the grievance with the Magistrate's Court, which involves a registration fee of \$3.00. The Magistrate's ruling will be binding on all parties.

21. A register of complaints will be maintained at the MPWU recording dates, names of complainants, action taken and personnel involved.

## **F. Legal Framework**

22. All land in Kiribati belongs to the I-Kiribati people except for the Phoenix and Line Islands, small portions of reclaimed land owned by the Government, and lands belonging to the Churches. Rights and interests in I-Kiribati land are mostly acquired by inheritance and gifting customs as codified in the Gilbert and Phoenix Islands Lands Code (1956). The various customs governing the acquisition of interests and rights to land are defined in the Code. The Code documents customs and practices as of 1956 and, despite changes to a market economy, these customs and practices continue to be highly relevant in Kiribati society today.

23. The Constitution of Kiribati and land related legislation begin with the premise that land cannot be alienated by sale, gift, lease or otherwise to a person who is not a native. It does not, however, restrict the alienation of land to the State, Local Government Council and the Housing Corporation. The State can acquire land, by agreement or compulsorily, for public purposes including the location of sanitation facilities.

24. The following legislation and policies provides the legal and policy framework for the acquisition of any land required, or of access and user rights. The most relevant legislation is discussed in further detail below.

- (i) Constitution of the Kiribati
- (ii) State Acquisition of Lands Ordinance 1954 (rev 1979)
- (iii) Native Lands Ordinance 1956 (rev edition 1977)
- (iv) The Non-Native Land (restriction on Alienation) Ordinance 1974
- (v) Gilbert and Phoenix Islands Land Code 1956
- (vi) Magistrate's Courts Act 1978
- (vii) State Lands Act 2001
- (viii) Public Utilities Board Ordinance 1977

25. The **Constitution of Kiribati** declares that all natural resources of Kiribati are vested in the people and their Government. Section 8 (Protection from deprivation of property) states that no property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied, that is to say—(a) the taking of possession or acquisition is necessary or expedient in the interests of defence, public safety, public order, public morality, public health, town or country planning or the development or utilisation of any property for a public purpose, (c) provision is made by a law applicable to that taking of possession or acquisition—(i) for the payment of adequate compensation within a reasonable time.

26. **State Acquisition of Lands Ordinance 1954 (rev 1979)**. Section 5 empowers the Minister to acquire "...on behalf of the republic, any lands required for any public purpose,

absolutely or for a term of years as he may think proper, paying such consideration or compensation as may be agreed upon or determined under the provisions of this Ordinance.” Public purposes referred to under this Ordinance and under section 8 of the Constitution include “the making of sanitary improvement of any kind” (Section 3).

27. Section 6 (1) and 6 (2) empowers agents of the Minister to access land to be taken for public purposes for purposes including surveying and marking of boundaries, but also define limits to protect the privacy of land occupants in their homes.

28. Kiribati’s policy for the determination of compensation for displaced peoples (DPs) and their assets are set out in Section 16 – ‘Matters to be considered in determining compensation’. Section 13 sets out the mechanism and process for the redressing of grievances related to title and or compensation.

29. **Native Land Ordinance 1956.** Part VI of the Native Lands Ordinance provides for leases. It reaffirms the inalienability of native land to a person who is not a native, but grants exemptions for their alienation to the State (Crown) for public purposes (Section 5(2)). The Native Lands Ordinance complements the State Acquisition of Lands Act and provides the legal basis for the State to lease native (private) lands when and if necessary.

30. **The State Lands Act 2001** empowers the State as the owner of land to make some of this land available for development purposes including for the permanent settlement of citizens and their families. The State is equally empowered to reverse the transfer of land back to the State, or to another party.

31. **Magistrate’s Courts Act 1978.** Section 58 of this Act gives the Magistrate’s Court the power to hear and adjudicate in all cases concerning land matters in accordance with the provisions of the Code, and where the Code is not applicable, in accordance with customary law. Land matters concerning land boundaries, transfers, registration of native lands and any disputes concerning the possession and utilization of native land are dealt with by the Magistrate’s Court.

