

# Land Acquisition and Resettlement Plan

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January 2015

**FIJI:**

**Transport Infrastructure Investment Sector Project**

## **CURRENCY EQUIVALENTS**

(as of January 19, 2015)

Currency Unit - Fiji dollars  
 Fiji Dollar - (FJD)  
 FJD 1.00 = USD 0.501  
 USD = FJD 1.995

## **ABBREVIATIONS**

ADB	Asian Development Bank
ADRA	Adventist Development and Relief Agency
ALTA	Agricultural Landlord and Tenant Act
APs	Affected persons
CPP	Consultation and Participation Plan (for the project)
DOE	Department of Environment
DOL	Department of Lands and Survey (within Ministry of Lands and Mineral Resources)
DPs	Displaced persons
DSC	Design and supervision consultant
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
EA	Executing Agency
FPAL	Fiji Ports Authority Limited
FTIIP	Fiji Transport Infrastructure Investment Project
FRA	Fiji Roads Authority
GAP	Gender Action Plan
GOF	Government of Fiji
GRM	Grievance Redress Mechanism
HIV/AIDS	Human Immunodeficiency virus Infection / acquired immunodeficiency syndrome
IA	Implementing Agency
LARF	Land Acquisition and Resettlement Framework
LARP	Land Acquisition and Resettlement Plan
MAFF	Ministry of Agriculture, Forestry and Fisheries
MOU	Memorandum of understanding
MRMD	Ministry of Rural and Maritime Development and National Disaster Management
MWTPU	Ministry of Works, Transport and Public Utilities
NSS	National safeguards specialist (in DSC team)
SALA	State Acquisition of Lands Act
SPS	Safeguards Policy Statement (ADB 2009)
SSS	Social safeguards/resettlement specialist
TLTB	iTaukei Lands Trust Board
TIIP	Transport Infrastructure Investment Sector Project
WB	World Bank

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## A. Executive Summary

1. The proposed subproject under the Transport Infrastructure Investment Project plans to replace unsafe and damaged bridges along the Sigatoka Valley road, in the middle and upper sections of the valley. These are on a narrow unsealed dirt and gravel road, which is the single road access for many villages and agricultural communities in the interior of Viti Levu. Many parts of the road are subject to regular flooding from the Sigatoka River and its tributaries, and major bottlenecks commonly occur at bridges, which get overtopped and submerged during the floods.

2. The subproject at the Sigatoka Valley road that involves replacement of two bridges in Nodroga-Navosa province does not require the physical displacement of people or the removal of any structures. Only a very small amount of land will be required as the new bridges are replacements of existing ones, and will be built alongside them. Some of the land acquisition may be temporary to enable construction works to be undertaken, but other acquisition may have to be permanent to allow for realignment of the road leading to the new bridge. There is an estimated 1.6 hectares of land that needs to be acquired for the subproject on a permanent basis, and on this land a variety of crops are cultivated such as maize, tobacco, and kumala.

3. There are two different *mataqali* (clans) with an estimated 50 households consisting of 251 members that have customary iTaukei<sup>1</sup> ownership of the land in the local area of the two sites. However, only 20 households of displaced people (DPs)<sup>2</sup> will lose access to land they are using for productive purposes. Their loss is less than 10 percent of their total livelihood. As the subproject does not involve any significant resettlement impacts, it is categorized as Category B.

4. All households rely largely on subsistence agriculture, although there is some sale of surplus produce in local domestic markets in Sigatoka, Nadi and Suva. There are few waged employment opportunities, apart from some casual agricultural labour in the lower and middle parts of the valley. None of the respondents in a recent household survey were involved with artisan or handicraft production, and very few (5%) had paid jobs in the tourist industry or elsewhere.<sup>3</sup>

5. The acquisition of customary iTaukei land is not expected to impact significantly on the livelihoods and incomes of DPs. The size of the land acquisition is very small, and all DPs have access to other *mataqali* land to continue their livelihoods. In addition to compensation for affected land and assets, both women and men DPs may be able to benefit from project related waged employment.

6. DPs have been consulted during preparation of the subproject and the preparation of the Land Acquisition and Resettlement Plan (LARP). The Fiji Roads Authority (FRA) will further consult with affected communities and will undertake detailed land investigation reports with land administration authorities to update the LARP. The *mataqali* leaders and

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<sup>1</sup> The word used for indigenous Fijians, identifying their ethnicity.

<sup>2</sup> Terms of affected persons (APs) and DPs are used in this document interchangeably. APs/DPs are mainly those in the project context who will lose part of their land or assets on land (experiencing economic displacement), although they are not expected to be physically displaced.

<sup>3</sup> Socio-economic survey undertaken by the PPTA team for the ADB TIIP preparation work, July 2014.

members, including women, have expressed their support for the subproject during consultations undertaken as part of the project preparation.

7. This LARP has been prepared on the basis of the following legal and policy requirements: (i) the State Acquisition of Lands Act (SALA) of Fiji; (ii) the ADB Safeguard Policy Statement (SPS); (iii) World Bank Operational Procedures: Involuntary Resettlement (OP/BP 4.12) and (iv) the Land Acquisition and Resettlement Framework (LARF) for the Project.

8. FRA will allocate adequate resources to update, implement and monitor the LARP. It will ensure that (a) any land ownership issues are resolved before the commencement of any works that may have triggered land issues; (b) the LARP is updated based on detailed land investigation and valuation of assets in consultation with affected landowners; (c) adequate funds are allocated and disbursed to pay compensation for affected land and assets; and, (d) civil works will not commence before the LARP has been approved and land compensation paid in full.

9. The FRA will submit semi-annual report to ADB and WB on implementation of the LARP. It will also submit a subproject land acquisition completion report to ADB and WB once land compensation has been completed.

## **B. Project Description**

### **Sector Project**

10. The Project supports the Government of Fiji's (GOF) Roadmap for Democracy and Sustainable Socio-Economic Development, which emphasizes the lack of transport as a constraint for Fiji's economic and social development. It also responds to the requirements of the new 2013 Constitution of Fiji, which states that: "The state must take reasonable measures within its available resources to achieve the progressive realization of the right of every person to have reasonable access to transportation." (34(1)). The trade and economic development targets of the Tourism Development Plan and agricultural plans requires considerable growth in the coverage and quality of both the national road and sea route network. As approximately 55% (412,425)<sup>4</sup> of Fiji's population lives in the rural areas, and approximately 44% of rural people live in poverty, improving service delivery and income opportunities for the rural population is a key priority.

11. The impact of the Project will be improved access to markets, employment opportunities and social services. The outcome will be safer, efficient, resilient land and maritime transport infrastructure in the project area. There are two main outputs: (a) rehabilitated and climate resilient land and maritime transport infrastructure, and (b) efficient project management support and institutional strengthening. This relates to improving the capacity of Fiji transport agencies and related departments to manage bridge, roads, and jetty assets; and, also providing greater levels of accountability and transparency in safeguards, in particular, land acquisition and resettlement processes.

12. The sector project outputs comprise physical works including new infrastructure and/or the upgrading, renewal, rehabilitation and/or repair of public roads, bridges and/or rural

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<sup>4</sup> Fiji Bureau of Statistics, Census 2007.

maritime infrastructure in Fiji and non-physical works such as institutional strengthening and capacity building within the transport sector agencies.<sup>5</sup>

13. The nature of the sector project is that the types of activities to be undertaken and types of sub-projects to be implemented are known in general terms, but only a small number of sub-projects can be identified at the project preparation stage. Sub-projects will be included in the sector project provided they meet the selection criteria, including that subprojects do not involve significant land acquisition and resettlement impacts. The sample sub-project comprising two bridges have been prepared following the due diligence requirements and serve as an example. From a safeguards perspective, the sample subproject demonstrates application of the LARF and LARP.

### Sample Subproject

14. Sample sub-project is for repair or replacement of two bridges in the upper Sigatoka Valley, and therefore small amounts of land will need to be acquired, either temporarily or permanently. This is likely to be less than one hectare per bridge, as the bridges are replacing existing structures, and will not involve physical displacement as there are no houses or settlements on either site where construction work will take place. The limited land required is to enable realignment of roads with the new bridges or crossings. Preliminary assessment of bridges in 26 catchment areas, found that the Sigatoka bridges were recognized as high priority, and most had already been inspected and individually prioritized. The PPTA team inspected 16 bridges along the valley road and listed one as high priority, and three others as medium/high priority. Two of these were chosen for the sample sub-projects Narata bridge in the middle valley and Matawale crossing in the upper valley.

15. The upper catchment of the area is dependent on a single unsealed road for access, serving a rural population of approximately 7740<sup>6</sup>. The road follows the Sigatoka River which is on relatively flat land in its middle section, but quite hilly in the upper valley. The road is likely to be upgraded and sealed in future, but many of the bridges are sub-standard, unsafe, and subject to repeated flooding each year. Although the road lies in the dry zone of Viti Levu in an area known for its horticulture and agriculture, the mean annual rainfall is 1,900 mm much of which falls between January and April. Severe erosion, deforestation, and land degradation in the upper valley hills and mountains has led to an increase in flooding and sedimentation of rivers, which frequently cuts off road access at some river crossings.

16. Relevant details of the sub-project are in Table 1.

**Table 1: Details of condition of existing bridges**

Structure name	Bridge deck to river height(m)	Flood height from deck (m)	Significant Existing damage	Comments

<sup>5</sup> Public roads include national main roads (formerly main, secondary and country roads) and municipal roads under the responsibility of the Fiji Roads Authority (FRA), and rural roads under the Ministry of Rural and Maritime Development and National Disaster Management (MRMD). Rural maritime infrastructure includes Rural wharves and jetties, except the main port infrastructure under Fiji Ports Corporation Ltd (FPCL).

<sup>6</sup> Fiji Bureau of Statistics, Census 2007.

Narata bridge	5.14	Floods common – 1.0 m Peak - 2 m (every two years)	Beam corrosion. Pile caps damaged, south pier leaning 150mm downstream due to log impact.	2 m flood last year. Replacement crossing needs to take total flow due to approach road damming effects
Matawale crossing	1.30	Floods common - 1.2 m Peak – 2.5m	The whole crossing has settled and rotated upstream 200mm across deck. The last 6m of the crossing has collapsed.	It is likely that the complete crossing will collapse in the near future. High priority

17. Designs for replacement of these bridges/crossings will minimize land acquisition by replacing the bridge in the same site, i.e. constructing the new structure alongside the old bridge. For safety reasons the Narata bridge will need to be widened to two lanes. Further details of the bridges are shown below:

**Table 2: Dimensions and priority rating of bridges**

Bridge	Length (m)	Width (m)	Type	Distance from Sigatoka	Priority rating
Narata	26.35	3.4	Concrete deck, steel beam	23.4 km	Medium/High
Matawale	22.8	4.3	Multi-arch concrete culvert over old culvert	57.6	High

### **C. Scope of Land Acquisition and Resettlement**

#### **i. Sub-Project's Design and Land Acquisition Impacts**

18. The subproject does not require physical displacement of people. It will however need to acquire approximately 1.6 hectares of land (0.8 hectares per bridge based on estimates by the bridge design consultants as to how much land is part of the existing road corridor, and how much should be used as part of the Right of Way for the approach to each of the bridge sites). This land near the river is fertile alluvial soil and an important source of food security and income for 20 households of DPs who use the land to grow subsistence food and other cash crops. The deeper pools in the rivers are used for fishing, especially in times of high water. There are a total of 251 persons (Narata Village – 133; Matawale: Vatubalevu Village – 118) who as mataqali members claim customary ownership of the land to be acquired, but not all use the land. Because it does not involve any significant resettlement impacts, the subproject is categorized as Category B according to ADB's definitions.

19. The following table provides a breakdown of the land requirement and numbers of DPs of each of the bridge sites.

**Table 3: Scope of Land Acquisition**

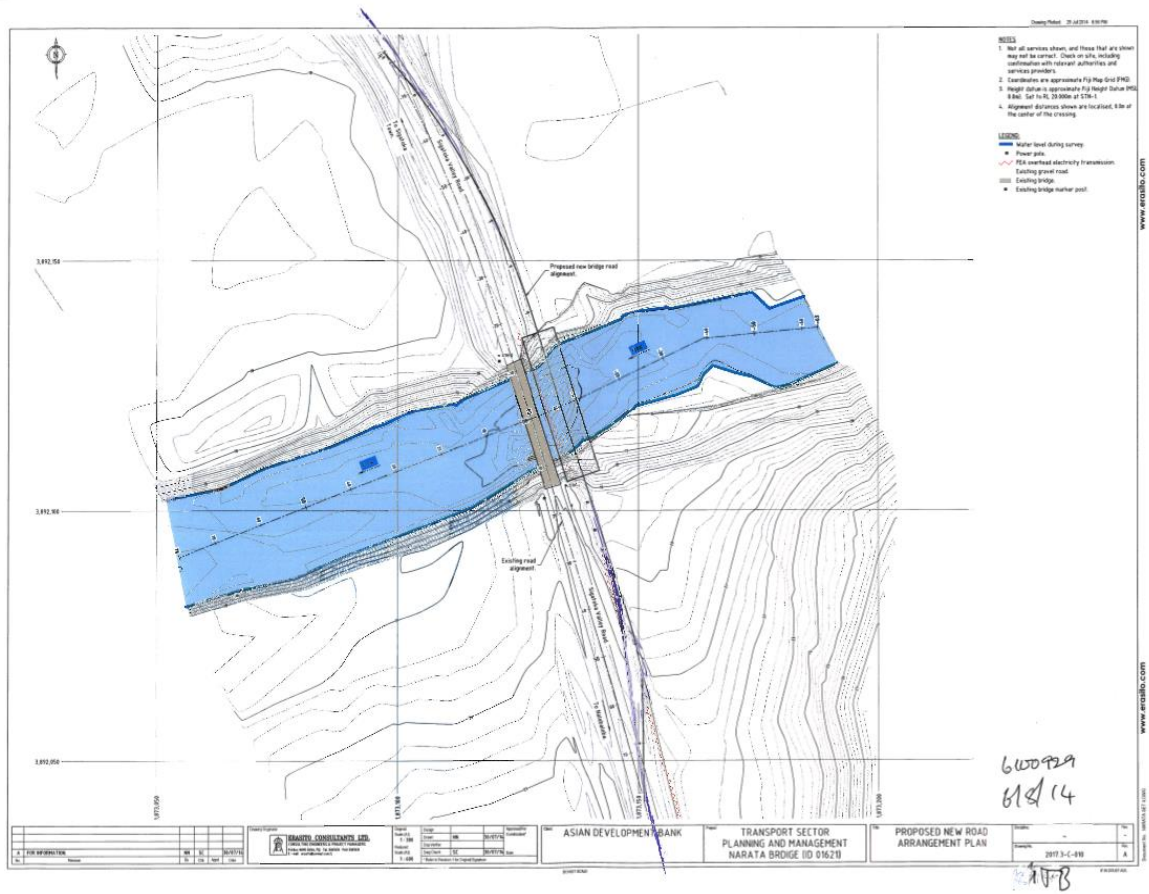
Bridge Name	Estimated land loss	Current land use	Location / District	Mataqali	Estimated No. of Mataqali members	Estimated No. of DPs directly losing assets (garden)	
						<10% Loss	>10% Loss
Narata	0.8 Ha	Maize, Tobacco, Rain trees	Waicoba	Nauwakula	133	101	0
Matawale	0.8 Ha	Maize, Vegetables, Cassava, Rain trees, Bananas	Naikoro	Nagudruvolili	118		0
<b>TOTAL</b>	<b>1.6 Ha</b>				<b>251</b>	<b>101</b>	<b>Nil</b>

20. The first bridge, Narata is in the middle valley, 23.4 km from Sigatoka, a narrow single lane (3.4 metre in width) concrete bridge with a flat deck but no footpath or hand railings. The bridge is dangerously narrow and has been the site of several serious accidents when vehicles went over the sides. The construction options are for either (a) a new bridge alongside which involves moving the road alignment or (b) a temporary crossing alongside and a new bridge constructed at the current location. The first option is preferred, as it would be cheaper and less disruptive to traffic. While repairs to the existing bridge at Narata are feasible and would be cheaper than a new bridge, they would not provide a good long-term safe solution for road users, as the narrow deck would remain and handrails cannot be added as the site is regularly flooded and the bridge overtops, so they would be broken off. The new bridge would be economic (10 per cent rate of return) and could be built with a separate footpath and handrails for pedestrians and horses. The proposed new design would mean that the bridge stays above all but the most exceptional floods. The land required for this solution is quite limited as it is an existing bridge site, and no persons would be physically displaced. The realigned road would require some farm and riverside *iTaukei* customary land owned by the Nauwakula *mataqali* (clan), and therefore a need to compensate for loss of assets and income sources.

