

MILLENNIUM CHALLENGE ACCOUNT-VANUATU



Reducing Poverty through Improved Infrastructure

Small Scale Resettlement Action Plan 05:

23 km Point to the 28km Point of Efate Ring Road (Meten Hill) MCA02 Subproject

October 2008

Table of Contents

	Page
Abbreviations	
1.0 Introduction.....	5
1.1 Purpose of the RAP.....	5
1.2 Summary of Key Issues of this RAP	6
1.3 The Vanuatu Legal and Policy Framework	7
2.0 Approach and Methodology	7
2.1 Goodwill Entitlements Table	8
2.2 RAP Information.....	9
2.3 RAP and the Relocation of Public Utilities	10
2.4 Inventory of Losses, Affected Persons and Communities, and Agreed Goodwill Entitlements.	11
3.0 Monitoring and Evaluation of the RAP	15
4.0 Signatures to GET Solutions.....	16

Signed Confirmation of Acceptance of the Agreed Solutions and Goodwill Entitlements.

Annex I: Goodwill Entitlements Table (GET) for MCA-Vanuatu Compact Roads

Annex II: Grievance Redress Procedures

Annex III: List of RAP Consultations

Appendix IV: Signed Confirmation of Acceptance of the Agreed Solutions and Goodwill Entitlements.

Abbreviations

AIDS	Acquired Immune Deficiency Syndrome
COC	Council of Chiefs
COM	Commissioner of Mines (Mines and Minerals Section of DGM)
DB	Design and Build
DGMWR	Department of Geology, Mines and Water Resources
DLSR	Department of Land, Survey & Records (of Ministry of Land & Natural Resources)
EMP	Environmental Management Plan
ESA	Environmental and Social Assessment
ESU	Engineering Support Unit (of PWD)
GET	Goodwill Entitlement Table
GoV	Government of Vanuatu
HIV	Human Immune-deficiency Virus
HSU	HIV and STIs Unit (of Ministry of Health)
LHS	Left hand side
MCA	Millennium Challenge Account
MCC	Millennium Challenge Corporation
MAFF	Ministry of Agriculture, Forestry and Fisheries
MLNR	Ministry of Land and Natural Resources
MOH	Ministry of Health
NGO	Non-governmental Organisation
NKBJ	Nasonal Kaonsel Blong ol Jif/National Council of Chiefs (Malvatumauri)
NKBW	Nasonal Kaonsel Blong ol Women/National Council of Women
OP	Operations Policy (of World Bank)
PAP	Project Affected People
PESA	Preliminary Environmental Assessment
PWD	Public Works Department
QCPP	Queensland Consulting Project Partners

RAP	Resettlement Action Plan
RHS	Right hand side
ROW	Right of Way
STIs	Sexually Transmitted Infections
RAP	Resettlement Action Plan
VCC	Vanuatu Culture Council
VKS	Vanuatu Kaljoral Senta/Vanuatu Cultural Centre

1.0 Introduction

The first priority civil works activity under the Millennium Challenge Account (MCA) Vanuatu Transport Infrastructure Program is the MCA02 Subproject, which involves the upgrade of 92 Km of the Efate Ring Road to bitumen seal and associated road rehabilitation works. This report provides an abbreviated Resettlement Action Plan (RAP) for the construction works associated with the 23km Point to the 28km Point of the Subproject. This section of the road has been identified as the most appropriate for the trial section two (test pavement) due to its location within a rain shadow and proximity to the Meten Hill quarry (Toro Toro Hill). This section RAP has therefore been urgently brought ahead of the RAP for the remainder of the Efate Ring Road. The RAP approach that is being taken for this section is consistent for all sections of the Efate Ring Road in terms of generic goodwill entitlements (or compensation), and Grievance Redress Procedures.

The Efate Ring Road Subproject involves the upgrade of an existing road, for the most part within the alignment of a Government acquired Right of Way of 15 meters. The Ring Road Subproject has the support of the Vaturisu Council of Chiefs from Efate and those communities living adjacent to the road. There will be no displacement or relocation of people or households. The design of the upgrade will avoid, remedy or mitigate any potential adverse affects. All assessments indicate that the only negative economic or physical displacement impacts from the Efate Ring Road upgrade will be very minor and readily mitigated. Most impacts relate to trees and fences/ hedges within or adjacent to the Right of Way, or temporary loss of land used for construction assembly, storage or site works. There may be some temporary loss of income related to impact of construction on access to properties. There may also be small-scale permanent loss of land where the existing road has encroached on leased land and design solutions are restricted.

In recognition that minor and temporary disruption of people's livelihoods may occur, MCA-Vanuatu wishes to approach these as opportunities for building goodwill and development opportunities which contribute to the economic and social well-being of affected people. The concept of compensation has a difficult history in Vanuatu. In consultation with stakeholders, the Program has chosen to use the term "Goodwill Entitlement" to stress a development-oriented and positive approach, in keeping with the overall Program desire to improve people's lives.