32. **The Public Utilities Board Ordinance 1977** empowers the Public Utilities Board (Section 8 (1) to do anything or to enter into any transaction which in its opinion is calculated to facilitate the proper discharge of its functions or is incidental or conducive thereto. One of these functions is the disposal of sewage. Section 8(2) gives PUB user rights on any land for purposes including (i) to establish, operate and maintain a sewage system. Section 9(1) (a) limits these powers only to that of user and also requires PUB to relocate or reposition its facilities etc, if it becomes a nuisance or is causing loss to the owner of such land, or give reasonable compensation.

## G. Comparison between the ADB’s Land Acquisition and Involuntary Resettlement

### Policy Requirements with those of the Government of Kiribati

Kiribati’s Land Acquisition Policy	Scope of ADB’s Land Acquisition and Involuntary Resettlement Policy Requirements	Gaps and Consistencies between the Government of Kiribati (GoK) and ADB Policies
The Constitution of Kiribati generally guarantees against deprivation of property without adequate compensation (s.3).	Involuntary resettlement should be avoided wherever feasible.	Both the Constitution and the State Acquisition of Lands Act 1954 safeguards against the deprivation of property without

<b>Kiribati's Land Acquisition Policy</b>	<b>Scope of ADB's Land Acquisition and Involuntary Resettlement Policy Requirements</b>	<b>Gaps and Consistencies between the Government of Kiribati (GoK) and ADB Policies</b>
<p>In situations where property is compulsorily taken possession of or an interest or right over property is compulsorily acquired, compensation must be paid within a reasonable time (s.8).</p> <p>The Native Lands Ordinance 1956 makes clear that native land cannot be alienated to a native, and the Non-Native Lands Ordinance 1974 restricts the alienation of non-native land except to the State.</p> <p>The State Acquisition of Lands Ordinance 1954 empowers the Minister to acquire land compulsorily on behalf of the Republic, or with the agreement of landowners, any land which is required for the construction, maintenance or improvement of any road designated as a highway (S.10(1)). The Ordinance also prohibits the Minister from acquiring land on either side of a public highway, except by agreement with landowners (S.10(2)).</p>		<p>compensation. There are no explicit provisions preventing against involuntary resettlement but the restrictions on the alienation of native lands to non-natives, and the mechanism for reacquiring non-native lands by the State potentially provide for the State the opportunity to intervene in these situations to prevent involuntary resettlement. Kiribati's policy is therefore consistent with ADB's policies. The provision for prior agreement of landowners is important in this regard.</p>

## **H. Strategies for Bridging Gaps between the GoK and ADB Policies**

33. In bridging gaps between the GoK and the ADB policies on land acquisition, the following Project principles and policies will govern the RPs for the sample subprojects and future (non-sample) subprojects, with due consideration to the customs and traditions of the local communities.

- (i) Acquisition of freehold customary lands shall be minimized and resettlement of people avoided, as much as possible;
- (ii) Where population displacement is unavoidable, it will be minimized by providing viable livelihood options;
- (iii) Freehold customary land currently occupied by sanitation facilities to be rehabilitated under this Project will be paid all outstanding compensation prior to the commencement of project implementation.
- (iv) All DPs will be systematically informed and consulted on the acquisition and compensation of affected land, other affected assets, the rights and options available to them on the proposed mitigating measures, and to the extent