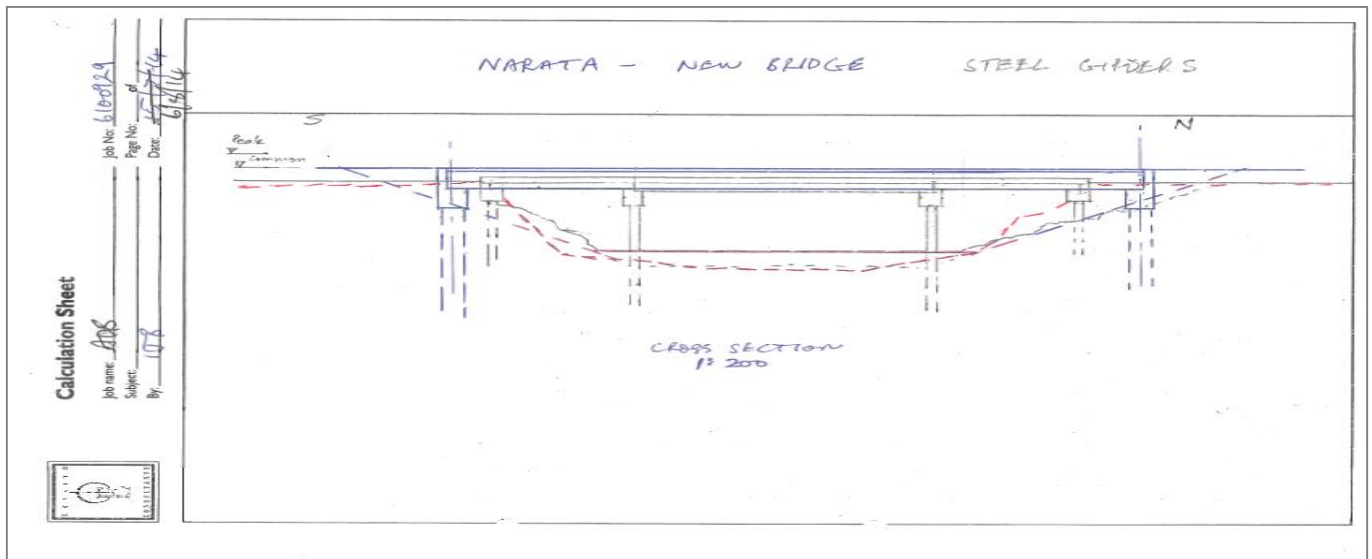
21. The new bridge will also necessitate the relocation of existing powerlines on the upstream side of the bridge and a small amount of land acquisition for the minor road realignment. Only minor vegetation removal immediately adjacent to the road approaches would be required with this option, with no immediate effects on communities and local species as there are no notable species in this area. Excavation and disposal of about 2,000 m<sup>3</sup> of spoil is likely to be required for embankments.



**Figure 1: Proposed new Narata bridge and road arrangement**



**Figure 2: Cross section of proposed new Narata bridge with steel girders**



22. The second bridge is at Matawale in the upper valley, 57.6 km from Sigatoka, past the district headquarter at Keiyasi. It is not actually a bridge but an Irish crossing, or causeway. In a 32 year period the crossing has been washed away and rebuilt three times. High levels of debris and logs accumulate on the crossing during floods.

23. The Matawale crossing poses a problem, as it will be expensive to replace the causeway with a bridge (rather than another Irish crossing), which the local communities desperately want. The case for a bridge is that the crossing is on the main access road to and from Keiyasi (the district headquarters) for the remaining part of the upper valley, which is 25 km in length, with approximately ten villages, as well as being used by 14 East bank villages. The crossing is regularly overtopped and damaged in flood events, leaving many people stranded on the other side, and unable to reach health services, or schools. The Namataku Central Primary school principal estimated that in one term this year, out of 265 pupils enrolled, up to 90 pupils had lost at least 10 days of schooling, because the buses that bring them could not run, due to the flooding at the river crossings. This affects primary children from Nasaudoko, Vatabalavu, Wema, and Draiba, and, in the case of secondary students at Navosa Central College (roll 244), many other villages further up the valley as pupils come from a radius of 40 km to attend the school. Eighty are boarding students who go home at weekends.

24. The options here are to construct either (a) a new Irish crossing on the existing site or immediately alongside, or (b) a higher level bridge at the same site or alongside, or (c) a new bridge at an alternative site about 130m upstream, all indicated on the drawing in Figure 3. The last option (c), which involves moving the site of the bridge, is considered too expensive and it would also require more land as a new site, so it has been ruled out. A new bridge at the existing crossing site is the preferred option for local people, but would probably not meet the economic threshold requirements for ADB funding, as it would need to be constructed above peak flow levels to span flood flows. So the likely design will be a reconstruction of the Irish crossing, which is currently in bad condition.

25. The land acquisition needs at Matawale will be quite small, as the crossing or bridge will be built alongside the existing one, and the road will only need to be slightly realigned. The area is hilly, with the road descending steeply on both sides of the river. There is only a small amount of iTaukei farmland on alluvial strips along the riverside. Economic losses of income generation and crops mean that compensation will be needed, but no one will be physically displaced by these bridge improvements.

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Figure 4: New Irish crossing proposed for Matawale – Option (a)

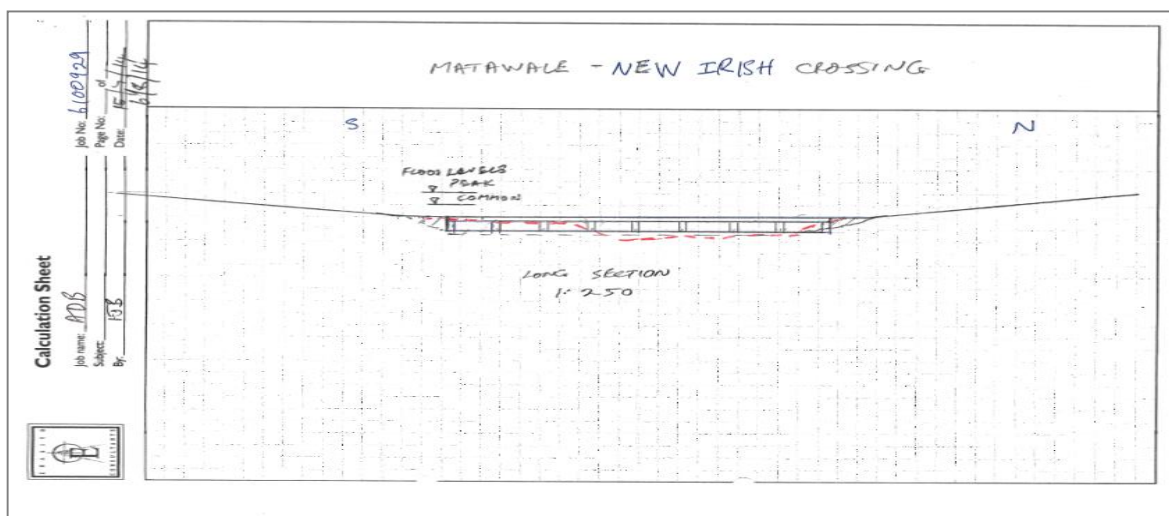
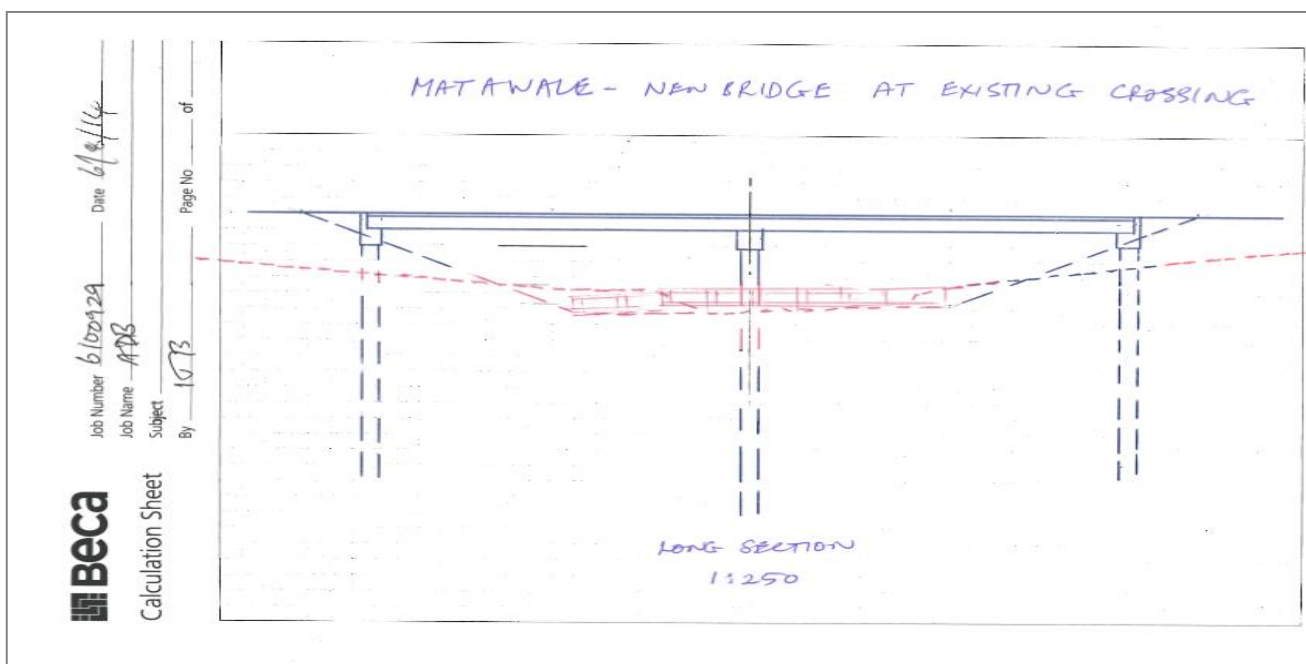


Figure 5: Cross section of new Matawale bridge - possible alternative: Option (b)



### iii Effects of Land Acquisition

26. The iTaukei land at the bridge sites is used mainly for the cultivation of food crops, but there are a few other large trees that may be used for shade, timber or firewood. The exact extent of loss of land and other productive assets by each individual household is not currently available, although preliminary estimates have been made. Investigations during detailed design will establish which households are actually using the land at each of the bridge sites.

27. Some land will need to be acquired on a temporary basis by the contractor for the construction office, soil and water testing, worker accommodation, and storage of hand-tools and construction vehicles. At this stage it is unknown how much land contractors will need on a temporary basis but it is expected to be less than one hectare. This is less of an issue than the permanent acquisition of land because the land will be returned to the customary owners; what leasing or rental fee the contractor will pay and the modality under which it will be paid to the customary landowners will be agreed between those two parties during implementation.

## D. Socioeconomic Information and Profile

### i. Demographic Features of Subproject Area

28. The Sigatoka Valley lies within the province of Nadroga-Navosa, with the provincial administrative capital at Sigatoka near the mouth of the river, and a district-subcentre based at Keiyasi in the upper valley. In the area of the sub-projects above Narewa on the west bank of the river, there are about 50 villages dependent on Sigatoka Valley Road for vehicular access, including a few villages on the east bank of the Sigatoka, accessed by the Draubuta Crossing. While most villages are situated along the Sigatoka Valley Road itself, near the river, on flat or undulating land, a number are located on side roads and are situated in remote hilltop locations. Villages range in size from 10 to 83 houses, with up to 350 people, and most are quite compact and nucleated. There are also some other settlements with scattered households living on their farms.

29. The total catchment population of the Sigatoka Valley from the intersection with Dreke Road (just before Narata village) is estimated to be around 7,500 people, based on the 2007 population census enumeration area data and allowing for growth of 3.8% between 2007 and 2014. The catchment population above Tuvu is estimated to be 4,750 and above the Draiba Crossing at Namada River, it is around 2,500 people, living in 13 villages.

30. The total population of the Sigatoka valley, above the main traffic count station at Nacocolevu (close to the Agricultural Station) was recorded as 7740 in the 2007 census. (See Table 4). Allowing for growth, this is now estimated to be around 9,850, of which, 76% live beyond the end of the existing sealed section of the road, (which ends a few kilometres before Narata). The iTaukei make up nearly 70 percent of the valley population, and Indo-Fijians 29 percent, with just a few Rotuman and others making up the rest. Most of the Indo-Fijians live on leased or freehold land in the lower part of the valley, typically on their farms or in settlements, while iTaukei live in villages.

**Table 4: Total population of the west bank of Sigatoka valley, 2007 census**

#### Population Statistics:

Fiji Bureau of Statistics

Valley population

	<i>Total</i>		<i>Male</i>		<i>Female</i>	
<b>Total Population</b>	<b>7740</b>		<b>3919</b>	<b>50.6%</b>	<b>3821</b>	<b>49.4%</b>
<b>Under 25</b>	659	8.5%	345	8.8%	314	8.2%

<b>Ethnicity</b>							
	<i>Fijian</i>	5403	69.8%				
	<i>Indian</i>	2282	29.5%				
	<i>Rotuman</i>	21	0.3%				
	<i>Other</i>	34	0.4%				
<b>Schooling</b>							
	<i>Primary</i>	2277	29.4%	1191	30.4%	1086	28.4%
	<i>Secondary</i>	4023	52.0%	2032	51.8%	1992	52.1%
	<i>Tertiary</i>	229	3.0%	159	4.1%	140	3.7%
	<i>Other</i>	1141	14.7%	537	13.7%	604	15.8%
<b>Employment</b>							
	<i>Money - work</i>	978	12.6%	709	18.1%	269	7.0%
	<i>Money &amp; sale of produce</i>	354	4.6%	295	7.5%	59	1.5%
	<i>Subsistence only</i>	635	8.2%	270	6.9%	365	9.6%
	<i>Unemployed &amp; subsistence</i>	680	8.8%	370	9.4%	310	8.1%
	<i>Unemployed/looking for work</i>	266	3.4%	146	3.7%	120	3.1%
	<i>Economically Active</i>	3037	39.2%	1965	50.1%	1072	28.1%
	<i>Not Economically Active</i>	4437	57.3%	1808	46.1%	2629	68.8%

## ii. Socio-economic Information of Affected People

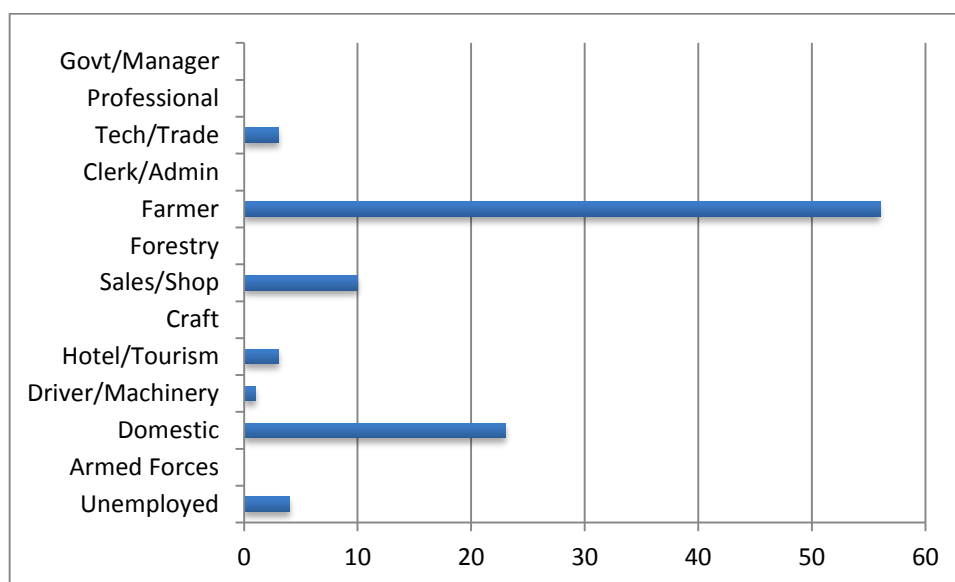
31. **Population.** While the exact number of affected persons at the bridge sites is not yet known, as a census is yet to be done, those directly affected by loss of land, food gardens and cash crops are indigenous iTaukei Fijians belonging to two mataqali (from Narata village and Vatubalava) who own the land on both sides of the bridges. A socio-economic survey of 78 households was undertaken covering (i) two villages and one settlement near the Narata bridge (Narata village, Rararua village, and the settlement along Nabaka Road), and two villages near Matawale Crossing (Wema and Vatubalava).<sup>7</sup>

The survey found that the median household size was 5 members, five households having more than ten members, and the smallest household consisting of two members. The median number of dependents in a household was two: 51 out of 78 households had four or less non-earning dependents, while 12 households had five or more dependents. 52 children from 78 households were attending school or some other educational facility.

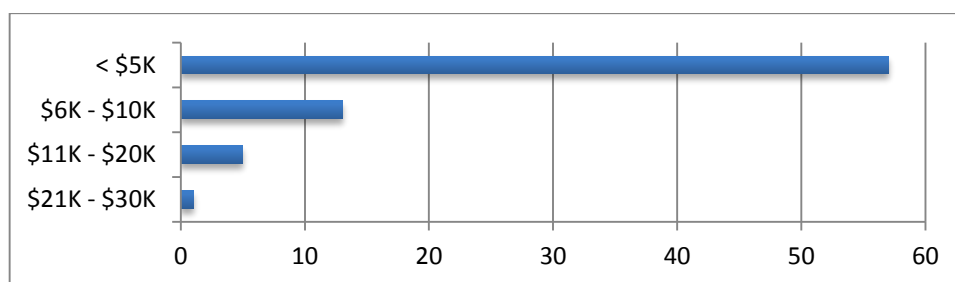
32. In terms of ethnicity, of 78 householders interviewed in the five villages and settlements, 73 were iTaukei, and 5 were Indo-Fijians. Of these, 73 were Christians, and 5 Hindus. The survey interviewed 42 men and 36 women between the ages of 20 and 80.

<sup>7</sup> Although iTaukei landowner clans at subproject sites are expected at 50 households, 78 households were interviewed covering all local settlements because the confirmation of actual boundary of affected land and their landowners or users can be finalized only after the detailed design. The current data provide baseline information for both potential DPs as well as non-DP households at the subproject sites. The socio-economic information will be updated while updating the LARP during the implementation.