1.1 Purpose of the RAP

The purposes of this RAP are to;

- Identify and measure the impact of the Subproject on the people who live and work adjacent to the 23km point to the 28km point of the Ring Road;

- Develop mitigation measures including goodwill entitlements, for landowners and leaseholders affected by temporary or permanent relocation of structures, crops, fences or loss of income, in a way that is appropriate and consistent;
- Identify the responsibilities of the various parties that are to implement the plan, including providing information and guidance to Downer EDI Works Ltd (the Design and Build Contractor) on their responsibilities under the RAP.
- Facilitate MCA-Vanuatu and MCC approvals to ensure compliance of Compact obligations governing environmental, resettlement and social sustainability. The RAPs are “conditions precedent” to the distribution of construction funds as mandated under the Vanuatu Compact and Disbursement Agreement.

The consultations for the RAP provide additional opportunities for affected households and other stakeholders to be consulted on the proposed construction works and to provide meaningful input into the design of the overall program;

This RAP has been developed using reports of site visits and consultations prepared by Maunsell Ltd and the Vanuatu Kaljoral Senta/ Vanuatu Cultural Centre (VKS). MCA-Vanuatu and its ESA Consultant used these reports to work with its implementing entities such as the Department of Lands and the Public Works Department’s Engineering Support Unit (ESU), and other Government agencies such as the Department of Agriculture and the SHEFA Provincial Council. The Efate Vaturisu Council of Chiefs has played a significant role through its designated spokesperson and MCA consultant Chief Mormor. Joint field trips with MCA, MCC, DLSR, ESA Consultant, Chief Mormor and Downer EDI Works also contributed to the process.

1.2 Summary of Key Issues of this RAP

The resettlement issues which have been identified and for which mitigation measures are provided are:

- Management of the Quarry within the existing site boundaries of the quarry. Should the works go outside the boundary of the Quarry (which must be clearly detailed in site maps provided by the contractors and approved by QCPP and the Commissioner of Mines) additional resettlement issues may be triggered.
- Some relocation of fences and temporary roadside stalls, which are located within the road reserve.
- Minimal loss of crops and fruit trees.

There are also potential traffic management issues as a result of the operation of the quarry directly adjacent to the road, on both sides. These issues will be managed appropriately under the Traffic Management Plan and the QMP.

The quarry is an existing PWD quarry, and its use provides an opportunity for the DB Contractor to clean up what has not be reinstated and become an unattractive area. The

works will also lower the grade of the hill and this will improve traffic comfort and safety.

The communities located closest to this section of the Road are firstly the Moso Landing community (about 4 families from Tasariki Village) to the east of Meten Hill. The access road to Moso Landing Road (approximately 4km to the first house) intersects the Ring Road at the 22.3km Point. Malafau Village, also located 4km from the ring road (intersecting at the 21km point) to the south east of Meten Hill has approximately 20 families. To the north west of the Meten Hill Section is Siviri Village, with the first house from Siviri at 27.7km point. The centre of the village, where the majority of families live is to the north of the Ring Road, adjacent to the coast. The access road to the village is approximately 1.5km in length. The land before Meten Hill is Moso Community land and from the top of Meten hill (where the boundary peg is located at 24.7km Point) the land is Siviri Community land.

1.3 The Vanuatu Legal and Policy Framework

A description and analysis of the national policy and legislation framework that has implications for the RAP process was undertaken for the first RAP for the Subproject - Epule Bridge and Epau Creek Crossing. As the legal and institutional framework for RAPs are based on national laws governing land reform, acquisition and leases for all of Vanuatu, this framework and analysis is applied for all RAPs being prepared for the Program. This RAP has been prepared in accordance with the legislation and policy as described in the RAP for Epule Bridge and Epau Creek Crossing, which is available for the public to review from the MCA Office in Port Vila and on the MCA Website (www.governmentofvanuatu.gov.vu) The Goodwill Entitlements Table used in the RAP (attached in Annex I) has been prepared in accordance with Government and MCC requirements and updated to reflect recent agreements regarding implementation of the Agricultural Compensation Policy.

2.0 Approach and Methodology

This report is built upon the following work:

- A Preliminary Environmental and Social Assessment (PESA) January 2006 prepared by Parsons Brinckerhoff as part of the MCC's technical, financial and economic assessment of the MCA-Vanuatu program comprising 11 Subprojects.
- A preliminary Reconnaissance Survey and Scoping Report prepared by Maunsell Limited in 2008.
- A preliminary Environmental and Social Assessment Report including Environmental Management Plans for the Efate Ring Road Subproject MCA02 prepared by Maunsell Limited in 2008.
- A preliminary Resettlement Framework for the Vanuatu Transport Infrastructure Program, prepared by Maunsell Limited in 2008.

