

ADB/WB SOCIAL SAFEGUARDS REQUIREMENTS FOR SUB-PROJECTS IMPLEMENTED BY FRA



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Social Safeguards Mechanism

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Introduction

- **The Transport Infrastructure Investment Sector Project (TIISP) is financed under the joint ADB / WB loan with counterpart funding from the Government of Fiji**
- **The project activities comprise physical works including new infrastructure and/or upgrading, renewal, rehabilitation and/or repair of public roads, bridges, rural jetties and wharves in Fiji and non-physical activities such as institutional strengthening and capacity building within the transport sector**

Objectives of the Resettlement Framework

The Land Acquisition and Resettlement Framework (LARF) provides:

- The policy and legal framework of the GoF and relevant policies of the ADB and WB
- The compensation guidelines to be applied to all locations affected by the project, and
- Procedures to be followed during preparation, implementation, and evaluation of the Land Acquisition and Resettlement Due Diligences (LARDDs) and LARPs

Legal and Policy Framework

- Land in Fiji is managed through three complementary systems: (i) native land; (ii) freehold land; and (iii) crown land
- Native land is communally owned and administered by *mataqalis* (clans) and cannot be bought or sold except to the state for public purposes. The TLTB is the statutory body to administer these lands
- Native land and crown land cannot be bought or sold but are available on a leasehold basis. Freehold land can be bought and sold on the open market

Land Acquisition in Fiji

- Land acquisition in Fiji is governed under the State Acquisition of Lands Act (SALA)
- All types of land can be acquired for public purposes
- Legal title holders have a right to compensation
- Compensation is paid at market values
- Structures are compensated at depreciated values
- Compensation includes for land, crops & trees, damage to portions of land not acquired, changes in use of any non-acquired portions
- Expenses associated with necessary changes of residence or places of business

Social Safeguards:

ADB / World Bank have developed common LARF based on country safeguard systems of Fiji

The LARF outlines the policies and requirements for resettlement planning for different scenarios as required by:

- The State Acquisition of Lands Act (SALA) of Fiji**
- The ADB Safeguard Policy Statement (2009)**
- World Bank Involuntary Resettlement Policy (OP 4.12)**

Policy Principles of Land Acquisition & Resettlement Framework (LARF)

- **Compensation at replacement cost for DP's loss of land and assets**
- **Compensation to non-title holders**
- **Compensation for any loss of livelihoods or income**
- **Compensation at replacement cost for structures including transaction costs**
- **Income-restoration measures for DPs, especially for the poor and vulnerable groups**
- **All compensation to be paid prior to commencement of site clearance**
- **An Entitlement Matrix has been developed as part of LARP to address all compensation and resettlement issues**
- **Land acquisition procedures are initiated once land surveys are completed, the design is done, and the alignment plan is agreed and approved by FRA**

Land Acquisition and Resettlement Plan (LARP):

Executive summary, project description, scope of LA and resettlement, socio-economic information and profile, information disclosure, consultation and participation, GRM, legal framework, entitlement, assistance and benefits, relocation of housing and settlement, income restoration and rehabilitation, resettlement budget and financial plan, institutional arrangement, implementation schedule, monitoring and reporting

Process for Valuation of Compensation

- **FRA prepares initial valuations using local market prices, and data in this regard is obtained from the Valuation Division of the MLMR**
- **Compensation offered will be at replacement cost based on actual market price**
- **Replacement cost is the cost of replacing an expropriated asset of the same or better quality in the current land and/or asset. It includes**
 - **Fair market value**
 - **Transaction costs**
 - **Transitional and restoration costs**
 - **Depreciation will not be considered when valuing compensation**

In case of Permanent Land Acquisition:

- **FRA prepares initial valuations using local market prices**
- **Full replacement cost includes fair market value, transaction costs, interest occurred, transitional & restoration costs and depreciation**
- **iTaukei lands are negotiated through identified *mataqali*; leasehold native land follow a similar process**
- **In case of freehold lands, negotiation is done directly with the landholders**

In the event of no permanent land acquisition / resettlement, no need to prepare LARP, a LARDD Report will be sufficient

In the event of temporary land acquisition during construction, the issues will be addressed in ESMP implemented by the Contractor

Consultation and Information Disclosure

- **Consultations done at an early stage of assessment and continued at every stage of the project cycle**
- **Minutes of consultations / meetings are included in Annex of Due Diligence / LARP Report**
- **Copy of the LARP report is disclosed locally in English and Fijian and is made available at the World Bank's Info-Shop and ADB website**

Grievance Redress Mechanism (GRM)