33. **Occupation and income:** Most survey participants were farmers, although some had multiple occupations, working as market vendors, running small canteens from their houses, working in hotels, or doing domestic work. The graph below shows the spread of occupations of people interviewed in the household survey:

**Figure 6: Occupations of interviewed householders**

34. Findings of the survey showed that most people were smallholder vegetable and tobacco farmers, (some also owned livestock) working 1-5 acres of land with family labour, or for large agricultural tasks, communal working parties. The average income was reported as very low, most earning below Fiji\$5,000 per annum, though this is likely to be an underestimate, as most people do not keep records of their income and expenditure, and may have been reluctant to reveal personal information. What is known is that 44 of 78 participants in the survey (55%) reported that their income did not always cover their costs, as incomes fluctuated over the year, depending on the commodity prices they received for produce in the off- and on-season. There is also quite a large amount spent on contributions to churches or on other traditional social obligations. Village safety nets based on kinship networks, loans, and remittances from families were apparently used to cover short-term deficits. Other research in the valley has confirmed that the average annual household income in the middle valley is Fiji\$5,000 - Fiji\$15,000<sup>8</sup>. This is roughly in line with the national average annual income for a rural household which in 2009 was around Fiji\$11,600.<sup>9</sup>

**Figure 7: Annual combined household income (self reported; Fiji\$)**

35. However, in the upper valley, the Ministry of Agriculture, Forestry and Fisheries (MAFF) at Keiyasi reported that yanqona is increasingly being grown in the moist valley niches and marketed for Fiji \$150 per kilo, bringing incomes of between Fiji \$10-40,000 per annum to

<sup>8</sup> Fink, Anna, 2013, Vegetable production, postharvest handling and marketing in Fiji, AVRDC, p.3.

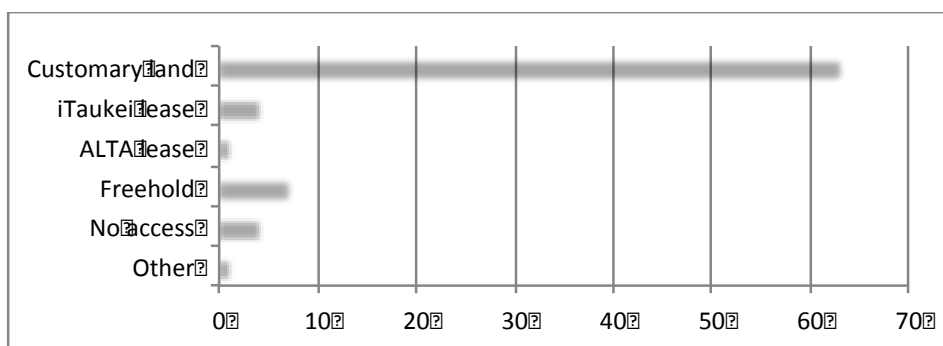
<sup>9</sup> Fiji Bureau of Statistics, Household Income and Expenditure, June 2012.



some farmers. The MAFF officers report that a survey of vegetable farmers showed incomes of between Fiji \$7,000 00 Fiji \$15,000 per annum, with farmers in the upper valley growing mainly root crops and livestock, (mainly goats and cattle) while those on the fertile alluvial soils in the mid to lower valley, growing ‘softer’ vegetables such as tomatoes, cucumbers, and pawpaw, which are too difficult to transport on the poor roads of the upper valley, as the produce is bruised by rough roads. It is expected that improvements in the transport infrastructure will increase incomes in the more disadvantaged areas.

**Land ownership:** Most participants in the household survey farmed on *mataqali* land under customary tenure (63/78).<sup>10</sup> Four had iTaukei leases, one held an ALTA lease<sup>11</sup>, seven used freehold land (mainly Indo-Fijians at Nabaka), and four had no access to land. (See Figure 8).

**Figure 8: Land tenure**



Since the amount of land needed for the two bridge projects is insignificant, there will be minimal impacts on landowners and users.

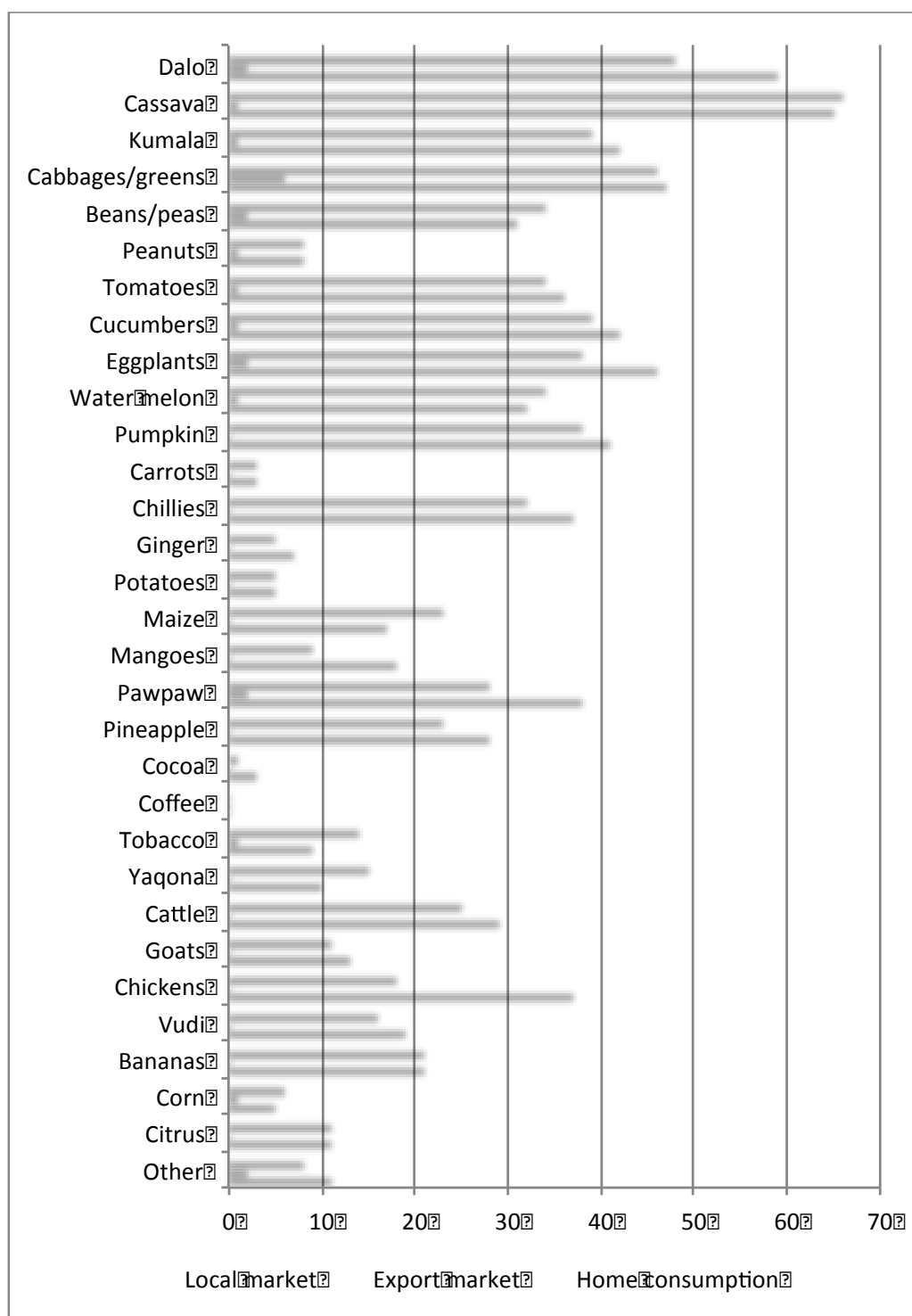
**36. Crops and Livestock:** The most common crops grown, and their use for domestic sale, export markets, or home consumption are shown in Figure 9. Many farmers depend heavily on subsistence crops for their livelihoods, and very few sell for export. If there is a surplus, farmers sell at domestic markets in Sigatoka, Suva or Nadi. Surprisingly, there are no fresh produce markets along the valley road, (although ADRA plan to open a collection centre for marketing produce) and people selling their crops must either sell to middlemen, another vendor, or take the crops to market themselves. The majority of farmers reported selling produce directly themselves, except in the case of tobacco and livestock sales, where

<sup>10</sup> About 90% percent of land in Fiji is iTaukei customary land owned by the *mataqali* or clan unit. This land is inalienable, (except by the State solely for public purposes) and cannot be sold on the open market, remaining as property of the landowning unit. iTaukei land is available for use by lease agreement unless it is categorised as ‘reserve’. The iTaukei Land and Fisheries Commissions (TLFC) appointed under the iTaukei Land Act have defined ownership boundaries on the ground, and in most cases they have been surveyed. Leases are managed by the iTaukei Land Trust Board (TLTB) and can vary from 30 years for agricultural purposes up to 99 years for most other uses including residential, commercial and industrial leases.

<sup>11</sup> Agricultural Landlord and Tenant Act (ALTA) deals with leases of agricultural land larger than one hectare that are not on iTaukei reserve land. They have a minimum length of 30 years, but this usually operates as a maximum, and conditions are more restrictive than on usual leases managed in the TLTB system (e.g. rents must not exceed 6% of the unimproved commercial value of the land). Many of these have not been renewed for this reason, as rents are seen as unrealistically low, leading to dislocation and emigration of many Indo-Fijian communities. (Source: Dodd, Martin, 2012, *Reform of Leasing Regimes for Customary Land in Fiji*, LLB Honours dissertation, Faculty of Law, University of Otago, NZ, p.21)

middlemen buy the produce. Market prices are linked to supply in domestic markets with prices falling in period of high supply (the cool dry months), and rising in the wetter months.

**Figure 9: Crops and livestock produced in the mid and upper Sigatoka Valley**

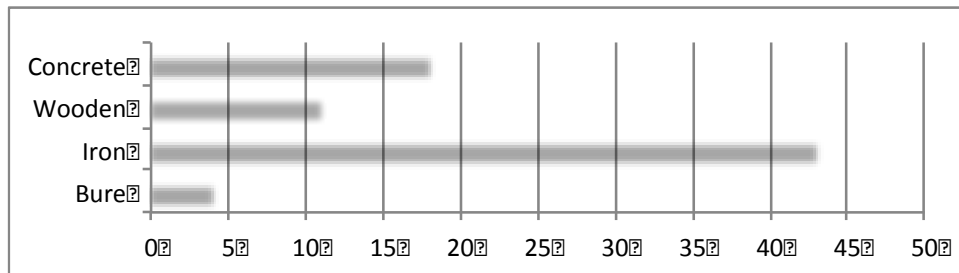


37. The sub-project is likely to have few negative impacts on the agricultural production in the valley. In fact, most farmers thought it would improve their ability to harvest and market

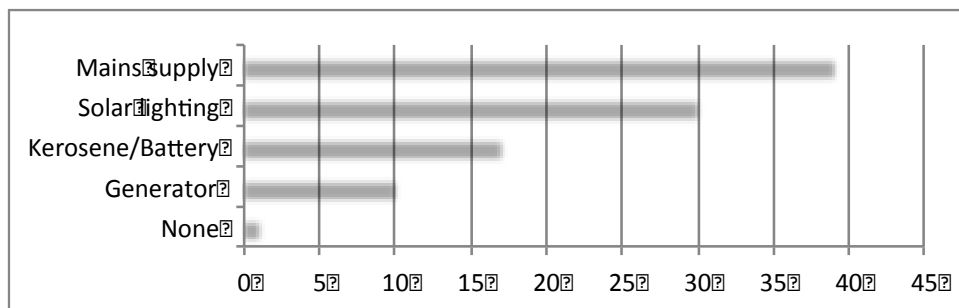
efficiently and in a timely manner, if they could rely on bridges being passable. DPs who may lose a small amount of land at the sites, will have access to other *mataqali* land, and will not lose more than 10 percent of their income or livelihoods.

**38. Housing and access to utilities:** The standard of living of valley residents can also be measured by the condition of their housing, water supply, sanitation, and access to electricity and phone networks. The household survey reveals that those in the middle valley are better off than those in more remote locations, because the rural mains electricity supply has reached their villages, and most can access the mobile phone networks. This is not true of the upper valley villages, which still rely on small solar powered lights, battery torches, or kerosene lamps for lighting, apart from the few who own generators. There is no mobile phone coverage for most of the upper valley. Although some families used bottled gas or kerosene stoves for cooking, by far the majority relied on firewood, cooking over an open fire. Piped water supplies have been installed in many villages, but often are not working properly for lack of maintenance. The following graphs show the findings of the household survey in terms of housing and access to utilities:

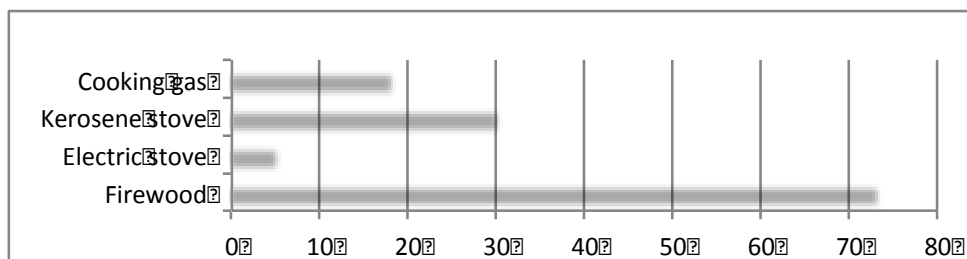
**Figure 10: Type of housing**

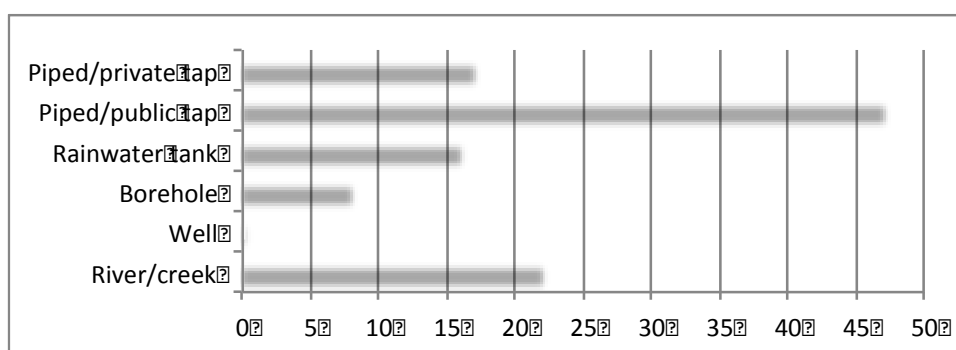
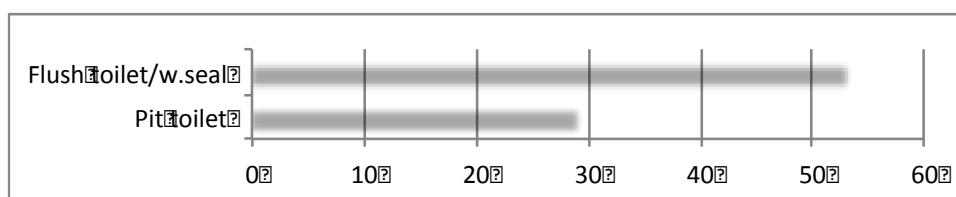


**Figure 11: Access to electricity**



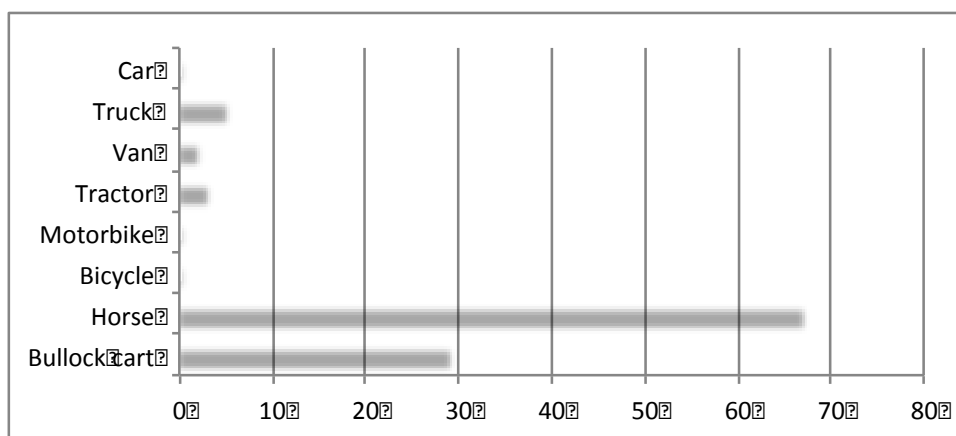
**Figure 12: Household cooking fuel**



**Figure 13: Access to clean water<sup>12</sup>****Figure 14: Sanitation**

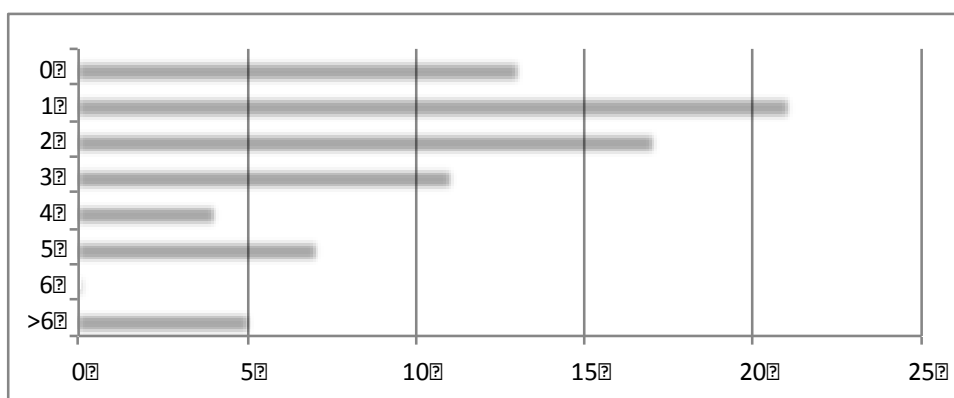
39. The household survey revealed the depth of poverty and hardship in rural Fiji, and showed the need for improved infrastructure and better access to public utilities.