- Assessments and comparisons of surveys and records of land use and road right of way from the Surveyor-General's Office, the Lands Lease Records Office, and recent survey undertaken by sub-contractors to Downer EDI Works.
- RAP investigations on site of the Meten Hill section of road 23km to 28km on the 18th September, 26 September and 21 and 24 October 2008.
- Consultation meeting with Villages (including Meten Hill area) at Emua on 18th September 2008, and with custom owners around Meten Hill on 24 October.

These reports and surveys form an important backdrop to this report. They are available from the MCA Office.

Under the Compact, the Transport Infrastructure Program must respect and work within the Government's regulatory and Customary approaches to resettlement. MCA has sought practical guidance from the agencies and stakeholders who apply this framework to ensure recommendations and developments such as the 2007 National Lands Summit could be considered. The involvement and support of the Ministry of Lands, the SHEFA Provincial Planning Office, and the Vaturisu Council of Chiefs of Efate is ensuring that Vanuatu requirements are met. Where the local approach provides lesser safeguards than those offered under MCC's Guidance and the World Bank Operational Policy (OP4:12) and annexes, the latter will prevail. Under the MCA Compact, the Government of Vanuatu is responsible for any compensation or positive entitlements. MCC funds can not be used for these purposes.

World Bank OP4:12 defines resettlement as including the involuntary taking of land resulting in:

- Relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
- The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on livelihoods.

MCC guidance requires that loss of assets such as structures, trees, and crops, whether temporary or permanent, are considered as economic displacement. These guidelines have been shared with local authorities and stakeholders.

The main point of difference between Vanuatu legislation and WB OP4:12 is that Government compensation for permanent loss of land is based on the value of the loss of use rather than market value replacement for the loss of the land. The need for "fairer dealings" in compensating land owners was recognized as a major issue in the 2007 National Lands Summit. This has been taken into account in the Goodwill Entitlements Table for the Vanuatu Transport Infrastructure Program (refer Annex I).

2.1 Goodwill Entitlements Table

The Goodwill Entitlements Table (GET) reproduced in Annex I, has been developed as a whole of Government approach, involving responsible departments such as Department of Lands and Department of Agriculture, and the SHEFA Provincial Government and the

Vaturisu Council of Chiefs of Efate. The GET reflects the limited resettlement situations expected to be encountered on the Efate Ring Road. The intent is to ensure that no-one is worse off as a result of the works, and where possible, that people benefit from the road.

Goodwill Entitlements will be in-kind allocations or cash payments according to the table in Annex I. The same options will be offered consistently to all affected parties throughout the life of the Compact. Agreed entitlements will be made as soon as possible and prior to the commencement of civil works in the area.

These Goodwill Entitlement options apply to the Vanuatu Transport Infrastructure Program and are not intended to establish a precedent for other Government, donor, or private-funded civil works programs. There is currently a gap in Government policy to address resettlement and relocation issues resulting from Government works and public infrastructure projects. It is envisaged that an evaluation of this resettlement programme implemented by MCA will provide a basis for the government to adopt a similar approach.

2.2 RAP Information

The RAP:

- Lists all assets likely to be impacted by the road works.
- Describes and values each asset, and the nature of the impact (for example, loss of crop, structure, or tree; loss of income, loss of access to services or social networks; and whether the impact is temporary or permanent).
- Provides the names of the affected owners, individuals, families, and communities.
- Identifies any vulnerable people affected, for example a family with a sole female parent and breadwinner.
- Identifies which compensation options (from the Goodwill Entitlement Table) were agreed, and provides dates and signatures or evidence of the compensation being agreed and made.

To guide the DB Contractor in the final design and during construction some of the EMP issues are inserted into the table in the RAP to highlight some of the potential concerns within this section of road.

Those people or communities that are considered to be potentially adversely affected by the proposed works have been identified by MCA teams and have been consulted with. These people are listed on the RAP inventory. To be eligible, a person or community:

- Must have land, home, structure, trees or crops which are affected by the road works, whether they have formal title or ownership rights or not.
- May be likely to lose permanent or temporary access to resources as a result of the road works.

The process allows for new affected persons to be identified should changes to the proposed road works occur during design or construction.

It should be noted that Malafau, Tasariki Village, and Siviri Village are aware, as a result of the consultation that the building contractor is required to work in accordance with Environmental Management Implementation Plans. More significant environmental and social impacts for this section of road are:

- Engineering solutions to control silt and runoff during work on the Quarry.
- Traffic Management during the operation of the quarry.
- Awareness raising for the contractors and the village to avoid the spread of communicable diseases including STIs, HIV/AIDS.
- Proper disposal of waste.
- Management of health and safety.