- possible, DPs will be involved in the decisions to avoid any delay in RP implementation.
- (v) In the consultation process, the MPWU will include leaders of DPs communities, and will encourage and facilitate the participation of women, the elderly and vulnerable people. Local nongovernment organizations (NGOs) will also be invited to participate.
  - (vi) The customs and traditions as well as the religious practices and observances of the local communities will be respected and historical or cultural landmarks and reservation areas will be preserved and protected;
  - (vii) Updated land rates and crop/trees values derived for the Kiribati Road Improvement Project (2011) will be used to calculate compensation and replacement values.
  - (viii) Compensation rates for physical assets, i.e. house, building and other structures, and non-physical assets like lost income from productive assets or jobs will be calculated at replacement cost or at current market rates in the project area at the time of compensation;
  - (ix) Lack of formal legal rights to assets lost will not deprive any DP from receiving compensation and entitlement. The census of DPs will be appropriately designed to ensure DPs without title to land are clearly identified.
  - (x) Particular attention will be given to the socially and economically vulnerable groups like the women-headed households, children, the landless, and the elderly people without support structures and people living in extreme hardships during the resettlement plan implementation process;
  - (xi) The titleholders 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;
  - (xii) The full cost of land acquisition and resettlement will be included in the project cost and benefits and adequate budgetary support shall be committed and made available by the EA during implementation. Costs for land acquisition, compensation and relocation of DPs may be considered for inclusion in ADB Bank loan financing for the project, if requested by the EA;
  - (xiii) Appropriate internal reporting (including auditing and redress functions), monitoring and evaluation mechanisms will be established by the IA as part of the resettlement management system.
  - (xiv) Land acquisition, compensation, resettlement and rehabilitation activities will be satisfactorily completed and the project areas are cleared of all obstructions before civil works begin.

34. Land required for the subproject will be leased by the Government from private landowners. Lease preparation involves consultations and finalization of terms of leases, re-surveying of boundaries, and land valuation.

35. Consultations with land owners for this RP showed their preference for leasing land to the Government. The Department of Lands, MELAD is responsible for lease preparations.

## **I. Entitlements, Assistance and Benefits**

36. Definitions of the types of losses and the entitled persons for the Project are presented in Table 7 below.

**Table 7: Relevant losses and Entitled Persons**

<b>Type of Loss</b>	<b>Entitled Persons</b>	<b>Project Entitled Persons</b>
1. Loss of trees	Persons who utilize the land where trees are located	Temeri Barekiau and Timao Tirra - both landowners live on their plots; Harry Redfern - non-titled DP
2. Loss of residential land	Legal occupants of land Illegal occupants of land	Temeri Barekiau Timao Tirra
3. Loss of tree crops or standing crops	Owner of plot as recorded at cut-off date.	Temeri Barekiau Timao Tirra Harry Redfern

37. Potential entitled persons are all vulnerable DPs (including the above DPs) who may experience (i) temporary loss of land during construction and or (ii) temporary loss of access. Details of entitlements are presented in the Table 8, the entitlement matrix.

38. Vulnerable groups particularly women are targeted with sanitation related training as part of the capacity building activities of the Project. These activities have not been finalized but will include the provision of training and information on healthy sanitation practices in the home, groundwater quality testing methods, water treatment and purification methods and basic sanitation facilities usage and maintenance. DPs are eligible to participate. Gender sensitization training will also be conducted for all staff of MPWU and PUB.

39. Opportunities for employment during the construction phase will be available for both men and women. DPs, particularly landowners and their dependents, will have first preference for employment opportunities that may be available.

Table 8: Entitlement Matrix

	<b>Type of loss</b>	<b>Application</b>	<b>Entitled Person</b>	<b>Compensation/Entitlement Policy</b>	<b>Implementation issues</b>
1a	Loss of land	Homestead land, agricultural land, or vacant plot	Owner(s) with legal title	<ul style="list-style-type: none"> <li>a) Compensation at replacement value or land-for-land where feasible. If the replacement cost is more than the compensation, as determined by MELAD, then the difference is to be paid by the project in the form of "assistance."</li> <li>b) Provision of stamp duty, land registration fee, capital gains tax, and value added tax incurred for replacement land.</li> <li>c) Option to be compensated if remaining land is no longer viable</li> <li>d) Transitional allowance based on three months minimum wage rates.</li> <li>e) Shifting assistance for households.</li> <li>f) Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided.</li> <li>g) Additional compensation for vulnerable households (item 4).</li> </ul>	Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.