40. **Access to public services:** There are few motor vehicles in the villages, and most trucks serving the area, are not owned by villagers themselves. Seven-ton trucks with seating installed along the sides of the deck, and a plastic or canvas cover, are the main form of motorized transport used to carry people to schools, markets, or services. However, the dominant mode of transport for everyday life is walking or by horse. Most farmers have no access to mechanized farm machinery and all work is done by hand or using pairs of bullock teams. Bullocks and sledges are also commonly used to transport water from the creeks and rivers to the village. The transport situation is shown below:

**Figure 15: Ownership of vehicles / means of transport**

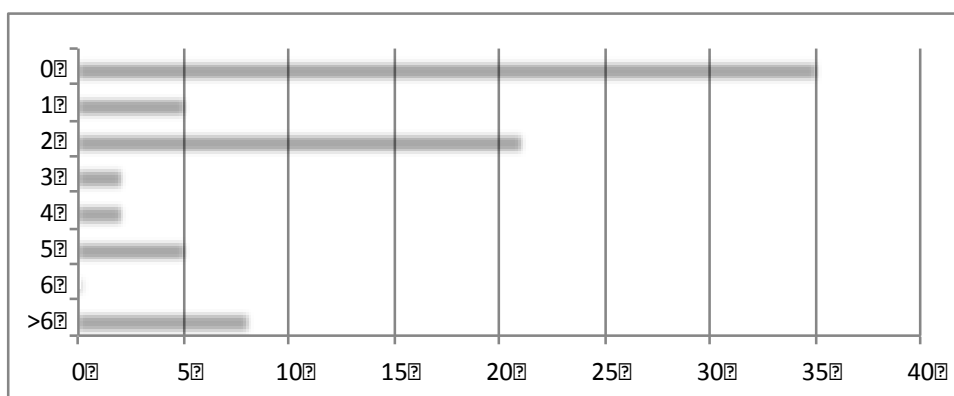
<sup>12</sup> Public tap – means a communal water supply, usually a gravity-fed system with pipes running from a spring or creek in the hills, to a central place in the village, often constructed by villagers themselves

**Figure 16: Number of horses owned**



41. It is significant that although residents of the valley were concerned about improving the road for vehicular transport, they did not mention the lack of provision for animal transport, when it was the mode most used. It is common to see farmers and their children frantically pulling their horses into the roadside vegetation to escape the path of trucks and vans travelling at speed. Only at Narata, was the need for a separate walkway on the bridge for animals and people mentioned. Improvements to this bridge will have a very positive impact for those travelling on horseback, or using oxen and sledges.

**Figure 17: Number of oxen/bullocks owned**



#### **i. Education**

42. There are several primary and secondary schools in the middle and upper Sigatoka Valley, some serving villages on both west and east banks:

- Rukuruku district School, Ba Province (on the opposite bank of the Naqatalita Creek from Narata) Roll: 110
- Nabaka Primary School, Roll: 85
- Raunitogo Primary School. Roll: 90
- Naqalimare District School, Roll 198
- Sigatoka Valley Junior Secondary School (at Naviago)
- Bemana District School (near Nalebaleba)
- Bemana Catholic Junior Secondary School (east bank)
- Bemana Catholic Primary School (east bank), Roll: 195

- Novosa Central College at Keiyasi/Navatumali Roll: 244
- Namataku Primary School at Keiyasi, Roll: 265
- Nelson Palmer SDA Primary School, Waiyala (east bank), Roll: 172
- Nasikawa District School at Korovou, Roll: 72
- Vatutoko Bainimarama Primary School, (Nasikawa) Roll: 94
- Vakacereivalu Memorial School, Roll 45
- Noikoro District School at Nukuilau, Roll: 222

43. The project's effects on education are likely to be entirely positive. One of the biggest problems children have is travelling to school safely, and being able to get there in wet weather when the bridges may be flooded.

## ii. Health

44. The main hospital for the region is at Sigatoka. The other health services in the valley are nursing stations with just one nurse each, and the Keiyasi Health Centre, which has three nurses, a doctor, and two dental therapists. The facilities are:

- Loma Nursing Station: This covers a total population of 3,274 (1600 iTaukei, 1630 Indo-Fijians and 44 others). They see 162 out patients per month with patients coming from Bilalevu, Waicoba, Nadruri, Naqalimere, Natava, Dreke and Mavua
- Naqalimare Nursing Station: 3500 catchment area, with people coming from Baqalimere, Sautabu, Naviago, Toga, Vunicoro, Tawtawgi, Rararua, Narata, Nabaka and Siminlaya. They see 247 out patients per month.
- Tuvu Nursing Station
- Keiyasi Health Centre: Responsible for all villages in the upper valley beyond Keiyasi. Health staff estimated the population in this catchment area using the centre to be 7,486, and patients come from all five zones in the valley. The centre has a new building with a delivery room and 16 beds.
- Nukuilau Nursing Station
- Wanosi Nursing Station

iii. **Extension services:** Agricultural extension services are run from Keiyasi station (for the upper valley), Dubalevu (for the middle valley), and Sigatoka Agricultural Research Station at Nacocolevu for the lower valley, but which also provides support services, training, research and supervision to the smaller extension services. The Agricultural Department said that improvements in roads and bridges in the area would be of great benefit to farmers who currently waste produce post-harvest, because of an inability to get goods to market, or because the roughness of the roads damages the produce.

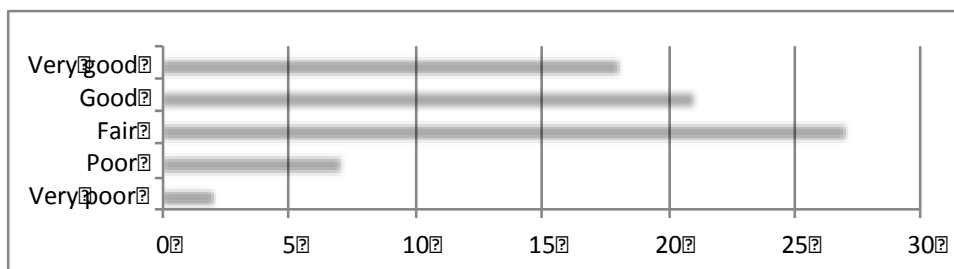
## iii Project's impacts on Poor and Vulnerable Groups

45. The customary kinship and exchange systems of rural Fijians still function to maintain a strongly egalitarian society where basic needs are well met in most places, without significant government input. The first road from Sigatoka to Keiyasi was completed about 1956, and brought a revolution in the lives of Fijian villagers, bringing with it new ideas and innovations in farming. Improvements to bridges are likely to produce much less dramatic results, but may still be significant for the poorer families in the valley, allowing them to earn more cash income. At the moment, many of the poor rely on their subsistence agriculture,

together with fishing and collection of wild foods for livelihoods. It is important that poorer families still have access to rivers and creeks for fishing, but any disruptions during construction were considered to be temporary. Some women also expressed concerns that they should still be able to access the creeks near the bridges for clothes washing, as most do not have piped water in their homes. The mitigating measure will be taken in subproject design to assist women, such as building concrete steps down the side of the new bridge structures to enable women to safely and easily reach the pools and rocks where they do the family washing, and where appropriate, installing concrete tubs. This will have a significant impact in making the daily domestic burden for women, less tiring and onerous.

46. The household survey asked participants to rate their own standard of living. Their perceptions are interesting, in that they rarely correlated directly with the level of services in the village. The household survey did not reveal any significantly vulnerable households, apart from one family with a severely physically disabled child who had no wheelchair and no proper means of transporting him to health or education facilities. There were no significant differences in the poverty level between different ethnicities, and other poverty research confirms that this is not an issue.<sup>13</sup> Indigenous Fijians are the main ethnic group at project sites and they are in no way disadvantaged or discriminated against in the Fijian context. No special measures are needed in dealing with indigenous groups.

**Figure 18: Respondents' view of their standard of living**



47. The current socio-economic survey has not revealed the existence of vulnerable households, but some DPs might be identified as vulnerable during the detailed survey or project implementation. For instance, there might be concerns around the possibility of the increased transmission of HIV/AIDS and/or and increased road traffic accidents within the project areas but mitigation measures for this are suggested elsewhere including in the ESMP. A principle that the LARP will adopt is that if vulnerable groups have been or will be identified by social assessment during preparation or implementation, then the project will include necessary measures, including priority for waged employment on the project.

#### **iv Gender and Land Acquisition impacts**

48. Women in separate discussions said that men can sometimes be fiscally irresponsible and a few are verbally and physically abusive to their wives and other household members. Other traditional social norms are used to discourage such forms of violence but they still

<sup>13</sup> See Narsey, Wadan, 2008 The Quantitative Analysis of Poverty in Fiji, Fiji Bureau of Statistics and University of South Pacific, where the poorest were identified as rural groups dependent on subsistence income

exist in communities. To ensure payment of compensation monies does not exacerbate such problems, such payments will be provided to both men and women.

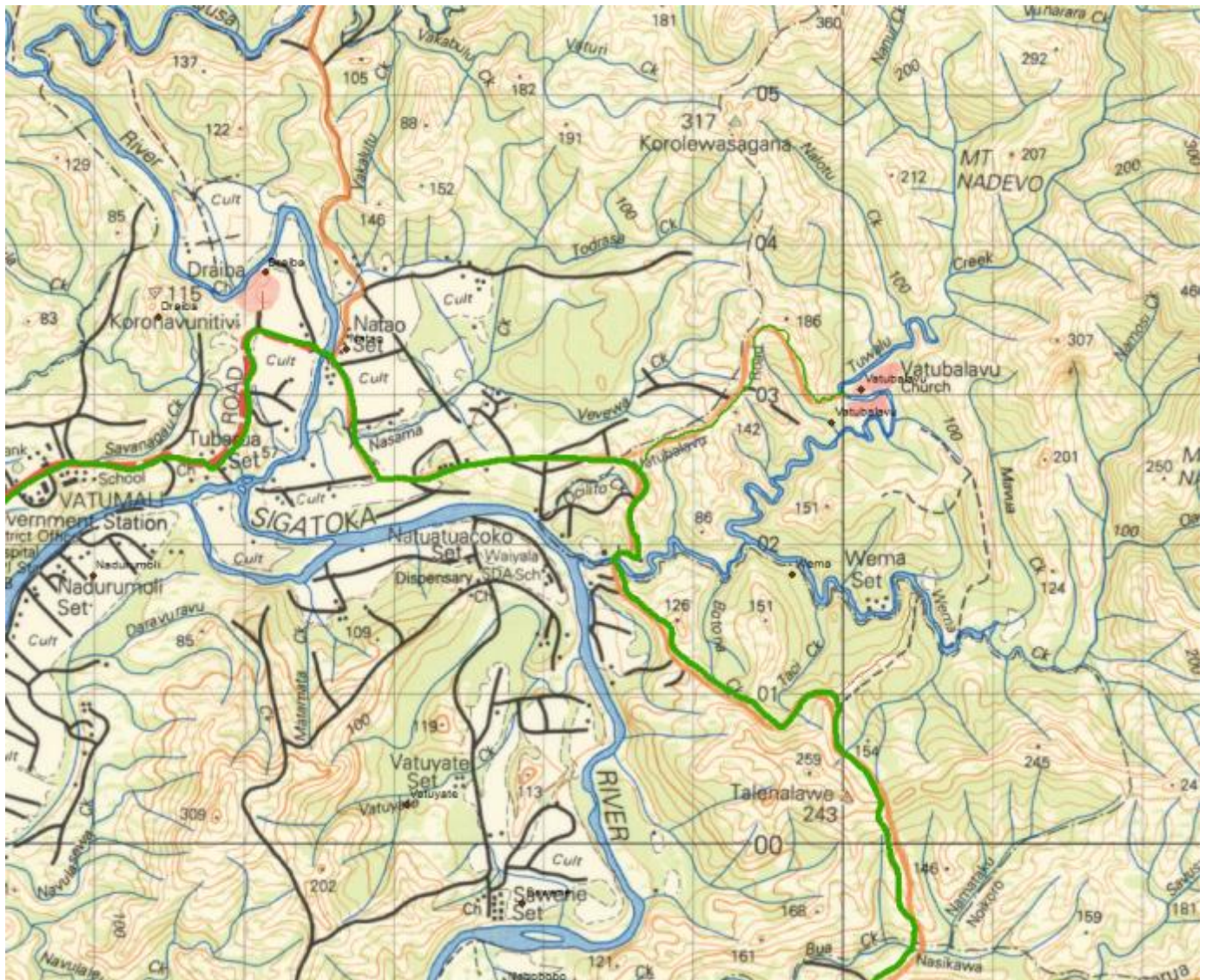
49. Males in the subproject area tend to dominate membership of village-level organisations, apart from the churches, which support women's groups. While women usually confirm that men are considered to be household heads and clan leaders, women from chiefly families do exert considerable influence. Women do not want to overturn existing structures of decision-making, but would welcome the opportunity to have their voices heard more openly in regard to project decisions during implementation. While women are mindful of the social risks that improved transport infrastructure may bring, they see the subproject as a positive activity, where any risks can be managed. The project's gender action plan (GAP) addresses the project's gender issues in more detail.

**Figure 19: Map of the middle Sigatoka Valley showing the villages of Narata and Rararua near the proposed new bridge on the Naqatalita Creek**



**Figure 20: Map of the upper Sigatoka Valley showing the crossing of Matawale to the west of Vatubalavu and Wema villages**



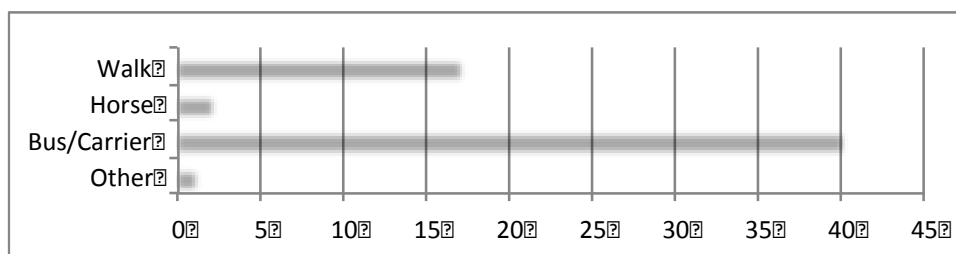


## E. Information Disclosure, Consultation, and Participation

### i. Project Stakeholders

29. The primary stakeholders of this subproject are the customary landowners and users of land at the two bridge sites whose land will be acquired as part of the realignment of roads to construct these new bridges. Other people in the community, and communities using the bridges, have an interest in the subproject which is to enhance greater levels of connectivity to stimulate a growth in goods and services, including local income generation activities that they can benefit from. But communities also wish to improve road safety for Non-Motorized Transport Users (NMTs), especially school-aged children, women and the elderly. School children in particular, are quite frequently unable to travel to school because of the condition of the bridges, causing them to miss crucial classes and disrupting their studies. Communities have an interest in being able to access health services at all times, and in particular women who need to deliver their babies in the provincial hospital or health centre.

**Figure 21: Children's mode of travel to school**



Source: TIIP Household survey, July 2014

30. Other stakeholders are the local, district, provincial and national governments and civil society groups. The interests of the Government of Fiji (GoF) and community representatives are in the timely implementation of this sub-project without land acquisition issues standing in the way of the sub-project actually being implemented. Whereas the interests of civil society groups, while broadly developmental in nature, are also interested in ensuring that safeguard policy and procedures are carried out as transparently as possible and no one is disadvantaged as result of the land or resettlement processes. NGOs such as ADRA, the Seventh Day Adventist development agency depend on good roads to access rural communities. ADRA has an office in Keiyasi and operates a WASH programme to improve water supplies and sanitation (following an outbreak of cholera in 2009), and are also launching a livelihoods project to build a collection centre in Keiyasi to market the produce of local farmers, aimed at cutting out middlemen and moving farmers into commercial farming.

## ii. Consultation and Participation Mechanisms

31. A variety of consultation and participation mechanisms have been utilized to prepare this LARP. Village based consultation meetings involving both women and men from all *mataqali* living in the village were facilitated by the TA consultants acting on behalf of the FRA together with the representatives of the Provincial Council. (Other government officers from the Department of Environment, Rural Local Authority, and Provincial Administration were invited but unable to participate). The Project/subproject was introduced to meeting participants, the probable positive and possible negative impacts explained, and land acquisition and other resettlement-based issues introduced. Most of the consultations were undertaken in the Fijian vernacular, or were translated from English into the valley dialect. Household interviews with Indo-Fijians were held in Hindi. Participants at the meeting were afforded the opportunity to discuss among themselves and with the consultants and Provincial Council staff, issues that concerned them, and to ensure women could make their voices heard the TA Social and Poverty Specialist had small group discussions with women in attendance at the village meeting, or with leaders of the women's group in the village. No specific gender impacts were noted. Women are strongly supportive of the project believing that bridge upgrading will promote social and economic development, generate income earning opportunities and improve the health of their children by making their trips to school safer.

32. An important participation mechanism was to ensure consultations were undertaken at venues and times that would not disadvantage women. Where it was inconvenient for women to attend the community meetings or DP meetings because of childcare responsibilities or caring for the sick and elderly, the TA Consultant visited women in their homes.