The villages are also aware that the engineers and the MCA team will undertake inspections to ensure compliance with these requirements.

2.3 RAP and the Relocation of Public Utilities

Due to the cost and time required for negotiations to relocate power poles the employer has required that where possible power poles will be retained at their current location. If a wider road reserve is necessary or for traffic safety purposes the power poles need to be relocated. MCA protocol requires discussions between UNELCO, the Ministry of Public Utilities, the Ministry of Lands, and the Contractor. These discussions will be facilitated by MCA and its FIDIC Engineer. Any RAP issues associated with the agreed relocation of power poles will then be addressed by the ESA Contractor and the DB Contractor, in collaboration with MCA.

Community owned water supply infrastructure is located at different points under the existing road. During RAP consultation, the location of known water infrastructure was determined wherever possible and affected persons and the DB contractor were alerted to the need to protect water supplies. However it is anticipated that there may be infrastructure that cannot be easily identified pre construction and which must be addressed during construction. The infrastructure should be protected from damage, and the owner of the infrastructure identified and consulted. If required, the infrastructure shall be retained within the new road. Should the contractor need to disrupt the supply of water during construction, the Contractor must consult with the landowner and if necessary, a goodwill entitlement appropriate to the duration of the supply disruption should be offered.

2.4 Inventory of Losses, Affected Persons and Communities, and Agreed Goodwill Entitlements.

RAP No 05: 23 Km Point to 28km Point (Meten Hill) measured from bottom of Klems Hill (0km point).

The losses and relocations in the table below may not be confirmed until final designs are approved. Goodwill Entitlements and agreed solutions will be offered once these impacts are confirmed and prior to the commencement of construction. All attempts by the DB Contractor will be made to retain structures including fences and preserve vegetation where possible. The location of the structures and vegetation in this table is based on joint site investigations undertaken by MCA, MCC, ESA Contractors and DLSR and are located according to the nearest kilometer mark.

Location and Area Reference	Description of Asset and Valuation and Impact of Loss	Names(s) and Status of Owner(s)	Agreed Solutions and Goodwill Entitlements	ES Issues to check in Efate EMP, some design issues	Name of Parties to RAP agreement
23.1km	a) The base of the existing Meten Hill Quarry, which is to be further quarried for road material. Use of the quarry and landowner agreement has been confirmed by the CoM and the ESA team.	Chief Matoaele Meameadola, Kastom Owner	Landowner agreement with the contractor.	Preliminary Environmental Assessment completed and environmental management detailed in QMP.	Chief Matoaele Meameadola
23.3km	2 coconut trees one on RHS and 1 on LHS of road to be removed.	Kalmele, Kastom Owner Kalulu Tervito	The Department of Agriculture will provide tree seedlings.	No ES issues	Kalmele Kalulu Tervito
24.6km	Siviri Village and Moso Island land owner boundary.		The building contractor (with PWD assistance) may assist movement and	No ES issues.	

			replacement of the marker pole.		
24.6 – 26.7km	Fence on LHS may need to be relocated to allow sufficient drainage.	Kastom Owner: Chief Masongomapula (Peter) & Assistant Chief Msenawata. First section of fence Solo Tonny. Second section of fence Ewan Kanas	The building contractor (with PWD assistance) may assist movement and replacement of the fence and make good any damage caused.	No ES issues.	Chief Masongomapula (Peter) & Chief Msenawata Solo Tonny Ewan Kanas
26.8km	Monument to the life of Manase Daniel on RHS (relates to a car accident that happened earlier this year)		Preserve monument . No entitlement required.	Protect the monument during construction, temporary fencing maybe required.	
27km	2 coconuts from RHS to be removed	Ewan Kanas Kastom Owner	The Department of Agriculture will provide tree seedlings.	No ES issues	Ewan Kanas
27.4km	Mango tree to be trimmed on LHS of road. Siviri Village sign to be relocated outside RoW.	Steele & Chief Masongomapula (Peter) & Chief Msenawata Kastom Owner	The Department of Agriculture will provide tree seedlings.	No ES issues	Steele & Chief Masongomapula (Peter) & Chief Msenawata
27.5km	Breadfruit tree to be removed from LHS and Mango tree to be trimmed.	Shem Lock Kastom Owner	The Department of Agriculture	No ES issues	Shem Lock