1b	Loss of land	Homestead land, agricultural land, or vacant plot	Tenant(s) and or leaseholders	<p>a) Compensation equivalent to up to 3 months of rental.</p> <p>b) For agricultural lands, 60 days notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided.</p> <p>c) Additional compensation for vulnerable households (item 5 in the first row).</p>	<p>a) Landowners will reimburse tenants and leaseholders land rental deposit or unexpired lease.</p> <p>b) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.</p>
1d	Loss of land	Homestead land, agricultural land or vacant plot	DP(s) without legal titles	<p>a) 60 days advance notice to shift from occupied land.</p> <p>b) Resettlement assistance (land, other assets, cash, employment, etc.) in lieu of compensation for the land they occupy.</p> <p>c) Additional compensation for vulnerable households (item 5 in the first row).</p>	<p>a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.</p>



2a	Loss of structure	Residential/commercial structure and other assets	Owner(s) with legal titles	<ul style="list-style-type: none"> <li>a) Cash compensation equivalent to replacement value of structure (or part of structure).</li> <li>b) Option to be compensated for entire structure if remaining structure is no longer viable.</li> <li>c) Rights to salvage materials from structure.</li> <li>d) Provision of all taxes, registration costs, and other fees incurred for replacement structure.</li> <li>e) Transfer and subsistence allowance (up to 3 months).</li> <li>f) Additional compensation for vulnerable households (item 5 in the first row).</li> </ul>	a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.
2b	Loss of structure	Residential/commercial structure and other assets	Tenants and/or leaseholders	<ul style="list-style-type: none"> <li>a) Cash compensation equivalent to replacement value of structure (or part of structure) constructed by the DP</li> <li>b) Rights to salvage materials from structure</li> <li>c) Provision of all taxes, registration costs, and other fees incurred for replacement structure.</li> <li>d) Transfer and subsistence allowance.</li> <li>e) Lease /rental agreements to be continued after the reconstruction of the structure.</li> <li>f) Additional compensation for vulnerable households (item 5 in the first row).</li> </ul>	<ul style="list-style-type: none"> <li>a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.</li> <li>b) Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease.</li> </ul>

2c	Loss of structure	Residential/commercial structure and other assets	DP(s) without legal titles	<ul style="list-style-type: none"> <li>a) Cash compensation equivalent to replacement value of structure (or part of structure) constructed by the DP.</li> <li>b) Rights to salvage materials from structure.</li> <li>c) Provision of all taxes, registration costs, and other fees incurred for replacement structure</li> <li>d) Transfer and subsistence allowance.</li> <li>e) Additional compensation for vulnerable households (item 5 in the first row)</li> </ul>	a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.
3	Loss of livelihood	Livelihood/ source of income	Business owner(s), tenant(s), leaseholder(s) employee(s), agricultural worker(s), hawker(s)/ vendor(s), APs without legal title	<ul style="list-style-type: none"> <li>a) Assistance for lost income based on three months lost income or minimum wage rates.</li> <li>b) Additional compensation for vulnerable households (item 5 in the first row).</li> </ul>	a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.