## iii. Activities Undertaken to Disseminate Project's Land Acquisition and

## **Resettlement Information**

33. The main methods of consultation and disclosure were:

- facilitated village consultation meetings. (Minutes are provided in Annex One)
- key informant interviews with community leaders and government staff (such as teachers, nurses, and agricultural staff).
- one-to-one household interviews conducted by a team of trained research assistants from the University of Suva undertaking a socio-economic survey.
- informal discussions with passers-by and road users near the bridges.
- a draft brochure describing the project.

Some of the village meetings led on to kava ceremonies where male leaders of the community gave their views on the project and provided information about the village. More ad hoc informal discussions took place with road users in trips up and down the valley road. At all village meetings there was disclosure of project information and a briefing leaflet was distributed which contained information about implementation arrangements, environmental impacts and safeguards, land acquisition/compensation and grievance redress arrangements. Copies were also given to the main government provincial agencies in Sigatoka. This brochure will be updated before implementation starts to provide more information on entitlements.

### **iv. Results of Consultations with Affected People**

34. All communities were strongly supportive of the project because they are interested to see improved transport connectivity. The main concerns of communities were found to be about the type of bridges planned, rather than the project per se, e.g. one or two lane bridge, Irish crossing or bridge. Many were worried that inadequate structures would replace existing ones, and that the problems they face would continue. They felt strongly that if the government is serious about poverty alleviation, they needed to build bridges fit for purpose for all but the most exceptional of floods, rather than 'making do' with less expensive structures, which may not resolve the issues. Women also expressed some concerns about the construction period, the possible increase of trucks around the site, and the safety standards during construction. It was explained regarding safety concerns that the project will follow the Core Labour Standards.

Members of the landowning mataqali expressed willingness to sell land to the State, and felt that any economic displacement could be dealt with by reallocation or redistribution of existing mataqali land among the landowning unit. At Narata the land is fertile alluvial flats used for intensive cash cropping, while at Matawale the land is steep, with only a small arable strip next to the river. Vatabalevu Village, where the owners live, faces significant pressures on land and any acquisition of arable land will cause stresses. However, landowners were appreciative of the assurance that if livelihoods were affected, compensation for lost income would be provided.

### **v. Disclosure of the draft LARP**

35. DPs and Local stakeholders have been provided with relevant information about the project, its land acquisition requirements, and policies on compensation and entitlements during preparation of the LARP. The draft LARP will be disclosed to DPs and stakeholders, and an information booklet will be available in English and Fijian, summarizing the

entitlements and other relevant information. The draft and final LARP will also be uploaded to the ADB and WB website upon submission by the FRA. The FRA, the Provincial Council and the TLTB will continue to consult and engage with landowners and tenants prior to and throughout project implementation. Formal consultation with APs will take place again after detailed design work is completed, and prior to commencement of any project works, to enable compilation of a full census and inventory of losses. The cut-off date for entitlement eligibility will be the date the census is completed, after which the entitlement matrix will be updated and included in the final LARP. FRA in coordination with community leaders and representatives from the Department of Lands and TLTB will inform the affected parties, in advance of Government intent to acquire land and will respond to all compensation related inquiries.

## **F. Grievance Redress Mechanism**

36. In order to receive and facilitate the resolution of any DPs' concerns, complaints, or grievances about the project's safeguards performance, a Grievance Redress Mechanism (GRM) is developed for the project to be established including at each subproject site. When and where the need arises, this mechanism will be used for addressing any complaints that may arise during the implementation and operation of the project. The GRM will address APs' concerns and complaints promptly and transparently through the process outlined in this LARP. The GRM will be gender responsive and readily accessible to all DPs at no cost. The GRM will use traditional systems for conflict and dispute resolution and, as far as possible, problems, concerns or grievances will be resolved at the project level. The GRM will not however impede DPs access to the Fiji's judicial or administrative remedies. FRA in coordination with relevant agencies will inform DPs about GRM.

37. The key functions of the GRM are to (i) record, categorize and prioritize the grievances; (ii) settle the grievances in consultation with complainant(s) and other stakeholders; (iii) inform the aggrieved parties about the solutions; and (iv) forward the unresolved cases to higher authorities.

38. The subproject manager or engineer supported by safeguards staff and consultants will be the grievance focal point to receive, review and address project related concerns and to resolve land related disputes in coordination with the government authorities. DPs will be made fully aware of their rights during consultations about land requirements. For anybody making a complaint no costs will be charged. DPs will be exempted from any fees associated with resolving the grievance pursuant to the project's grievance redress procedure.

39. Any complaint will be recorded and investigated by the safeguards team working with relevant staff of the individual subproject. The FRA will be immediately informed/updated of any complaints from DPs by its social impact manager. A complaints register will be maintained which will show the details and nature of the complaint, the complainant, the date and actions taken as a result of the investigation. It will also cross-reference any non-compliance report and/or corrective action report or other relevant documentation.

40. When subproject implementation starts, a sign will be erected at all sites providing the public with updated project information and summarizing the grievance redress mechanism process including contact details of FRA's social impact manager. All corrective actions and complaints responses carried out on site will be reported back to FRA's social impact



manager. FRA will include information from the complaints register and corrective actions/responses in its progress reports to the ADB and WB.

41. In the whole process, relevant Fiji agencies (DOL, TLTB, etc.) will be always available to review public complaints and advice on the FRA's performance for grievance redress.

### **Steps of Grievance Redress Process**

42. Any APs or village head/chief can take a grievance to the FRA or the site office. On receipt of a complaint in any form (in person, telephone, written), FRA's social impact manager for respective site/subproject will log the details in a complaints register. The register will record complaints by date, name, contact address and/or phone number if available, and reason for the complaint. If the complainant desires, their identity may be kept anonymous but the nature of their concern should still be recorded. A duplicate copy of the entry is given to the person making the complaint for their record at the time of registering the complaint. The duplicate copy given to the complainant will also show the procedure that will be followed in assessing the concern or complaint. For straightforward grievances, the project engineer can make an on-the-spot determination to resolve the issue.

43. FRA will review and find a solution to the problem within two weeks in consultation with village head (Turaga-ni-Koro) or traditional chief and relevant local agencies. Then FRA will report back the outcome of the review to the village head or traditional chief and affected persons within a week's time. If the complainant is dissatisfied with the outcome made by FRA's social impact manager, or have received no advice in the allotted time period, he or she can take grievance to FRA CEO. The FRA CEO in coordination with relevant national agency reviews and reports back to the APs, Turaga-ni-Koro or traditional chief about the outcome. If unresolved, or at any time the complainant is not satisfied, he or she can take the matter to an appropriate court. Both successfully addressed complaints and non-responsive issues will be reported to the ADB and WB.

44. Table below sets out the process to resolve any project related grievances:

**Grievance Redress Process**

<b>Stage</b>	<b>Process</b>	<b>Duration</b>
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 problem 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
<b>If unresolved or not satisfied with the outcome at FRA's social impact manager</b>		
4	DP/village head or traditional chief take grievance 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 traditional chief	1 week
<b>If unresolved or at any stage if DP is not satisfied</b>		
	DP/village head or traditional chief can take the matter to appropriate court	As per judicial system

## **G. Legal Framework**

50. This Land Acquisition and Resettlement Plan (LARP) has been prepared on the basis of the following legal and policy requirements: (i) the State Acquisition of Lands Act (SALA) of Fiji (Chapter 135 of Laws of Fiji); (ii) the ADB *Safeguard Policy Statement (SPS)*; (iii) World Bank *Operational Procedures: Involuntary Resettlement (OP/BP 4.12)* and (iv) the Land Acquisition and Resettlement Framework (LARF) for the project.

### **Fiji Laws on Land Tenure and Ownership**

51. Around 90% of land in Fiji is owned by indigenous Fijians, and termed native or iTauke land owned by the *mataqali*. Of the remainder, about 8% is freehold and Government owns the balance of 2%.

52. Native land is communally owned and cannot be bought or sold except to the state for public purpose. The iTaukei Land Trust Board (TLTB) is the statutory body with the responsibility to administer, develop and manage this land on behalf of its owners and for their benefit. The TLTB identifies the land required for use by traditional Fijian communities and makes the remainder available for leasing. The TLTB, not the actual owners, issues the legally binding leases, which can be for agricultural, commercial, industrial or other uses.

53. All farmers of native land are either tenants or landowners farming with the permission of their own landowning clan. Some of these may have formalized their status by leasing the land and so have become tenants. Other tenant farmers will be either Fijians from other islands or parts of Viti Levu, or Indo-Fijians.

54. The Agricultural Landlord and Tenant Act (ALTA) governs all agricultural leases of more than 1 ha and the relations between landlords and agricultural tenants. Minimum 30-year and maximum 99-year leases are allowed with no right of renewal. In practice, most leases are for 30 years. In the event of non-renewal, the tenant must vacate the land after a grace period.

55. The maximum annual rental is 6% of the unimproved capital value. In theory, the rental rate is reviewed every five years. The tenant can claim compensation for all development and improvements of the property with claims determined by the Agricultural Tribunal. Tenants can, however, only be compensated for improvements if the TLTB has granted prior approval to these improvements. In practice, there is a fixed schedule of lease rental rates under the ALTA, which has not been updated since 1997. The TLTB has, however, introduced a lump sum payment to induce landowners to lease their land for an additional 30-year period, but this “new lease consideration” has been applied mostly only to Indo-Fijian and not often to Fijian farmers.

56. The ALTA has been supplemented by the 2009 Land Use Decree No.36 (2010) because it was recognized that the requirement for tenants to vacate land once the fixed lease and grace period have expired, causes both social and economic hardship. Government therefore amended the land laws to increase the flexibility of leases and to facilitate leasing of lands, which are currently idle or unutilized, under terms and conditions which are meant to be attractive to both the landowners and tenants. The decree provides for longer tenure leases (up to 99 years) for agricultural and commercial development. Reserve land, is land presently not leased, but reserved by Mataqali/Government for future use.

## **Fiji Laws on Land Acquisition and Compensation**

57. The Constitution of Fiji provides for protection of private property against arbitrary expropriation. The Constitution states that native (iTauke) land cannot be permanently alienated except for public purposes. It requires just compensation for all land or rights acquired by the government.

58. Land acquisition in Fiji is made under the State Acquisition of Lands Act<sup>14</sup> (SALA). Under the Act, all types of land can be acquired for public purposes. The law provides that in cases of land acquired for public purposes, legal title holders have a right to compensation. The law also provides for the right of land owners to legal proceedings for solving disputes and grievances. The customary rights of indigenous peoples without formal title are also protected.

59. The SALA guarantees compensation to those with recognised legal rights or interests in land. Compensation is paid at market values effective from the date at which notice of the State's intention to acquire the land is given. Structures are, however, compensated only at book/depreciated values. Compensation includes for land, crops and trees, damage to portions of land not acquired (if any), changes in use and restrictions on use of any unacquired portions – and any reasonable expenses associated with necessary changes of residence or places of business.

60. In some areas, there may be, however, a substantive difference between local market prices and the prices overseas investors are willing to pay. There is now realization that there needs to be recognition of new values in certain areas. These new values would derive from recent sales prices to overseas investors. However, this is unlikely to be currently applicable to the Sigatoka Valley, a poor rural area.

## **ADB SPS and World Bank Policy Requirements**

61. ADB and WB policies on resettlement address both: (i) social and economic impacts, permanent or temporary, caused by acquisition of land and other assets; and (ii) changes in the use of land or restrictions imposed on land as a result of a Bank operation. An affected or displaced person (AP/DP) is one who experiences such impacts. The objectives of the policy are: (i) to avoid involuntary resettlement impacts wherever feasible; (ii) to minimize resettlement impacts by choosing alternative viable project options; and (iii) to ensure that affected people receive assistance for relocation (including provision of relocation sites with appropriate facilities and services) and assistance for rehabilitation, so that they will be at least as well off as they would have been in the absence of the project.

### **ADB safeguard policies.**

62. ADB has the following policy principles that are similar to World Bank principles on involuntary resettlement:

- (i) Screen the project early on to identify past, present, and future resettlement impacts and risks.

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<sup>14</sup> Originally the Crown Acquisition of Lands Act, 1940 – subsequently amended: by Ordinance numbers 24 of 1940, 11 of 1942, 15 of 1943, 9 of 1955; Orders of Jan 1967 and Oct 1970 and Act of Parliament (Act No 1 of 1998).

(ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-governmental organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns.

(iii) Improve or at least restore, the livelihoods of all displaced persons through (a) land-based resettlement strategies when affected livelihoods are land-based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods; (b) prompt replacement of assets with access to assets of equal or higher value; (c) prompt compensation at full replacement cost for assets that cannot be restored; and, (d) additional revenues and services through benefit sharing schemes where possible.

(iv) Provide physically displaced persons with needed assistance, including the following: (a) secure land tenure on land identified for new sites and (b) if necessary transitional support and development assistance such as land development, credit facilities, training, or employment opportunities.

(v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards and provide access to land and other resources that is both legal and affordable.

(vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.

(vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation of loss of non-land assets.

(viii) Prepare a draft resettlement plan and disclose a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.

(ix) Pay compensation and provide other resettlement entitlements before physical or economic displacement and implement the resettlement plan under close supervision throughout project implementation.

(x) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring and disclose these monitoring results.

### **World Bank safeguards policies**

63. The WB's safeguard policy on Involuntary Resettlement – OP/ BP 4.12 (December



2001) – seeks to ensure that impoverishment risks due to involuntary resettlement are addressed and minimized. The objectives of the policy are to:

- Avoid resettlement where possible, and otherwise minimize through alternative project designs;
  - Resettlement should be conceived and executed as a sustainable development program;
  - Affected people should be meaningfully consulted, and be facilitated to participate in planning and implementing resettlement plans; and
  - Displaced people should be assisted to improve, or at least restore their livelihoods and standards of living to pre-project levels.
1. The policy includes direct economic and social impacts that result from (a) the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or (b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of APs.
  2. Where impacts on the affected population are minor, a short resettlement plan will be prepared. For projects causing significant resettlement (more than 200 people are displaced or will lose 10% of productive/income generating assets), a full resettlement plan is required.
  3. The policy requires that in the resettlement planning process:
    - Affected people and their communities, as well as host communities, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in resettlement planning, implementing, and monitoring;
    - At new resettlement sites, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder); and
    - Patterns of community organization appropriate to the new circumstances are based on choices made by the affected people, and existing social and cultural institutions of those people are preserved.
  4. To achieve the objectives of the policy, WB requires that particular attention be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous people, or other displaced persons who may not be protected through national land compensation legislation.

5. The policy comprises three important elements: (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and, (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it.
6. The policy recognizes as displaced persons as people in one of the following three groups:
  - a. those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
  - b. those who do not have formal legal rights to land at the time the census begins (i.e. affected people are counted and their assets identified through site visits by the project team) but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see Annex A, para. 7(f) of WB policy); and
  - c. those who have no recognizable legal right or claim to the land they are occupying.

#### **Comparison of ADB and World Bank Requirements and Fiji Laws on Land Acquisition Measures**

64. In comparison with the ADB and WB requirements, the Fiji SALA and its regulations does not require compensation payments to affected persons who have no recognized legal right or interest in the land, and only require compensation on a depreciated/book value basis for structures. Informal sharecroppers and squatters (non-titled) are, therefore, not entitled to any kind of compensation for the land they use. However, to comply fully with ADB and WB resettlement requirements, all non-titled people affected by the Project will be entitled to compensation for loss of structures, crops, trees, or incomes they derive from land, regardless of whether they have formal title to the land or not. All compensation including for structures will be at replacement cost without any deduction of depreciation.

65. In addition, the SALA does not provide relocation sites (in the case of resettlement) and there is no provision for assistance for the rehabilitation of adversely affected people. An express objective of the project is to avoid the need for physical relocation and therefore there may be no need for development of resettlement sites under the project. The Fijian law also does not provide for any special mitigation measures for vulnerable groups or the poorest section of those adversely affected. The SALA does not, however, *prevent* Government from providing assistance to adversely project affected people including those having no legal title or interest in land. The project's entitlement matrix includes provisions to ensure that affected people particularly vulnerable and disadvantaged people are assisted to improve their living standards.

66. The following table provides an analysis of gaps between ADB/WB requirements and Fiji Laws and gap filling measures on land acquisition and resettlement.