			will provide tree seedlings under the GET.		
27.5km	1 Coconut removed from LHS and 3 coconut trees and 1 Natapoa tree to be removed from RHS.	Shem Lock Kastom Owner	The Department of Agriculture will provide tree seedlings under the GET.	No ES issues	Shem Lock
27.5km	Remove from LHS of road, 6 coconut trees and possibly 1 Natapoa tree.	Shem Lock Kastom Owner	The Department of Agriculture will provide tree seedlings under the GET.	No ES issues	Shem Lock
27.6km	2 young Natapoa trees, 6 coconuts, and 1 lemon tree to be removed from RHS of road	Tony Feriam Kastom Owner	The Department of Agriculture will provide tree seedlings under the GET.	No ES issues	Tony Feriam
27.7 - 27.9km	Coconut plantation on RHS of road requires removal within RoW to allow alignment on RHS and protect Coconut plantation on LHS.	Morrison George Kastom Owner	The Department of Agriculture will provide tree seedlings under the GET.	No ES issues	Morrison Geore
27.8	Market stall on LHS road (part of Siviri Village) to be relocated.	Kaltava and Anna Esron Kastom Owner	The building contractor (with PWD assistance) may assist movement and replacement of the stall and make	No ES issues	Kaltava

			good any damage caused.		
27.9km	Pamplemousse and breadfruit tree to be removed on RHS of road. Some coconuts forming part of plantation may also need to be removed here.	Morrison George Kastom Owner	The Department of Agriculture will provide tree seedlings under the GET.	No ES issues	Morrison George
28km	2 Mandarin, 2 breadfruit and 1 lemon tree to be removed from RHS of road.	Morrison George Kastom Owner	The Department of Agriculture will provide tree seedlings under the GET.	No ES issues	Morrison George
General	<p>ff) Kastom Welkam undertaken for Malafau, Tasariki and Siviri Villages in Emua Village on 18th September 2008 for works adjacent to their Village land. These villages are the custom owners of most of the land in the construction zone and they will be most affected by the construction works so their goodwill is critical.</p> <p>Building Contractor to:</p> <ul style="list-style-type: none"> • Establish an agreement(s) with Malafau, Tasariki and Siviri Villages to provide suitable local labor if required at a daily rate of Vatu1000 per worker. • Work with PWD to employ local labor to clear ROW ahead of contractor equipment. • Provide short training for selected villagers (male and female) in road maintenance. This may open up new opportunities for villagers to compete for community road maintenance contracts after the works have been completed, and provide additional income-generating options in the 		<p>HIV awareness for Malafau and Tasariki Village and Siviri Village to be undertaken.</p> <p>Water permits gained for water-take from American Pool and Malatia River</p>		

	<p>area.</p> <ul style="list-style-type: none"> • For Malafau, Tasariki and Siviri Villages welcome at Emua, the building contractor has provided a once-only payment (gift) of Vatu5000 cash to the PWMU. The village will provide access for workers wash area, and assist with a temporary eating area for the workers where the women can prepare and sell refreshments. The contractors and their workers are interested in purchasing fruit, drinks and food from the village women. Women and families will benefit from this temporary additional income source. • All broken and surplus materials such as pipes and concrete will be stockpiled and the villages will allocate. Unwanted items will be removed by the building contractor. 			
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3.0 Monitoring and Evaluation of the RAP

The monitoring and evaluation of the RAP activities is included in the EMP and Monitoring and Evaluation Plan for the MCA broader Subproject. The responsibility for the RAP activities are in most cases the contractor's as issues can be most efficiently dealt with during construction. For example the dismantling and relocation of the structures made of natural materials to be completed by construction workers. The FIDIC Engineer is responsible for monitoring compliance with the RAP and advising MCA of non-compliance and emerging issues.

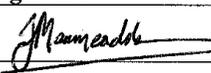
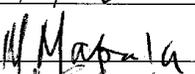
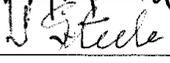
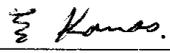
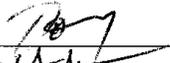
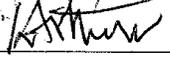
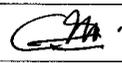
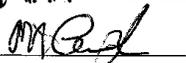
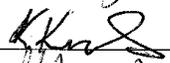
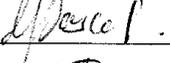
4.0 Signatures to GET Solutions

23km point to 28km point of Efate Road (Meten Hill). Confirmation of Acceptance of the Agreed Solutions and Goodwill Entitlements

Name	Village	Title	Signature	Phone number
Chief Matoaele Meameadola	Moso Village (Tasariki)			
Kalmele	Moso Village			
Chief (Peter) Masongomapula	Siviri Village			
Steele	Siviri Village			
Ewan Kanas	Siviri Village			
Assistant Chief Msenawata	Siviri Village			
Tony Feriam	Siviri Village			
Kaltava/ Anna Ebron	Siviri Village Malaroa Village			
Morrison George	Siviri Village			
Solo Tonny	Siviri Village			
Shem Lock	Siviri Village			
Kalulu Tervita	Moso Village			
Kaltuk Kanas	Siviri Village			

Signed form is below – please note that John Pascal signed in error as his land is outside this section of RAP as it relates to land before the 23km Point.