4	Loss of crops and trees	Standing crops and trees	Owners with legal titles, tenant(s), leaseholder(s), DPs without legal title	<ul style="list-style-type: none"> <li>a) 60 days advance notice to harvest standing seasonal crops, if harvest is not possible, cash compensation for crops (or share of crops) equivalent to prevailing market price</li> <li>b) Cash compensation for perennial crops and fruit bearing trees based on annual net product market value multiplied by 5 years.</li> <li>c) Cash compensation equivalent to prevailing market price of timber for non-fruit trees.</li> </ul>	<ul style="list-style-type: none"> <li>a) Work schedule to allow harvesting prior to acquisition and avoid harvest season.</li> <li>b) Market value to be determined.</li> <li>c) Tree replanting for shade to be considered wherever possible.</li> </ul>
5	Impacts on Vulnerable DPs	All Impacts	Vulnerable DPs	<ul style="list-style-type: none"> <li>a) Additional allowance for loss of land or structure</li> <li>b) Vulnerable households will be prioritized in any employment required for the Project.</li> </ul>	<ul style="list-style-type: none"> <li>a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.</li> </ul>
6	Temporary loss of land	Land temporarily acquired for the Project	Owner(s) with legal title, tenant(s), leaseholder(s), DPs without legal title	<ul style="list-style-type: none"> <li>a) Temporary use will happen only with agreement with DPs/landowners</li> <li>b) 60 days advance notice</li> <li>c) Provision of land rental value during the duration of temporary acquisition</li> <li>d) Restoration of affected land</li> </ul>	

7	Temporary loss of access	Temporary loss of access to land, structure, utilities, common property resource	Owner(s) with legal title, tenant(s), leaseholder(s), DPs without legal title	<ul style="list-style-type: none"> <li>a) 60 days advance notice</li> <li>b) Provision of temporary access where possible</li> <li>c) Restoration/enhancement of affected land, structure, utilities, common property resource.</li> </ul>	
8	Temporary loss of livelihood	Temporary loss of livelihood/source of income	Business owner(s), tenant(s), leaseholder(s), employee(s), agricultural worker(s), hawker(s)/vendor(s), DPs without legal title	<ul style="list-style-type: none"> <li>a) 30 days advance notice regarding construction activities, including duration and type of duration.</li> <li>b) Contractors action to ensure there is no income/access loss through provision of access etc.</li> <li>c) Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity.</li> <li>d) For construction activities involving unavoidable livelihood disruption, compensation for lost income or a transitional allowance for the period of disruption whichever is greater.</li> <li>e) Restoration of affected land, structure, utilities, common property resource.</li> </ul>	
9	Any other loss not identified			Unanticipated involuntary impacts shall be documented and mitigated based on the principles provided in ADB's safeguard policies.	

## **J. Relocation of Housing and Settlements**

40. No structures including houses or other dwelling shelters will be affected.

## K. Income Restoration and Rehabilitation

41. No DPs will lose their income sources (e.g. land, businesses etc) or will be put at risk of impoverishment as a result of the subproject.

## L. Resettlement Budget and Financing Plan

42. The costs required for implementation of the RP will be financed by GOK [under a sector loan from ADB for the South Tarawa Sanitation Improvement Sector Project]. These costs include (i) compensation for acquired assets and (ii) administrative costs for RP implementation. Yearly budget provisions will be arranged by the IA to ensure funds for annual lease payments of acquired land.

**Table 9: Summary of Cost of RP**

Item	Unit	Total loss	Amt (A\$)	US\$ <sup>7</sup>
<i>Direct costs</i>				
1. Land compensation	sq.m	70.25	\$ 29.51	\$ 30.96
2. Trees and crops <sup>8</sup>	No.	27	\$ 678.00	\$ 711.90
<i>Indirect costs</i>				
1. Transaction costs <sup>9</sup>			\$ 500.00	\$ 525.00
2. Consultations, communications etc.			\$ 500.00	\$ 525.00
3. Monitoring and reporting			\$ 1000.00	\$ 1,050.00
4. Contingencies (15%)			\$ 406.13	\$ 426.44
<b>TOTAL</b>			<b>\$ 2,963.64</b>	<b>\$3,118.82</b>

43. Cost compensation of Assets. Compensation for assets will cover land, standing crops and trees. Government will lease land from private land owners at current market price. Rates for lease of land of various classifications are determined by GOK. The existing rates are current for the period 2010-2012. Rates for valuing crops and trees compensation were reviewed in June 2011 as part of the Kiribati Road Improvement Project.