**Table 5: Gaps and gap-filling measures**

<b>ADB and WB Requirements on Involuntary Resettlement</b>	<b>Fiji Laws on Land Acquisition/ Resettlement</b>	<b>Gaps</b>	<b>Gap-filling Measures</b>
Avoid and/or minimize involuntary resettlement wherever possible by exploring project and design alternatives.	The Constitution and the State Acquisition of Land Act (SALA) set out the conditions under which land may be compulsory acquired. The property can only be acquired for the public good, and with the payment of reasonable compensation.	No explicit reference to the need for minimizing resettlement impacts by exploring alternatives.	The LARF/RP includes measures on avoiding/minimizing land acquisition and resettlement impacts. It provides principles on compensation and entitlements.
Enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels.  Particular attention to be paid to the needs of vulnerable groups among those displaced who may not be protected through national land compensation legislation.	General principles of compensation for land and assets are set out in the Constitution and SALA.	FIJI Laws do not prescribe measures to restore/ improve standard of living.	The LARF and each sub-project LARP includes measures on compensation at replacement cost for affected land/assets and to minimize and mitigate adverse social and economic impacts. It is recommended for the Government to undertake a social assessment of the impacts, particularly for the poor and vulnerable groups.
Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	SALA sets out the process for land investigation which includes identification of affected landowners and their assets.	No specific requirements for census, cut-off date, impact assessment and scoping of resettlement planning.	The LARF/RP includes measures on survey/census, cut-off-date, assessment of impacts and resettlement planning.
Carry out meaningful consultations with APs, host communities, and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless,	SALA sets out the process of notification of the land acquisition.	No specific provisions for preparing and implementing LARP based on meaningful consultations with DPs, including the poor, the landless, elderly, women, and other vulnerable groups	The LARF/RP includes measures on consultations with DPs, including vulnerable groups, during preparation and implementation of RPs. The concerns of women will be identified based on sex-disaggregated socio-economic data, separate discussions on women's concerns, and ensuring adequate measures and budgetary allocations in the resettlement plan to compensate and resettle

<b>ADB and WB Requirements on Involuntary Resettlement</b>	<b>Fiji Laws on Land Acquisition/ Resettlement</b>	<b>Gaps</b>	<b>Gap-filling Measures</b>
the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.			them in a manner that does not disadvantage them. In this effort the assistance of national NGOs currently engaged in women's welfare will be sought;
Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population.	SALA provides for appeal against a declaration of public purpose for compulsory acquisition and amount of compensation.	No requirements for a project-specific grievance redress mechanism.	The LARF/RP includes measures on project-specific grievance redress mechanism.
Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.	SALA sets out the process that any person who claims to be entitled to an interest in compulsory acquired land may make a claim for compensation (within 3 months). SALA also sets out the requirements for payment and the provisions for assessing compensation.	No specific requirement for land-based resettlement, replacement of assets, compensation at replacement cost, and benefit sharing.	The LARF/RP includes measures of on-site relocation, replacement of affected structures, compensation at replacement cost and priority of project employment to DPs.
Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host	No equivalent provision.	FIJI laws have no specific provisions on relocation, transitional support and civic infrastructure and services.	The LARF/RP includes measures on-site relocation of affected structures, transitional allowances and restoration of civic infrastructure.

ADB and WB Requirements on Involuntary Resettlement	Fiji Laws on Land Acquisition/ Resettlement	Gaps	Gap-filling Measures
communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.			
Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	DOL has Procedures for Land Acquisition through negotiated settlement or purchase.	No provision of maintaining the same or better income and livelihood status for APs.	The LARF/RP describes measures on maintaining or improving livelihoods of APs through paying compensation at replacement cost and other assistance.
Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets	<b>-- Customary rights for Fijian people/ Indigenous People stipulate that individuals without formal title are also protected.</b>	There is nothing in the FIJI Laws to address the issue of displaced persons without land title or legal land rights.	The entitlement matrix for the project provides for resettlement assistance and compensation for non-land assets to non-titled DPs as well.
Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	--	FIJI Laws have no provision of preparing LARP.	The LARF includes measures on preparation of LARP for subprojects involving land acquisition/resettlement impacts.
Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected	SALA sets procedures in notification of landowners at different stages of land acquisition steps.	No requirements on disclosure of an LARP.	The LARF/RP includes disclosure measures, including posting of documents on website as well as providing information to DPs.

<b>ADB and WB Requirements on Involuntary Resettlement</b>	<b>Fiji Laws on Land Acquisition/ Resettlement</b>	<b>Gaps</b>	<b>Gap-filling Measures</b>
persons and other stakeholders.			
Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	No explicit provision	-	Land acquisition/resettlement costs will be included and financed out of the project cost.
Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	SALA sets timing for payment of compensation.	SALA states within 30 days of notification, but does not specifically state before displacement. DOL Procedure provides for 75% before construction and 25% after construction.	The LARF/RP includes measures on full payment of compensation for affected assets before start of civil works on affected land.
Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	No equivalent provision	Gap.	The LARF/RP includes monitoring measures, including requirements of semi-annual safeguard monitoring report. Arrangements for monitoring of resettlement activities will be done by implementing agency, supplemented by independent consultant if sub-project is considered high risk.

### Policy Principles for the Project

67. The project's LARF has adopted a set of resettlement policy principles for the project which apply to this subproject, as relevant. The principles are:

- Land acquisition will be minimized through careful engineering design during detailed design. There will be no or minimum physical displacement of people. The Project will

avoid subprojects involving resettlement impacts of significant nature.

- Land acquisition and resettlement impacts will be assessed on time and LARP prepared based on social assessment. Draft LARP will be disclosed to affected persons before the subproject appraisal.
- DPs will be consulted during the project cycle.<sup>15</sup> The LARP will be prepared/updated with full participation of the DPs/APs. Effective mechanisms will be established for hearing and resolving grievances.
- DPs will receive compensation at replacement cost from FRA for their loss of land and assets and this should ensure they will be as well off, if not better off, as without the Project. Compensation for vulnerable households will aim to improve their livelihood, and will be carried out with respect for their cultural values and specific needs.
- Additional compensation and assistance will be provided, as required, to restore or improve living standards of all APs (as per ADB or WB requirements), including: (i) compensation to non-title holders such as squatters and sharecroppers recorded as of the cut-off date; (ii) compensation for any loss of livelihoods or income; (iii) compensation at full replacement cost for structures without deduction of depreciation, inclusive of transaction costs; (iv) compensation for transaction costs such as administrative charges, taxation and registration and titling costs; and (v) income-restoration measures.
- All compensation will be fully paid to DPs prior to the commencement of site clearance at each subproject site.
- Absence of formal title is not a bar to compensation and assistance, and particular attention will be paid to women and other vulnerable groups, as well as to sharecroppers or tenants without legal rights.
- Land acquisition will be conceived as part of the Project and costs related to the land acquisition/resettlement will be included and financed out of the Project cost as part of the GoF contribution to the Project cost.
- The impacts of the subprojects, including unforeseen losses and damages that may occur during either construction or operation, will be carefully monitored and remedial steps taken as required.

### **Principles and Methodology for Determining Valuation of Compensation**

68. Standard FRA procedure is to prepare initial valuations using local market prices, and data in this regard is obtained from the Valuation Division of the MLMR (based on stamp duty for registered sales). The FRA may also involve the Department of Fisheries to assess compensation requirements, if any, regarding traditional fishing rights in river areas where bridges are expanded or altered. Finally determined prices, nonetheless, come about

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<sup>15</sup> As the process is contingent upon clear boundary demarcations, successful negotiation and consensus amongst sellers, the FRA and TLTB are required to conduct the negotiation process through continuous dialogue with land-owners. This is seen as the most expeditious manner to minimize delays

through negotiation with affected persons, because often market conditions for the replacement of land and assets are absent.

69. The current practice is to undertake valuation by FRA valuers and provide a private valuer to affected landowners only in case of any disagreements. The FRA will continue the practice of providing the private valuer under the project. It will inform the affected landowners at the beginning of the negotiation process about the availability of private valuer and pay the valuer's fee if landowners decide to use this service.

70. The compensation to be offered will be at replacement cost based on actual market price of affected land and assets. If the government policy does not provide for full replacement costs (e.g. for transaction costs), the project's compensation will include top-up payments or assistance to cover the full replacement cost.

### **Land Acquisition Procedures**

71. Land acquisition procedures will be initiated once land surveys are completed, the design for the two bridges is done, and the alignment plan is agreed and approved by the FRA. The FRA will forward outline plans to the DOL, showing the estimated land-take, and request them to acquire the land. The DOL, on receiving the request, passes the alignment plan to the statutory section to prepare acquisition diagrams and carry out a search on land owners affected. After this, the plans are forwarded to the Valuation Division, which will determine compensation and obtain all the land clearances. Once the Valuation Division has received the consent of the landowners, (a standard form can be found in Annex 3) field inspections are carried out and a valuation report prepared based on an inventory of losses, taking into account relevant data and sales analysis. FRA's lands and valuation officers work with DOL and relevant agencies in this process, including valuation of compensation. As stated in previous section, FRA will also inform landowners of availability of the service of private valuer as well.

72. Where *iTaukei* lands are involved a meeting will be convened with members of the identified *mataqali*, arranged by the FRA (usually the Lands Liaison Officer), assisted by the Provincial Council, to undertake negotiations to come to agreed values. The FRA will send the proposal to the TLTB, which will negotiate on behalf of the landowners. The *mataqali* owning the land will, however, have finally to accept or reject the TLTB recommendations.

73. A Sale and Purchase Agreement is then entered into between the TLTB on behalf of the *mataqali*, and DOL. The Sale and Purchase Agreement is forwarded to the TLTB for the Board's consent, accompanied by the relevant fees. Cheques are then processed and paid to the TLTB Board, based on estimated area, to be adjusted after the final survey and completion of works.

74. Leasehold native land follows a similar process, where a field inspection is carried out, a Valuation Report prepared and a Price Agreement executed. The Agreement is sent to the TLTB with relevant consent fees for the Board to approve. If the lease is a registered one, then a caveat is lodged in the Titles Office, (as an interim arrangement to prevent changes before the agreement can be finalized). The price paid for land will sometimes need to be divided between lessees and owners. Crown or state leases follow a similar process but do not require the Director of Lands consent.



75. In the case of freehold lands, after discussion with the DOL, the Valuation Division will prepare a Sale and Purchase Agreement and negotiate the purchase.

76. When compensation has been paid, a Certificate of Transfer is prepared and sent for execution. The FRA is then able to begin construction.

77. Following completion of the construction work, a final survey plan is done and once approved, this is viewed against the original acquisition diagrams. If the land used is found more than the original estimate then compensation will be adjusted to the exact size of the land used. In the case of leasehold land, after final surveys have been approved, compensation is adjusted and surrender documents are prepared. The lessee is asked to provide lease documents for registration of the surrender at the Titles Office. The surrender documents are then forwarded to the TLTB prior to registration. The caveat is then withdrawn and title is returned to the owners.

78. FRA will recruit a social impact manager (to be established in FRA), and design and supervision consultants (DSC), with international and national safeguard specialists to implement the safeguard tasks, as required by the ESMF and LARF. The safeguard staff will work closely with the DOL and the TLTB to ensure safeguards are implemented as set out in the LARF and in this LARP for the subprojects.

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

### **i. Displaced Person's Entitlements and Eligibility**

79. The initial identification of *mataqali* and preliminary meetings with the community has been undertaken at the two bridge sites. FRA will further consult with the affected *mataqali* and undertake a detailed land investigation of actual land ownership in coordination with the DOL officers to collect relevant information. Landowners and land users will have to provide documented claims to the affected land, or be able to demonstrate that the land belongs to them. Crops and tree ownership will also need to be identified and an inventory of loss prepared. Landowners and land users who demonstrate that they are the rightful owners or users, will receive compensation for land acquired by the Project. Those DPs who cannot demonstrate that they are rightful owners or users, but are using the land anyway, will receive compensation for their assets attached to the land and other assistance as required.

80. The following matrix summarizes eligibility and entitlements for DPs:

<b>Types of Impact</b>	<b>Application</b>	<b>Entitled Person(s)</b>	<b>Entitlements</b>
1. Temporary use of agricultural and fallow land	Land used temporarily for diversions of road, or land used for spoil, construction camps etc.	Customary (legal) owners and land users (identified during the village census and land investigations	The temporary land use will happen only with agreement of landowners/DPs. Affected landowners/DPs will be paid rent/benefits on terms negotiated with them. The land will be returned to the owners/DPs after its restoration on completion of project

			Any loss of assets or restriction leading to loss of income will be compensation at replacement cost.
2. Permanent acquisition of agricultural and fallow land	Land for realignment of road needed for new bridges	Customary (legal) owners, lessees, or APs having user rights  Non-titled DPs (if any found during implementation)	Compensation at replacement cost. If needed, project assistance to top up to meet full replacement cost.  Compensation at replacement cost for affected assets.
3. Loss of crops and trees	Standing crops, trees, grazing land or fish ponds affected	All DPs affected regardless of their legal status	DPs will be given notice to harvest crops and trees before site clearance or removal from required land. If DPs are not able to harvest, they will be paid cash compensation by FRA at replacement cost. In case of perennial crops and trees, the compensation will also include loss of income for a period until new crops or trees produce an equivalent income. Compensation will be provided similarly for loss of fishing, etc.
4. Loss of structures / property / community resources (if identified later)	Loss of structures or other resources	Affected persons/communities and groups (whether having legal title to land or not)	DPs will be provided compensation at replacement cost; salvaged materials and assistance in finding an alternative site. Replacement or restoration of community property, resources.
5. Loss of income and livelihood	Land and access to income generating resources	Customary iTaukei landowners, lessees, sharecropper, DPs	Compensation for direct income loss as applicable. Project to pay compensation and/or income restoration assistance for indirect losses, particularly for vulnerable groups, including women.
6. Impact on vulnerable DPs	Impacts on particularly vulnerable households	Vulnerable DP households identified by social assessment	Vulnerable households will receive (i) priority for any employment in construction and maintenance works; and (ii) additional cash allowances to purchase foodstuffs during the period of income disruption (to be determined during the LARP update).
7. Unforeseen impacts or losses	All other matters	Concerned displaced persons	To be determined as per principles of the LARF and ADB's safeguard policy.

## **(ii) Assistance to Vulnerable Groups**

81. The social assessment undertaken for this LARP indicates that there was only one household with a sick disabled child that could be classified as a vulnerable family in one community. However, if during further investigation, it is revealed that more such households exist who will be displaced from land, they will receive further assistance in accordance with an assessment of their socio-economic circumstances. Assistance will be provided so help them maintain food production, using surplus garden land that may not be utilized by the *mataqali*. Vulnerable households will also receive priority in any employment available under the Project.

## **(iii) Opportunities for Affected Persons to Derive Development Benefits**

82. There are a number of development benefits, which DPs may be able to leverage as a result of this Project. Benefits include:

- Opportunity to invest compensation monies in clan-based activities such as social support for school children and elderly clan members to ensure greater levels of social inclusion and maintain clan social cohesiveness.
- Employment opportunities will be afforded to DPs by the contractors that not only ensure a stable waged income during the dry season but an opportunity to acquire non-agricultural skills without having to leave the local community.
- Women will be offered the same types of employment-based opportunities as men and of equal importance and will be able to actively participate alongside men in other resettlement-based activities thereby also having an indirect impact upon the structures of male domination in traditional Fiji society.
- Social risks associated with HIV/AIDS and other STIs will be mitigated to a large extent by employing as many people on bridge construction activities locally as possible and awareness and prevention programmes designed to empower women.
- There will be opportunities to provide a range of goods and services to outside bridge construction workers that will enhance the local economy because such workers will generally have greater purchasing power than local villagers.
- Improvements to overall bridge design, including pedestrian walkways where possible, and changes to bridge approach alignments will improve road safety standards and render NMT users' safer than hitherto has been possible.
- The bridges as part of a longer term developmental strategy to enhance connectivity between rural and urban Fiji will ultimately result in improved market links and access to a wider range of goods and services.

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

83. There will be no physical structures that require relocation at the two bridge sites.

### **J. Income Restoration and Rehabilitation**

#### **i. Mitigation Measures to Minimize Livelihoods Risks**

84. Once further investigations into land ownership have been undertaken, disaggregated tables based on demographic data and livelihood sources will be prepared for DPs at each site. If DPs are found to experience the risk of significant livelihood impact by loss of their productive land, they will be assisted in coordination with their respective *mataqali* leader

to find suitable alternative land within their *mataqali* area so that they will not experience any form of food insecurity or income reduction.

## **ii. Income Restoration Programme**

97. The social assessment undertaken as part of the Project shows that incomes of some households could be enhanced, if DPs were offered employment on the Project. It is estimated that each of the bridges could take up to 12 months to construct and during this time waged labour opportunities will be made available as a priority to DPs. Such employment opportunities on their own cannot ensure sustainable livelihoods but being paid at least the minimum wage and enjoying working conditions as per ILO Core Labour Standards (a recognized requirement for ADB financing of the Project) means that some DPs will be better off financially as a result of the Project. It should be noted that experience with waged employment will be a new experience for many of the DPs, based on investigations as part of preparing this LARP.

## **ii. Specific Gender Considerations**

99. FRA recognizes that specific gender considerations apply to all public infrastructure projects it both executes and manages. As part of the LARP, women have been consulted both in mixed meetings with men, but also in smaller women's groups or in their homes. The measures proposed in the LARP to enhance the positive impact of the Project on women DPs are as follows:

- Iterative consultations with women at all stages of the Project cycle and in preparation of the LARP.
- Ensuring that women *mataqali* members not just men clan members are compensated for loss of land and other productive assets.
- Facilitating processes whereby women DPs can lodge grievances with the FRA if they are dissatisfied with any aspects of the LARP.
- Ensuring the women DPs and not just men DPs are considered for waged employment on the Project where available, and are afforded equal pay and on-the-job training opportunities.
- Addressing any safety and security concerns women may have.
- Ensuring that livelihood socio-economic data is gender disaggregated to analyze impacts at the intra-household level, and where relevant the intra/inter *mataqali* level.
- Ensuring that design engineers take account of social issues of concern to women, such as children's safety on bridges, use of the rivers for washing etc.

## **v. Training Programmes**

100. DPs that will be offered employment on the Project, will be provided with on-the-job training by the contractor. Such training may include activities such as pile-driving, concreting, and welding, taking account of occupational and safety issues. The contractor will also be required to offer practical training in bridge maintenance of bridge assets.

# **K. Resettlement Budget and Financing Plan**

## **i. Itemized Budget for Land Acquisition and Resettlement Activities**

101. The exact amount of budget for resettlement activities at the two bridge sites will be confirmed after the detailed design. The following table presents the types of costs for compensation of land and other assets. The costs of the land survey and resettlement / safeguards specialists will be included in the project management and administration costs.