**23km point to 28km point of Efate Road (Meten Hill). Confirmation of
Acceptance of the Agreed Solutions and Goodwill Entitlements**

Name	Village	Title	Signature	Phone number
Chief Matoaele Meameadola	Moso Village (Tssariki)			7756706
Kakele / Kalmele	Mosso		KK JOEL	
Chief (Peter) Masongomapula	Siviri Village			5422590
Steele	Siviri Village			
Ewan Kanas	Siviri Village			
Assistant Chief Msenawata	Siviri Village			5448978
Tony Feriam	Siviri Village			
Kaltava / ANNA ESON	Siviri Village			
Morrison George	Siviri Village		SEE BELOW	
ANNA ESON	MALAROA		ANNA 	
MORRISON Morris George	SIVIRI			5476252 5444252
KALULUKA KANAS	SIVIRI			
JOHN PASCAL	SIVIRI			
SOLO TONNY	SIVIRI			
Kalulu Tevita	MOSO			
Shem Lock	SIVIRI			7756706 5499945

**Annex I: Goodwill Entitlements Table (GET!) for MCA-Vanuatu
Compact Roads, October 2008**

Type of Affected Asset	Village/ Chiefs -Arranged Assistance	MCA -Arranged Entitlement may be selected and agreed from one or more of these options
Cash crop or fruit or custom trees or ornamental plants where it is clear that the crop has been planted by community or landowners (not self seeded e.g. Pawpaw)	<ul style="list-style-type: none"> • Crops and/or wood may be retained by owner(s). • Village/ Chiefs provide alternative land for re-planting, assist with relocating plants from within the RoW if feasible to other areas outside the RoW, re-planting of new crops, and provide initial access to other crop or fruit until trees are bearing, if required. • Where plantations located within the RoW have many different owners the Chiefs will distribute the entitlements appropriately. 	<ul style="list-style-type: none"> • Free removal, once agreed. • Replacement plants or seedlings provided with the assistance of the Department of Agriculture. • Where more than 5 crops planted for commercial purposes are located within the RoW are to be removed, land in a location agreed to by the landowner and easily accessible to the road, at least equivalent to the space lost by the clearing of the RoW should be cleared by PWD/Contractor for re-planting. • Information of timing of proposed clearing of vegetation within the RoW to communities to allow harvest and replanting planning within communities. Advice available from Department of Agriculture to communities on this if necessary.
Hedges, fences or cattle grids	<ul style="list-style-type: none"> • Materials may be retained by owner(s). • Village/Chiefs provide alternative land for hedge or fence if required, and provide assistance with erection. • Owners of cattle grids to identify if required to retain cattle stops within RoW. 	<ul style="list-style-type: none"> • Free removal, once agreed. • Replacement or relocated plants or materials provided with assistance to replace hedge or fence to same quality and condition or to PWD standards. • Replacement of cattle grids if owners require cattle stop to be retained and if approved by appropriate authority.
Temporary loss of community or custom land for construction assembly, storage or site works for period of less than twelve weeks, including access to water and toilets, but no accommodation.	<ul style="list-style-type: none"> • Village Chief to assist with selection of workers (if requested by the Contractor) and distribution of unwanted construction materials. • Mamas Association to assist with refreshment services if requested by the Contractor. 	<ul style="list-style-type: none"> • Free clearance and grading of land by the contractor. • Payment for security service if requested by the Contractor to protect site and equipment at the rate of Vatu1000 per 24 hour period. • Employment opportunities with the civil works program at the rate of Vatu1000 per day. • Donation of unwanted materials resulting from the works. • Cash advance and purchase of food and drinks through the Mama's Association as required. • Small items of sporting equipment. • First Aid Kits. • Gift boxes of food OR books OR calico, , or other items agreed with the community,

		depending on size and value of land and length of time of temporary loss of use.
Temporary loss of community, custom, or private land for construction assembly, storage or site works including accommodation for period of more than twelve weeks, including accommodation, power, water, sanitation, fencing.		<ul style="list-style-type: none"> • Building contractor negotiated and funded commercial arrangement based on market value as determined in consultation and agreement with lease holder, custom owner and chief, and using both cash and in-kind assistance, consistent with rates of compensation as determined by the Enforcement Office, Lands Department.
Temporary loss of income from tourist or other small business activities.		<ul style="list-style-type: none"> • Offer of paid security service to protect site and equipment at the rate of Vatu1000 per 24 hour period. • Employment opportunities with the civil works program at the rate of Vatu1000 per day. • Voucher for small business or similar training. • First Aid Kit
Temporary structures or stores.	Village/Chiefs provide alternative land if required, and provide assistance with erection.	<ul style="list-style-type: none"> • Assistance with re-location or replacement. • Offer of paid security service to protect site and equipment at the rate of Vatu1000 per 24 hour period. • Employment opportunities with the civil works program at the rate of Vatu1000 per day. • Voucher for small business or similar training. • First Aid Kit
Permanent loss of land.	Village/Chiefs provide alternative land if appropriate.	<ul style="list-style-type: none"> • Lands Department provides cash compensation from the Government Compensation Fund in line with size of land loss and Department valuations and procedures, with an emphasis on “fair dealings”. MCA will work with Lands to ensure “fair dealings”.