**Table 10: Compensation for land**

Name of landowner	Plot No.	Village	Area (m2)	Land use category	Rate per m2	Total
1. Timau Tirra	682 i/1n	Bikenibeu	60.25	Residential	\$0.42	\$27.41
2. Temeri Barekiau	682 0/1	Bikenibeu	5.0	Residential	\$0.42	\$ 2.10

<sup>7</sup> A\$1.00 = US\$1.05

<sup>8</sup> Compensation rates for crops are based on current rates used by GOK. These were reviewed in June 2011 and the new rates are being reviewed before approval by the GOK.

<sup>9</sup> Cost of surveying, lease preparation & deeds registration etc.

Table 11: Compensation for Standing Crops and Trees

Type of Crop	Entitled Persons								
	Temeri Barekiau			Harry Redfern			Timao Tirra		
	No.	Rate \$	Total	No.	Rate \$	Total	No.	Rate \$	Total
fruit bearing coconuts	2	\$50.00	100.00	3	50.00	150.00	0	50.00	\$ -
non-fruit bearing coconuts	2	\$25.00	50.00	0	25.00	\$ -	4	25.00	100.00
non-bearing coconut w/o trunk fruit	0	\$1.00	\$ -	1	1.00	\$1.00	0	1.00	\$ -
bearing pandanus	3	\$23.00	69.00	2	23.00	46.00	2	23.00	\$6.00
non-fruit-bearing pandanus	2	\$12.00	24.00	0	12.00	\$ -	0	12.00	\$ -
newly planted pandanus	0	\$0.50	\$ -	0	0.50	\$ -	0	0.50	\$ -
Fruit bearing breadfruit	0	\$12.00	\$ -	0	20.00	\$ -	0	20.00	\$ -
Non fruit bearing breadfruits	0	\$60.00	\$ -	1	60.00	60.00	0	60.00	\$ -
Fruit bearing papaya	0	\$12.00	\$ -	0	12.00	\$ -	1	2.00	12.00
Non fruit bearing papaya shade trees (>1.5m ht)	0	\$2.50	\$ -	0	2.50	\$ -	0	2.50	\$ -
	3	\$5.00	15.00	0	5.00	\$ -	1	5.00	\$5.00
<b>TOTAL</b>	<b>12</b>		<b>\$ 258.00</b>	<b>7</b>		<b>\$ 257.00</b>	<b>8</b>		<b>\$163.00</b>

## M. Institutional Arrangements

44. The implementation of the RP will be coordinated by the Project Implementation Unit (PIU) located within MPWU. The PIU Safeguards Officer will coordinate implementation which will involve the Department of Lands, MELAD and PUB. The Department of Lands will ensure land ownership and survey plans details for affected private customary lands are correct and made available to PUB for confirmation of the Resettlement Budget. PUB will also use the Resettlement budget for its own annual budgeting purposes to ensure adequate financial resources for compensation are budgeted for.

45. Updating of Resettlement Budget. PUB will liaise with MELAD to confirm private land ownership details of ownership and areas for finalizing the Resettlement Budget.

46. Paying out Cash Compensation. PUB will prepare Compensation Entitlement Forms based on the Entitlement Matrix and details of entitled persons and budget provided in the RP. This is done for each confirmed entitled person.

47. PUB will ensure a database is developed to store subproject compensation information and to facilitate on-going monitoring of payments. Database will have details of entitled persons, losses, payment details, dates of payments etc..

48. PUB will notify entitled persons, using where necessary radio and newspaper notices, requesting proper identifications to come to the PUB Cashier to receive payments. PUB will also explain how compensation was calculated, what losses he/she is entitled to, rates and total amounts payable. When paying out cash entitlements, PUB will ensure there is indisputable evidence of payment, with entitled persons signing alongside his/her name in the Payment Register, witnessed by a third party.

49. Other entitlements. The delivery of entitlements such as the restoration of temporarily occupied or disturbed sites, alternative access etc., will be coordinated by MPWU and will be delivered as work progresses, before working crews and machinery shift to new locations. MPWU will liaise directly with Project contractors to ensure their delivery.