Stage	Process	Duration
1	DP/Village head or traditional chief takes grievance to FRA's social impact manager	Any time
2	FRA's social impact manager reviews and finds solution to the problems in consultation with village head or traditional chief and relevant agencies	2 weeks
3	FRA's social impact manager reports back an outcome to village/traditional chief DP	1 week
If unresolved or not satisfied with the outcome by FRA's social impact manager		
4	DP/village head or traditional chief take grievance to FRA CEO	Within 2 weeks of receipt of decision in step 3
5	FRA CEO reviews and find a solution in coordination with relevant agencies	4 weeks
6	FRA CEO reports back the solution/ decision to DP/village head or tradition chief	1 week
If unresolved or at any stage if DP is not satisfied		
7	DP/village head or chief can take the matter to appropriate court	As per judicial system

Institutional Arrangements

FRA:

- **FRA as the implementing agency having overall responsibility of the project, including safeguards**
- **Ensures payment of compensation / assistance before any construction work starts**
- **Land valuation section is responsible for initial valuation, identification of owners / leaseholders and negotiation with land owners**
- **Responsible for overseeing and managing project execution including compliance on safeguards**

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Design and Supervision Consultant (DSC):

- **Ensure that safeguards are implemented as set out in the LARF**
- **Undertake safeguards assessment during feasibility study, ensuring that LARDD and LARP are prepared**
- **Supervises safeguards implementation, including implementation of relevant LARP activities**

Implementation Schedule

Table 4: Implementation Timeline/Schedule



Step	Activities	Responsible Agency	Timing
Prepare/Update LARP			
1	Confirm land requirements based on detailed engineering design of the bridges. Determine areas of land, which will fall outside the existing road reserve.	Consulting engineers	Month 1
2	Provide plans identifying areas to be acquired to DOL and TLBT	FRA	Month 1
3	Determine type of affected land tenure (<u>ITaukei</u> , leased, or freehold)	DOL & TLTB	Month 1
4	Determine numbers in <u>matagali</u> group, land owners and users affected (APs/DPs), and identify any vulnerable households through social assessment	DOL, TLTB, and FRA	Month 2
5	Conduct consultations with affected communities and agree on land acquisition	DOL, TLTB, FRA	Month 2; Ongoing
6	Obtain written consents from each landowning unit during consultation meeting	DOL & TLTB	Month 3-4
7	Cadastral survey of land if not previously done, and submission for land registration	DOL; FRA	Month 2
8	Conduct titles/leases search in Government titles registration office for affected land ownership	DOL and FRA	Month 2
9	Determine and mark areas for each land unit required	DOL and FRA	Month 2
10	Conduct inventory of losses – land, trees, crops and provide valuation for compensation	FRA, Valuation Division DOL & MAFF	Month 4 & 5

12	Negotiate compensation with land owners (<u>matagali</u>) or holders of Native Leases or freehold landowners	FRA, DOL & TLTB	Month 5
13	FRA submits the updated LARP for approval and uploading on the ADB and WB/ <u>Infoshop</u> website	FRA & ADB & WB	Month 6
LARP Implementation			
14	Execution of Sale and Purchase Agreement. Endorsed by TLTB.	FRA, DOL and TLTB	Month 5
15	Payment of compensation and allowances	DOL, FRA and TLTB	Month 6
16	DOL completes land transfers & registration	DOL	Month 7
17	FRA submits the Land Acquisition Completion Report to ADB and WB	FRA	Month 7
18	Award of civil works contract, clearance of land, and briefing of contractor on safeguards	FRA	Month 8
19	Commencement of civil works (contingent on compensation and allowances being paid)	FRA	Month 9
20	Final survey plan on completion of work; payment of adjusted compensation as required	FRA and DOL	Month 15
Monitoring			
21	FRA starts AP socio-economic monitoring	FRA	Month 12
22	FRA submits progress report to ADB and WB on implementation of the LARP	FRA	Six -monthly
23	FRA conducts post-project survey and final monitoring report	FRA	Month 16

Budget and Financing

Table 5: Estimated LAR Costs

Item	Cost (FJ\$)
Compensation for landowners	\$ 30,000
Compensation/assistance for land users	5,000
Sub-total	35,000
Income support for vulnerable people	2,000
Compensation for crops and trees:	2,667
Staff training	5,000
Costs of FRA activities related to updating and implementing LARP	25,000
Monitoring and Evaluation	10,000
Training, administration and survey costs	30,010
Contingencies 20%	13,535
Grand Total FJ\$:	123,212
USD equivalent:	66,411

Monitoring and Reporting

FRA to monitor:

- Compliance with the agreed policies and procedures for land acquisition
- Approval, allocation and disbursement of compensation payments to APs/ DPs
- Remedial actions, as required
- Submit semi-annual safeguards monitoring reports to ADB / WB

THANK YOU
FOR YOUR
TIME