Annex II: Grievance Redress Procedures

The GoV already has extensive guidelines for managing grievances associated with land and related assets such as crops. Timely redress of any grievances associated with the MCA civil works is vital to the satisfactory completion of resettlement and to completion of the program on schedule. These procedures are intended to complement the Government systems and to provide options for fast-track resolution of grievances.

Affected persons have the right to file complaints or queries in the event that there are any grievances resulting from loss of assets because of the road constructions. The following procedures should be followed:

- In the first instance, and in respect to Vanuatu ways, affected persons are encouraged to express their grievances and attempt a resolution through their community and Customary processes. Chiefs have agreed to give priority to speedy hearings. Community field workers are also available to assist. The building contractor will, at all times, have a representative whose duty it is to hear and attempt to resolve any grievances. The Vaturisu has agreed to assist. MCA has employed Chief Mormor to assist with the local resolution of grievances.
- Should customary processes not be appropriate or not lead to a resolution within seven days, the aggrieved person should register their grievance with the MCA Environmental and Social Assessment Officer or the Provincial Planning Officer.
- Within five working days, MCA and the Provincial Office will attempt to settle the grievance with additional explanation efforts and some mediation with the aim of settling the dispute amicably. The DB contractor and the FIDIC engineers and PWD's Engineering Support Unit may provide advice. In some cases, chiefs and customary leaders may be asked to assist. In some cases, other Government agencies such as the Department of Lands or the Department of Agriculture may be asked to assist or to manage the grievance under their normal procedures. These agents will ensure that aggrieved persons have access to information about their rights under the Government's systems and these procedures. MCA may also seek participation from its contractors.
- In cases where a resolution is not easily found within the five days, MCA and the Provincial Government may establish a Grievance Committee comprising knowledgeable persons and community leaders, experienced in the subject area and with skills in mediation to assist with the management of the grievance. Mediation meetings will be held with interested persons. Government agents and chiefs have agreed to provide their time for free as part of their contribution to the Compact. There are no charges for the aggrieved person under these steps.
- Aggrieved people remain free to pursue their grievance under existing Government regulations or to open a court case. Normal charges will apply. It is hoped that the mediation processes will provide effective and quick resolutions so that lengthy processes and courts of law become a "last resort" option.

At all stages of these procedures, special efforts will be made to consider the needs of vulnerable people including sole supporting parents, and people with disabilities. Special attention will be paid to the special needs of women and young children.

MCA-Vanuatu will establish a database to document all grievances and track their outcome, and summarize this information on the MCA website and in its regular reports to the MCA Steering Committee, the Council of Ministers, and MCC.

Annex III: List of RAP Consultations

List of Consultations – Efate Ring Road

Note that in these meetings (except for the ES workshop) Bislama was spoken. As a result the ES Consultant may have missed some points in her note taking.

Date	Consultation Meeting	Purpose of the Meeting
July 3 2008	Joint Site visit by representatives of implementing entities to the first 5km MCA, MCC, DB Contractor, ESU, DLSR, QCPP, SHEFA Province.	To establish the extent of the resettlement required for the first 5km section of road. Looking for major issues of resettlement.
August 6 2008	Joint Site visit by representatives of implementing entities to the first 5km to identify affected landowners. MCA-Vanuatu, MCC, Downer EDI Works Ltd, Supervising Engineer, Chief Mormor, DLSR and ESA Consultant.	Site visit with the contractor to determine landowners that might be affected. Location of potential relocation for fences and structures, removal of trees and crops. Any issues relating to alignment of road.
August 14 2008	Members of the Mele Village Community; Members of Implementing Entities; Chief Mormor (Vaturisu Council of Chiefs) <ul style="list-style-type: none"> • Stanley John (SHEFA Provincial Council) • Catherine Malosou (MCA) • Phillippe Firiam (ESU) • Craig Smart (Downer EDI) • Richard Vonsenger (QCPP) • Williamson Moli (MCC-Vanuatu) • Mandy Fitchett (ESA Consultant) List of Attendants from Community attached below.	<ul style="list-style-type: none"> • Information provided to community on consultation procedure related to resettlement of fences, structures and removal of crops or fruit trees. • Decision by the community to postpone the meeting to the 18th of August to give more notice to the rest of the community.
August 18 2008	Meeting with Mele Village Community, Leaseholders within the	<ul style="list-style-type: none"> • Explanation of resettlement process.