50. Reporting. On completion of compensation pay out, PUB will prepare a report to MPWU with appropriate supporting documentation and evidences of successful payment of all entitlements defined in the Entitlement Matrix.

## **N. Implementation Schedule**

51. Implementation of the RP will be in accordance with the following schedule.

**Table 12: Implementation Schedule – Subproject RP**

1	Approval and release of funds for compensation	MFED	Jul 2011
2	Verification of DPs	MELAD/PUB	Jul, 2011
3	Internal monitoring of RP to start	MPWU	Jul 2011
4	Grievance and Redress	Magistrate Court	Jul 2011-onwards
5	Payment of compensation	PUB	Jul – Dec 2011
6	Acquisition of affected lands, if any	MELAD	Jul- Dec, 2011
8	Submit compliance documents to ADB	MPWU	Dec, 2011
9	Validate compliance documents of RP implementation	ADB	Oct–Dec 2011

## **O. Monitoring and Reporting**

52. MPWU will monitor RP implementation on an on-going basis and submit monitoring reports to ADB on a semi-annual basis. It will request from PUB periodic reports that will include a list of all DPs, their entitlements and the status of delivery of cash compensation. It will use the following indicators to gauge progress in RP implementation.

(a) Budget and timeframe:

- Evidence of resettlement staff being mobilized for field and office work (from both MPWU and PUB).
- MELAD reports on land ownership review, census of DPs and inventory of assets
- Record of resettlement funds being received, indicating date of receipt.

(b) Delivery of DPs' entitlements:

- CEFs showing names of DPs, date, time, amount of compensation received and signatures.

(c) Consultations, grievances and special issues:

- Reports of all consultations held, listing names of participants, summary of views expressed and photographs of meetings.
- Copies of PIB in English and Gilbertese.
- Evidence of disclosure to DPs of draft RP
- Court record of all DPs who lodged complaints, nature of complaints and outcomes.

53. At the completion of RP implementation, MPWU will report to the ADB that it has complied fully with all the requirements of the RP. The monitoring report will confirm that the following documents are available at PIU and include a summary status on the same.

- (i) Completed CEF's
- (ii) Copy of PIBs in English and Gilbertese
- (iii) Record of consultations with DPs
- (iv) Minutes of consultations with women (if a separate consultation is conducted)
- (v) Minutes of consultations agreeing to the content of the RP
- (vi) Individual agreement on compensation reached with DPs, where appropriate
- (vii) Evidence of transfer of titles of acquired lands, where appropriate
- (viii) Journal voucher(s) or equivalent document(s) showing payment for compensation and entitlements to DPs.

54. Civil works will commence once the RP has been satisfactorily completed.



**Appendix 1: Summary of Socio-economic Survey Information on Displaced Persons**

<b>Summary of Socio-economic Survey of Displaced Households</b>			
	<b>Temeri Barekiau (N)</b>	<b>Harry Redfern</b>	<b>Timao Tirra</b>
Status as Entitled Person	<b>Landowner</b>	<b>Non-titled DP</b>	<b>Landowner</b>
Name of Head of Household	Nei Kobato Iotebwa	Harry Redfern	Timao Tirra
Plot number	682	832 u - adjacent to Project site	682 i/1n
Land Use Classification	Residential	Residential	Residential
Village	Bikenineu	Betio	Bikenibeu
Land Tenure	Private landowner	Government sublease holder	Private landowner
Gender of household head	F	M	M
Marital status	W	M	M
No. of people in household	7	8	7
Household weekly Income (A\$)	A\$250	A\$318	A\$330
Main Occupation	retiree (teacher)/homemaker & caregiver	private consultant	Councilman, business operator
Other sources of income	2 employed siblings	spouse salary	2 employed siblings
	Business income		
Level of education	tertiary	tertiary	tertiary