<b>Item</b>	<b>Cost (FJ\$)</b>
Compensation for landowners	\$ 30,000
Compensation/assistance for land users	5,000
<b>Sub-total</b>	<b>35,000</b>
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
<b>Grand Total FJ\$</b>	<b>123,212</b>
<b>USD equivalent</b>	<b>66,411</b>

## **ii. Flow of funds**

102. FRA's social impact manager will be responsible for all payments, including any 'top-up' payments, in coordination with DOL and TLTB.

103. Funds for compensation are paid by FRA from the GoF contribution to this Project. The FRA will prepare the funds for disbursement based on advice from the DOL (Valuation Division). Annual budgets will show the cost of the land acquisition / resettlement according to scheduled activities.

## **iii. Justification for assumptions made in calculating compensation rates and other cost estimates**

104. The budget is estimated based on available information during the feasibility study. Compensation rates have not yet been finalized; the final rates will be confirmed based on replacement cost calculated by a registered valuer and approved by the head of the Valuation Division. However, the calculation of these rates will also take into account the opinions of DPs (including their private valuer, if any), especially if they can demonstrate rates based on recent land transactions of equivalent value in their village or nearby villages.

## **iv. Sources of Funding**

104. The GoF will finance all land acquisition and compensation activities. ADB/WB will finance the cost of the safeguards/resettlement consultant services to oversee the resettlement activities during design and implementation of LARP, monitoring and evaluation of these land acquisition and resettlement activities.

## **L. Institutional Arrangements**

### **(I) Institutional Responsibilities**

105. These are key organisations involved in the resettlement and compensation process, followed by more detailed explanation of their roles:

- (i) The Ministry of Finance will be the Executing Agency. The FRA as the Implementing Agency will have overall responsibility of the project including safeguards. The FRA responsibilities are (a) identification of affected areas; (b) all community liaison; (c) budgetary provision; (d) supervision of it's social impact manager;
- (ii) FRA's social impact manager will ensure that compensation is paid as required under the LARF and ADB policy. If needed, a top-up resettlement budget will be made available to the safeguards unit to provide the additional compensation/assistance (if any). FRA's social impact manager will also be responsible for identifying capacity gaps and providing training and capacity building to Fijian departments or organisations involved in land acquisition.
- (iii) The DOL and FRA land and valuation officers will be responsible for (a) all initial valuations; (b) identification of owners and leaseholders and (c) negotiations with land owners.
- (iv) The TLTB, which represents and negotiates on behalf of the *mataqali* land owners, will sign agreements on their behalf and is responsible for securing the consent of *mataqali* members prior to making such agreements.
- (v) The Provincial Council of Nodoga-Navosa will facilitate discussions around land acquisition, between the Project safeguard specialists and communities.

### **Fiji Roads Authority/Project Implementation Unit**

106. FRA will be responsible for overseeing and managing project execution including compliance with project requirements (financial management, procurement, safeguards, and monitoring and evaluation). FRA will staff a project supervision team which will include a social impact manager supported by design and supervision consultants (DSC). FRA's social impact manager will ensure that the procedures and processes established in this LARP are followed for the project. However, preparation of the LARP for individual subprojects will be the responsibility of the safeguards specialists within the DSC for respective subprojects.

### **Design and Supervision Consultant (DSC)**

108. The DSC will include international and national specialists to implement the safeguard tasks as required by the ESMF, LARF and LARPs. Amongst a number of others, the DSC will include: (i) social safeguard/resettlement specialist - international (SSS); and (ii) safeguards specialist - national (NSS). The DSC will be headed by a team leader.

109. General safeguards responsibilities of the DSC include:

- Ensuring that the social and environmental safeguards are implemented as set out in the LARF, ESMF, and other social safeguard documents so as to meet intended requirements. This includes undertaking safeguards assessments during the feasibility study, ensuring that the LARPs are prepared, implemented

and monitoring is undertaken.

- Supervising the implementation of the LARP activities.

110. Within the DSC team, safeguard specialists will have specific responsibilities for implementation of the LARP. Their duties include:

- (i) During the project inception, brief the DSC team on the LARF, LARP and other safeguard requirements that need to be implemented during the project.
- (ii) Undertake the screening of each subproject (including individual components such as water crossings at different locations) and identify main social impacts and prepare project descriptions.
- (iii) Prepare the descriptions, the screening forms, and social assessments and LARP required to meet the requirements of the LARF, for approval by FRA and submit copies to ADB/WB for approval.
- (iv) Ensure that disclosure of the draft assessments is done in accordance with the project's LARF.
- (v) During pre-construction, ensure that issues that needs to be addressed by the design engineers are considered. Prepare a design brief containing any social and environmental requirements for action by the technical design team.
- (iv) With the MLMR (DOL) and Provincial Council arrange public consultation to advise affected communities of the scope and scheduling of the subproject and to raise awareness within the communities of the likely phasing of events that will occur within their boundaries.
- (vii) Following the award of the contract and prior to submission of the construction provide social safeguards induction for the contractor (if required).
- (viii) Ensure that contractor has access to the social assessments of the subprojects and the conditions issued by FRA.
- (ix) Advise the contractor of their responsibilities to mitigate social impacts and issues associated with construction activities.
- (x) Prepare reports of site visits and compliance checks at least every two months, contribute to the quarterly progress reports (summary of compliance reports and contractor's monthly reports and any other safeguards activities including training seminars or workshops and the like), and prepare safeguards monitoring reports twice per year.

#### **Department of Lands and Survey (DOL)**

111. The DOL with FRA land officers will be responsible for (a) attending village consultation meetings; (b) all initial valuations; (c) identification of owners and leaseholders (d) negotiations with land owners; (e) preparation of Sale and Purchase Agreements and sending to the TLTB for Board endorsement; (f) approval of final land surveys on completion

of Project, and adjustment of land compensation required; preparation of land transfer, lease surrender, or freehold dedication documents; and (g) registration of titles.

### **iTaukei Land Trust Board (TLTB)**

112. The TLTB, which represents and negotiates on behalf of the *mataqali* land owners, signs agreements on their behalf and is responsible for securing the consent of *mataqali* members prior to making such agreements. The TLTB must endorse and approve the Sales and Purchase Agreements, and transfer documents.

### **(ii) Institutional Capacity Building**

113. To date in Fiji, there have been few land acquisitions and compensations following the requirements of the ADB/WB's policy on involuntary resettlement. Compensation following ADB policy will therefore be new to many project managers and government officials. Officers in the FRA, DOL, and other government agencies will be trained in the requirements of the ADB/WB safeguards requirements and that subproject management procedures are implemented as soon as possible when the Project begins. The SSS and NSS will be responsible for ensuring DOL, TLTB, and other staff from relevant agencies, understand the safeguard requirements, and for providing any capacity building necessary to improve safeguards practice in Fijian institutions.

### **(iii) Role of other organisations: civil society and women's groups**

114. While there are some civil society groups in the Project area, most are faith organizations, and not very satisfactory for the purposes required for the LARP. There are few local NGOs or women's groups involved in the planning and management of any land acquisition or resettlement activities, except for any members who happen to also be members of the landowning *mataqali*. Women's groups and church leaders will be consulted when identifying any particularly vulnerable people. ADRA, the Fijian branch of the Seventh Day Adventist development organization, may be consulted about land and livelihoods issues, as they are based in Keiyasi and know the area well. They could also be consulted during monitoring of the LARP and its outcomes, as required.

## **M. Implementation Schedule**

115. This LARP will be updated based on detailed design of the subproject, and will require a full census of landowners, and detailed inventory of assets lost (undertaken in consultation with APs). An indicative implementation schedule for land acquisition and resettlement activities to (i) update the LARP; (ii) implement the LARP; and (III) monitor activities, is as follows:

	<b>Activities</b>	<b>Responsible entity</b>	<b>Schedule</b>
	<b>Update of LARP</b>		<b>2015</b>
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	Month1



2	Provide plans identifying areas to be acquired to DOL and TLBT	FRA	Month 1
3	Determine type of affected land tenure (iTaukei, leased, or freehold)	DOL & TLTB	Month 1
4	Determine numbers in <i>mataqali</i> group, land owners and users affected (DPs), and identify any vulnerable households	DOL, TLTB, and FRA	Month 2
5	Conduct follow-up 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
7	Cadastral survey of land if not previously done, and submission for land registration	DOL; FRA	Month 3
8	Conduct titles/leases search in Government titles registration office for affected land ownership	DOL and FRA	Month 3-4
9	Determine and mark areas for each land unit required	DOL and FRA	Month 3-4
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 ( <i>mataqali</i> ) 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 website	FRA & ADB	Month 6
	<b>LARP Implementation</b>		
14	Preparation 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	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
	<b>Monitoring Plan</b>		
21	FRA starts AP socio-economic monitoring	FRA	Month 12
22	FRA submits progress report to ADB on implementation of the LARP	FRA	Six – monthly
23	FRA conducts post-project survey and final monitoring report	FRA	Month 16

## N. Monitoring and Reporting

116. The FRA will monitor all activities associated with land acquisition and payment of compensation to DPs. The scope of monitoring includes: (i) compliance with the agreed policies and procedures for land acquisition; (ii) prompt approval, allocation and disbursement of compensation payments to DPs, including if necessary, supplemental compensation for additional and/or unforeseen losses; and, (iii) remedial actions, as required. The monitoring will also cover the social impacts of the two bridges and whether DPs are able to restore and preferably improve, their pre-project living standards, incomes, and productive capacity. A monitoring and evaluation indicators have been drafted on the understanding that it can be subject to change, including by DPs, who will be afforded the opportunity to suggest indicators they consider of more relevance to their livelihoods than are considered relevant by other stakeholders. These draft monitoring and evaluation indicators are as follows:

Type of Indicator	Indicator	Examples of Variables
Process indicators	Staffing	Recruitment of FRA's social impact manager Engagement of safeguards staff and training No. of other agency officials available for tasks
	Consultation, participation, and grievance resolution	No. of consultation and participation programs held with various stakeholders No. of field visits by FRA's social impact manager
	Procedures in operation	Effectiveness of compensation/assistance delivery system Coordination between FRA and other GoF agencies and civil society groups
Output indicators	Households	No. of households affected
	Structures	No. of community structures, if any, moved
	Land, economic trees & crops	No. of households receiving agreed compensation for land, trees and crops
Impact indicators	Assistance to APs	No. of households that have participated in income restoration and livelihood enhancement measures No. of special assistance programs to vulnerable households
	Household earning capacity	Employment status of households having a formal job Employment status of households being self-employed
	Special assistance to women	No. of women engaged as waged workers by the Project
	Other livelihood indicators	Type of Project-related skills women received. Average wage of women employed on Project compared to that of men

		Increase in market-based incomes of farmers Increase in ownership of household assets Increased access to schooling and health services Increase in visits by GoF service providers
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117. The socio-economic survey of households in affected villages for this LARP, together with the broader Social and Poverty Assessment undertaken for the Sigatoka Valley, will be used as the baseline to monitor and evaluate the above indicators. They will also be used in conjunction with monitoring and evaluation indicators prepared for both the GAP and the EMP for these two bridges.

118. The FRA will prepare and submit semi-annual safeguards monitoring reports to ADB as part of the project performance monitoring. The FRA will also submit a subproject land acquisition completion report to ADB when compensation has been paid.

119. On completion of the sub-projects, a report highlighting land acquisition and resettlement outcomes for both sites in the Sigatoka Valley will be prepared.

## **ANNEXES**

**Annex 1:** Minutes of consultation meetings

**Annex 2:** Copy of Crop Compensation Rates from Ministry of Agriculture, Forestry and Fisheries

**Annex 3:** Copy of official Native Land Trust Board consent form for acquisition of land from community

**Annex 4:** Public information leaflet

**Annex 5:** People met and consulted

## Annex 1a: Rararua

### Minutes of Consultation Meeting

#### Rararua Village

23<sup>rd</sup> July 2014

<b>Present:</b>	Beca International	Wendy Lee, Social & Poverty Specialist
	Erasito Consultants Ltd	Manisha Nandan, Project Assistant
	Nadroga/Navosa Provincial Council	Eroni Matalau, Assistant Roko Tui
	Turaga-ni –Koro, Rararua	Paulisi Ratu, Head of Village
	Community members	15 villagers (male) including the mataqali clan leaders and village chief
	Women members	8 women in separate group

Item
<ul style="list-style-type: none"> <li>Welcome ceremony: Sevusevu presented by Eroni. Eroni explained about the project, and its benefits to the area.</li> </ul>
<ul style="list-style-type: none"> <li>Wendy thanked everyone for accepting the project team in the village, and gave some background to the ADB and World Bank wider sector project. She explained the overall schedule for project investigations, including the household survey and traffic flow survey. Community members consented to the research activities, and promised to facilitate the work.</li> </ul>
<ul style="list-style-type: none"> <li>Information on the community was solicited. Main findings were:</li> <li>Village population – 306 people in 67 households</li> <li>Four Mataqali (clans): Werelevu, Mataniqara, Nabitu, Korololo (none own the land next to Narata bridge.)</li> <li>The Rukuruku District School are built in 1974 and has a roll of 110 children, with five teachers. Some children board at the school.</li> <li>The villagers use the Loma health centre (about 6km from village)</li> <li>Some parts of the farmland and village get flooded regularly. An evacuation centre is planned for the other side of the river at Narata on the hillside.</li> <li>Same source of water as Narata village in hills behind the village. It is not working well at the moment. If water source dries out river water is used.</li> <li>Fishing daily has caused a reduction in fish supply. Fish is an important part of the local diet, but the villagers try to fish only when required to conserve stocks.</li> <li>Some of the hillier village land is leased to Fiji Pine Limited, who grow pine for local building needs.</li> </ul>
<p><b>Concerns about the project:</b> All community members welcomed the project as they feared for the safety of children and vehicles on the bridge. They requested that a two-land bridge be built with a footpath for pedestrians and horses, as many people use bullocks and horses to get to their farms near the Sigatoka river.</p>

## Annex 1b: Narata

### Minutes of Consultation Meeting

#### Narata Village

23<sup>rd</sup> July, 2014

<b>Present:</b>	Beca International	Wendy Lee, Social & Poverty Specialist
	Erasito Consultants Ltd	Manisha Nandan, Project Assistant
	Nadroga/Navosa Provincial Council	Eroni Matalau , Asst Roko Tui
	Turaga-ni-Mataqali	Eli

Item
<ul style="list-style-type: none"> <li>Sevusevu presented by Eroni. Eroni explained about the project and its benefits to the area.</li> </ul>
<ul style="list-style-type: none"> <li>The Turaga-ni-Koro advised that because of the recent rain, the villagers are undertaking tobacco planting as the tobacco company had just delivered 4-6,000 seedlings which urgently needed to be planted. Therefore few people could attend the meeting.</li> </ul>
<ul style="list-style-type: none"> <li>Wendy thanked the village head for attending despite the heavy workload they were facing that day. She expressed the hope that further consultations could take place during the time of the household surveys, and explained the schedule of research. The Turaga-ni-Koro consented to the household investigations and said that the data it provided would be useful to the project, which everyone was supportive of.</li> </ul>
<ul style="list-style-type: none"> <li>Disclosure: The team left some leaflets about the project with the Turaga-ni-Koro for him to distribute to those who could not come to the meeting.</li> </ul>
<ul style="list-style-type: none"> <li>Information on the village was solicited. The main findings were that vegetable production relies heavily on the demand from the local market. Only a few farmers plant for export – cabbages, eggplant, okra. There is a new PGS scheme where groups of farmers have formed a company to work with the Sigatoka Agricultural Research Station to improve production and post harvest handling and marketing. Vegetables provide a fairly steady small income for farmers, but prices are low in dry season.</li> </ul>
<ul style="list-style-type: none"> <li>On the other hand tobacco planting for the 1st harvest pays \$3,000.00 (in 4 months from the time of planting). Subsequent plantings are less profitable but it is good for farmers to get lump payments for large expenses.</li> </ul>
<ul style="list-style-type: none"> <li>The first road reached Narata in the 1940s. Narata Bridge was constructed in the 1950s and has never been replaced. It has withstood many floods, but usually gets submerged during heavy rains, as does the village and surrounding farmland.</li> </ul>
<ul style="list-style-type: none"> <li>At least four major accidents have occurred on the bridge when vehicles went over the edge.</li> </ul>
<ul style="list-style-type: none"> <li>An evacuation centre in the event of floods is planned, funded by NZ aid (MFAT). The project is at the tender stage.</li> </ul>

- The river is used for fishing, especially when the water is high: tilapia mainly and some malaya fish (introduced species). However, people also walk to the main Sigatoka river where the fish are bigger and more plentiful.
- All new houses are now built on higher ground due to frequent flooding during heavy rain.
- The village is encountering bank erosion and sedimentation in the river, exacerbated by deforestation and burning in the surrounding hills.
- There are three Mataqali: Nauwakula (Narata Bridge land ownership unit), Leweidranu and Korololo. The Nauwakula own the land on both sides of the river.
- The new tar-sealed road to Sigatoka has improved their livelihoods and access to services. The vegetables are not damaged and bruised when transporting to the market. The travel time is less and the roads are not dusty, so their clothes don't get dirty.
- Population of Narata: 200+ in village, but 400 people overall. Many of the people stay on their farmlands nearer the main river, where there are several small settlements. All the people of Narata are indigenous iTaukei Fijians.

**Concerns about the project:** A two-lane bridge was requested, as the volume of trucks is increasing, and the bridge is still used on a daily basis for farmers to ride their horses to farms, or to drive their bullock sledges across. Children also use the bridge when the river is too high to walk across to the school at Rararua (on the opposite bank of the river to Narata). Parents worry that they will be hit on the bridge by speeding trucks, as there is no where for them to go because it is so narrow. The village also requested that the tar seal on the road be extended.

Arrangements were made to return the next day with the USP students to conduct the household survey.

**Minuted by:** Manisha Nandan

## Annex 1c: Vatubalevu

### Minutes of Consultation Meeting

#### Vatubalevu Village

25<sup>th</sup> July, 2014

<b>Present:</b>	Beca International	Wendy Lee, Social & Poverty Specialist
	Erasito Consultants Ltd	Manisha Nandan, Project Assistant
	Nadroga/Navosa Provincial Council	Eroni Matalau, Asst Roko Tui
	Assistant Turaga-ni-Koro	Jonacani Doidoi
	Community members	Approximately 17 people (male & female)

Item
<ul style="list-style-type: none"> <li>Jonacani Doidoi welcomed the team to the village community hall (together with USP research assistants), and apologized for the fact that many people had already left for their farms (although we started at 8.30 a.m.). He stressed the importance of the project to the village, and their enthusiasm to see the bridge re-built.</li> </ul>
<ul style="list-style-type: none"> <li>Wendy Lee explained the background to the wider project, and the reason for the household survey (which had been agreed to on an earlier visit). Leaflets were distributed to participants to explain the project further. To manage expectations, it was pointed out that the design for the Matawale crossing had not been decided and that it may not be economic to build a bridge.</li> </ul>
<ul style="list-style-type: none"> <li>Information about the village was solicited. The main findings were that Vatubalevu had 83 households and 355 population. 281 people live in the central village by the river, and 74 live in a nearby scattered settlement. Many young people are away at boarding school. The road to the village is steep and in wet weather inaccessible. There is no mobile phone network coverage, and no mains electricity but the village has raised \$8501 as part payment for their connection. When they reach \$9,600, they will be connected by the Fiji power company. Each family had to pay \$128.</li> <li>Approximately 40 village children attend Nelson Palmer Memorial SDA Primary School which caters for Grades 1-8. The children go by truck to the river, (if the road is dry) and then wade across the river to the east bank in the dry season, or go by boat in the rainy season when the river is flooded. There are big concerns about the safety of this, and plans to start a Grade 1-4 school in the village next year, so that smaller children do not have to travel so far. Most of the children used to board at the school during the week, looked after by a rotation of parents, but the Health Centre in Keiyasi inspected the school dormitories, dining room, toilets and bathrooms and reported they were unhygienic, so the boarding facilities have been closed by Dept of Health. This is causing great concern, as it is difficult in bad weather for children to walk to the main road, and to cross the river. Secondary children go by truck to Navosa Central College in Keiyasi, unless the Namada crossing is flooded at Draiba. Only a few children are not attending</li> </ul>



school. (Three girls left because they became pregnant and some boys failed exams and stayed home to farm.

- There is 1 Seventh Day Adventist Church in the village, 2 Catholic families, and 2 Methodist families
- Three mataqali in the village: Nagudruvolili, Lawakilevu, and Tavalala. Nagudruvolili own the land near the Matawale crossing
- Village grows bananas, cassava, vegetables and a lot of citrus and has just sent a truck load of mandarins to Suva. They receive FJ\$200-250 for a 44 gallon drum of fruit in Suva, but only around FJ\$80 if sold to middlemen in Sigatoka. Some farmers have cattle and goats.
- There are land shortages in this area, and few sources of income, so some villagers have grown marijuana as a cash crop (although it is illegal). It was only by this means that people managed to upgrade houses from bures to iron houses, and to acquire many goods such as stoves, TVs, and generators. However, police raided the village two years ago, and have tried to persuade people to stop growing the crop.
- The nearest health centre is approximately 7 km away, and transport is a problem. There are five trucks servicing the village, but only one is 4WD and so in wet weather they can't get down the steep rough road. Large buses from Sigatoka only reach Nataio, just past Draiba.

**Concerns about the project:** People feel their development needs are neglected and that much of this is because the road/crossing is frequently impassable in wet weather. This causes children to miss school, and farmers to be unable to market crops when harvested, and can be dangerous if someone is very ill and can't reach medical help. Jonacani estimated that in the wet season the bridge is flooded one week in every month. It is a source of constant frustration, and causes loss of income to the community. They also said that they were not happy to have another Irish crossing built, as this would not solve the problems of the road being impassable, and would like a higher bridge which would be above the height of most floods. When asked about possible disruption to fishing during construction work, people said this did not concern them, as most fishing is done in the large Sigatoka river, not the small creek. There is a system of tabus put on the river at certain times, and in specific places, to prevent over-fishing. All participants at the meeting expressed their support for the project and their desire to see it happen quickly.

The meeting finished with the four USP students going off with community members to conduct the household survey, and the other team member conducting key informant interviews with village leaders.

**Minuted by:** Manisha Nandan

## Annex 1d: Wema

### Minutes of Consultation Meeting

Wema Village  
23<sup>rd</sup> July, 2014

<b>Present:</b>	Beca International	Wendy Lee, Social & Poverty Specialist
	Erasito Consultants Ltd	Manisha Nandan, Project Assistant
	Nadroga/Navosa Provincial Council	Eroni Matalau, Asst Roko Tui
	Village Chief	Neori Waqerau
	Turaga-ni-Koro	Laitia Yavadua
	Community members	8 participants

Item
<ul style="list-style-type: none"> <li>The Project team and Provincial Council were welcomed to the village. Sevsevu presented by Eroni Matalau</li> </ul>
<ul style="list-style-type: none"> <li>The Roko Tui explained the purpose of the consultation, about the project, and discussed the benefits to the area, (in local iTaukei dialect). 8 people were present at the meeting including village headman.</li> </ul>
<ul style="list-style-type: none"> <li>Wendy thanked the village for accepting them into their village and explained further about the wider project, and the loan funding which will enable the transport infrastructure to be upgraded.</li> </ul>
<ul style="list-style-type: none"> <li>Wendy advised the meeting that the project team will be carrying out traffic survey work on Thursday along the Sigatoka road, and asked the village whether a household social survey could be conducted on Friday. All present consented to this, and said they would inform the community.</li> </ul>
<ul style="list-style-type: none"> <li>Information of the village was solicited: Village has approximately 58 people (15 households).</li> <li>There is only one mataqali – the Mota clan.</li> <li>There are 3 village Christian congregations: Christian Mission Fellowship, Seventh Day Adventist and Wesley Methodist, all of whom share the one church.</li> <li>The road was built around in 1977.</li> <li>Matewale crossing has been rebuilt 3 times (once on top of the existing bridge structure, once upstream and once at a different downstream location which is now underwater).</li> <li>There are 2 sub-districts and approximately 10 villages further up the valley from the Matewale crossing (in Noikoro district – which includes Wema, Vatubalau)</li> <li>About 5-10 times a year the village experience floods (this is highly dependent on the rainy periods). There have been cases that the Matewale crossing is closed for 2 - 7 days due to flooding, and trucks back up along the road on either side. Sometimes people have to swim to waiting trucks</li> </ul>

on the other side, if they have urgent travel needs. In the 1993 Cyclone Kina, a woman was washed away from the crossing into the main river. She survived. The floods appear to be getting worse with climate change. Even if the Matawale crossing is rehabilitated, villagers are afraid this will not help much as there are three other crossings which flood and cut them off: Namanda crossing at Draiba, Tabarua Bridge and Kalekata Bridge.

- During rainy seasons the road becomes slippery and unsafe. Trucks have to be towed up the hills, and sometimes cannot reach the village. The road is in poor condition and is only graded and maintained in selected places once every two years.
- Farmers grow root crops, some vegetables and a lot of citrus. Most keep some cattle and goats. Beef cattle fetch FJ\$10.00 per kilo when sold, but are also used for social and ceremonial occasions.
- Students walk from village to the main road and the RSL carrier truck transports them to school. Some ride horses to school. The majority of the village primary children attend Nelson Palmer Memorial SDA Primary School (formerly Salaiba), while the secondary pupils go to Navosa College. Many board at Vatubalevu during the week as there is no transport all the way to Wema.
- The nearest health centre is at Keiyasi

**Community concerns about the project:** All are very supportive about getting the crossing improved, but are afraid that the same kind of structure will be built again, and that it will not withstand the floods. They are keen to see the whole series of bridges to Keiyasi be upgraded so that they are not cut off from services and markets, as there is no other way out of the valley. They are also very concerned that the boarding facilities at the Nelson Palmer Primary School have closed, as it is very difficult for children to reach the school especially in wet weather, and they fear some will drown crossing the Sigatoka during times of flood.

Asked about fishing, the villagers said that people fish every day in the surrounding rivers, and fish, eels, and prawns were an important food source. There are no tambu sites for conservation.

Wendy arranged that the social survey team would start their survey work on Friday, and thanked the participants for their time and all the information they provided.

**Minuted by:** Manisha Nandan

## Minutes of Meeting

Ministry of Lands and Mineral Resources

9 July 2014 at 15.00

<b>Present:</b>	ADB	Jean Williams, Snr Environment Specialist
		David Ling, Transport Specialist
	World Bank	Ross Butler, Snr Social Development Specialist
		Julie Babinard, Snr Transport Specialist
	William Singh	Acting Asst Director Lands
	BICL	Ian Bone, Team Leader

Item
1. Apologies for lack of notice from ADB/WB. Meeting was for ADB/World Bank to inform ILTB about the Project and to gain an initial appreciation of how the Land tenure system in Fiji works. ADB gave a general introduction to the Project and the preparation phase.
2. Lands Dept is responsible for the registration of titles and transfers for freehold land, for land acquisition by the Government from iTaukei and for leases of iTaukei land. Land under public works is held by the State.
3. For iTaukei land it can be difficult to track down the owners as 60% do not live in the village.
4. All iTaukei land is mapped with defined boundaries of the ownership groups, with the exceptions of the areas of Namosi and Serua (inland NW of Suva)
5. FRA has the power to acquire land under its decree; Lands also has powers to acquire for infrastructure projects. There is a "grey area" of legal inconsistency.
6. When acquiring land for a road, a maximum 20m corridor will be taken. Fair market value is paid; the process is similar to that in Australian/NZ law. FRA has its own land valuers, two of which are embedded in Lands Dept; the Lands and FRA valuers work closely together.
7. FRA as the construction agency is responsible for arranging the cadastral survey work. The road corridor is surveyed before acquisition and 75% of the market value is paid at the time of acquisition, with the residual 25% paid either when an "as-built" survey is completed, or 2 years following acquisition whichever is the earlier. This 75%/25% split was introduced some 10-15 years ago. There is a backlog of the "as built" surveys stretching back to the 1970s, and there are some roads for which there has not been a "before" survey. A caveat noting the acquisition is placed on the land title once the 75% is paid.

8. The amount paid is based on the land actually used for the works (roads, bridges, and rural jetties and wharves). If the “after” survey shows the land area used to be less than originally estimated, then the difference in market value is taken up by an adjustment in the 25% payment. If more land is used, then the 25% is increased by the additional market value. In some cases these are pockets of land that are not of use to either the landowner or FRA, and this is acquired by the State and used for whatever purpose is available (bus bays, landscaping etc)
9. Leasings of land are left to the line ministry to arrange, while land acquisition is done by Lands. So, for example, if some land needs to be leased for temporary use by FRA (such as a temporary waterway crossing during construction), then FRA would organise this with the landowner.
10. Lands normally requires 6 months to 1 year notice of land to be acquired. FRA will provide a schedule of upcoming land acquisitions, so these are available at the start of the calendar year. On January 2<sup>nd</sup>, Lands issues Notices of Intention to Acquire. The Act requires a minimum of 30 days’ notice but in practice much longer notice is given. The boundaries of the land to be acquired are staked out on the ground, and a record is made of the buildings, uses, crops and trees on the land at the time of staking. Normally, the time between notice and acquisition is sufficient for annual crops to be harvested in which case no compensation for crops is paid. There are schedules of compensation for crops and for trees (fruit bearing and otherwise); these schedules are the responsibility of the Department of Agriculture *[and Forestry ?]* but are very out-of-date (10 years old). For leases, the ITLB will determine a market rental. Government is not supposed to pay above the scheduled compensation rates *[but does it in some cases, or finds another way of compensating?]*
11. Lands is proud of its record that only in a handful of cases in 40 years has land been acquired without the agreement of the owners. Lands’ aim is to negotiate an acceptable settlement with landowners taking their interests into account and if there is a good reason why the owner will be disadvantaged, Lands will try and get a change made to the project to resolve the matter amicably. This could involve moving the road alignment for example.
12. The iTaukei system was explained further: the basic unit is the Tokatoka, which is a family group, 2 or 3 tokatoka make up a Mataqali (which is a kinship group) and a number of mataqali make up a Yavusa. Often the Yavusa is one village in size, but can extend to 3 or 4 villages.
13. To gain approval to an acquisition or lease, there must be signatures from a clear majority (51%) of the registered owners *[over 21 years of age of 18 years of age ? check]*. Lands aims to get 60% to avoid later disputes. It can be challenging to track down registered owners who may be living elsewhere in Fiji or overseas.
14. For coastal structures, such as rural jetties and wharves, compensation is for loss of fishing grounds (not for water area as all land below the high water mark is State owned). For reclamation, such as causeways, there is permanent loss and compensation is paid. For open structures, there is no compensation paid as it is assumed that the fish will temporarily move out of the area of construction but will

move back under the jetty once construction is complete. Fishing rights are registered with the Fisheries Commission.
15. Gravel in river beds is the property of the State. Lands and Mineral Resources issue licences for gravel extraction. However access to win the gravel is across owned land so there is a case for lease payments for this access to the landowner. The State charges a royalty to the agency using the river/beach sand/gravel at 50 cents/m <sup>3</sup> to the State and 50 cents/m <sup>3</sup> to the fishing rights owner, \$1/m <sup>3</sup> in total
16. Loss in water quality in a river due to gravel extraction is not compensated for because it is assumed that the environmental conditions will be sufficient to mitigate adverse effects (e.g. by screening). If the effects cannot be mitigated, then it is assumed DoE will not give permission.
17. There is Land and Water Resources Management Department. However there is no system of water rights in Fiji and no payment is required for water extraction – water is still regarded as a free resource for all.
18. Lands does not become involved directly in the consultation process. Consultation will involve the provincial council and one of the four district commissioners 9 several provinces make up a district – <i>[check whether district = C, W, E, N Divisions. Also note that the Ministry of Rural and Maritime Development is responsible for provincial and district matters at Government level]</i> .
19. Certificates of Title to land are obtainable at the Titles Office, as are Instruments of Tenancies for leases which are registered as deeds. The acquisition process leads to a dedication document, a “certificate of transfer of native land”.
20. Consult with Noah in Lands for how the documentation works.

Minuted by Ian Bone

## Annex 1e: iTaukei Land Trust Board

### Minutes of Meeting

iTaukei Land Trust Board

8 July 2014 at 17.00

<b>Present:</b>	ADB	Jean Williams, Snr Environment Specialist
		David Ling, Transport Specialist
	World Bank	Ross Butler, Snr Social Development Specialist
		Julie Babinard, Snr Transport Specialist
	iTuakei LTB	Alipate Qetaki, General Manager
	BICL	Ian Bone
	ECL	Manisha Nandan

Item
1. Apologies for lack of notice from ADB/WB. Meeting was for ADB/World Bank to inform TLTB about the Project and to gain an initial appreciation of how the iTaukei land holding system in Fiji works. ADB gave a general introduction to the Project and the preparation phase.
2. AQ explained the operations of TLTB: TLTB acts as trustee for indigenous land. Customary land can only be sold to the State. Land is classified as reserve (for iTaukei use) or outside-of-reserve land (which can be leased). Land can be moved between the two classifications. If Government wants to use iTaukei land, it has to be de-reserved.
3. Rural housing in villages is reserve land; Housing Authority land is outside-of-reserve land.
4. TLTB negotiates leases on behalf of the owners. Leases require majority consent (51%) under the Act, but ILTB policy (for 5 years) is to obtain 60% of the registered landowners as signatories before approving any lease. TLTB maintains a register of owners; all new born are added to the register, and deaths are removed (but can be delays in recording these). [note – from subsequent discussion with Lands, some 60% of registered owners do not live on their land, and can be difficult to track down. This also means that the register is not a good guide to numbers living in a place]
5. State has powers of compulsory acquisition of land, with fair compensation paid using international market valuation principles. Disputes about land value are resolved through commercial arbitration. Government must acquire the land if it is required for a public purpose. Maximum lengths of leases is 99 years. The leasing system was introduced to (i) provide opportunities for growth and development (ii)

protect land ownership and (iii) provide land for indentured Indian labour brought to Fiji to work the cane plantations in colonial times.

6. Receipts from leases are distributed in equal shares to all registered owners of a piece of land.
7. Other related legislation is the Taukei (Fijian Affairs) Act, the Taukei Affairs Act, the Taukei Land Act. The Ministry of iTaukei Affairs deals with policy under the Commissioner for iTaukei Land
8. Customary land boundaries are agreed by common knowledge and are not surveyed [this was later contradicted at Lands, which said that all iTaukei boundaries are surveyed]. It takes about 1 day to identify the owning group for a particular piece of land.
9. Land below the high water mark and in the beds of rivers is Government land, from British Common Law.
10. TLTB is funded from 10% of the proceeds from leases and sales to the state (down from 15% called *poundage*).
11. TLTB should be the first to be approached when there is a need to consult landowners on customary land. Do not go directly to the land occupiers as it will be difficult to tell who is/is not a registered owner and who can speak for the land owning group. Many agencies do not do this and it causes problems later.

Minuted by: Ian Bone