	<p>first 5km, Temoto Village and Mangaliliu Village. Chief Mormor (Vaturisu Council of Chiefs)</p> <ul style="list-style-type: none"> • Catherine Malosou (MCA) • Phillippe Firiam (ESU) • Craig Smart (Downer EDI) • Williamson Moli (MCC-Vanuatu) • Mandy Fitchett (ESA Consultant) <p>List of Attendants from Community attached below.</p>	<ul style="list-style-type: none"> • To discuss appropriate and consistent compensation entitlements for the Efate Ring Road. • Downer Stakeholder Liaison Officer providing information on the proposed works within the first 5km and contact details for community if any questions or concerns. Flyer to be posted in Farea by Downer with contact details. • Answer questions, address concerns related to the proposed works. Location of infrastructure under the road. Contact with this information in Mele Village is Simeon Poilapa. • Downer to investigate possible use of waste soil and material in Mele School grounds. • Agreement obtained to place survey pegs along first 5km showing proposed vegetation clearance. • Obtain signatures from PAPs in order to complete RAP for First 5km to confirm agreement to GET table and agreed solutions.
August 20 2008	MCA-Vanuatu Steering Committee Meeting	<p>The meeting had 3 main agendas:</p> <ul style="list-style-type: none"> • Update of Project Management Unit Activities • Approvals required from the Steering Committee, including RAP, ESA EMP and Consultation Plan.
29 th August 2008	Consultation with stakeholders on Tanoliu Options	<ul style="list-style-type: none"> • See meeting notes
4 th September 2008	Tanoliu Village Consultation on issues and concerns of Village	<ul style="list-style-type: none"> • Meeting in Village • Walk along the main stretch of the village.
5 th September 2008	<p>Kastom Welkom in Mele Village.</p> <ul style="list-style-type: none"> • MCA-Vanuatu • Downer EDI Works Ltd, • Supervising Engineer, 	<ul style="list-style-type: none"> • Perform Kastom welcome for Contractor to begin works on first 5km. • Consultation with members of the

		<ul style="list-style-type: none"> • Chief Mormor, • Shefa Provincial Planning Office. 	community, including chief, on the likely impacts to occur during construction. Awareness on important contact points
10 th 2008	September	Wan Smol Bag raise awareness about next week training for STI HIV in Mele Village	<ul style="list-style-type: none"> • Advertising for next weeks awareness raising evenings done in village by Wan Smol Bag
17 th 2008	September	<p>Village Consultation and Kastom Welcome at Gideons Landing Chief Mormor (Vaturisu Council of Chiefs)</p> <ul style="list-style-type: none"> • Catherine Malosou (MCA) • Phillippe Firiam (ESU) • Craig Smart (Downer EDI) • Williamson Moli (MCC-Vanuatu) • Mandy Fitchett (ESA Consultant) • Tony Sewan (MCA Acting Director) • Stanley John (SHEFA) 	<ul style="list-style-type: none"> • See Meeting notes
18 th 2008	September	<p>Village Consultation and Kastom Welkam in Emua Chief Mormor (Vaturisu Council of Chiefs)</p> <ul style="list-style-type: none"> • Catherine Malosou (MCA) • Phillippe Firiam (ESU) • Craig Smart (Downer EDI) • Williamson Moli (MCC-Vanuatu) • Mandy Fitchett (ESA Consultant) • Tony Sewan • Willis (Downer Quarry manager) • Stanley John (SHEFA) 	<ul style="list-style-type: none"> • See meeting notes below
17 th and 18 th September 2008		HIVE STI Awareness in Mele Village	<ul style="list-style-type: none"> • Delivery of Awareness on the potential threat of HIV & STIs on the community.
23 rd 2008	September	ES Workshop with Downer EDI Works, QCPP, MCC, MCA and PWD ESU	<ul style="list-style-type: none"> • Presentations on communication and consultation protocols, roles and responsibilities of all stakeholders with regard to environmental and social work.
25 th 2008	September	<p>Village Consultation and Kastom Welkam in Epau Chief Mormor (Vaturisu Council of Chiefs)</p>	<ul style="list-style-type: none"> • See meeting notes

	<ul style="list-style-type: none"> • Catherine Malosou (MCA) • Phillippe Firiam (ESU) • Craig Smart (Downer EDI) • Williamson Moli (MCC-Vanuatu) • Mandy Fitchett (ESA Consultant) • Richard Von Senger (QCPP) • Nancy Convard (MCC) • Tony Sewan • Stanley John (SHEFA) 	
3 rd October 2008	<p>Village Consultation and Kastom Welkam in Eton Chief Mormor (Vaturisu Council of Chiefs)</p> <ul style="list-style-type: none"> • Catherine Malosou (MCA) • Phillippe Firiam (ESU) • Craig Smart (Downer EDI) • Williamson Moli (MCC-Vanuatu) • Mandy Fitchett (ESA Consultant) • Stanley John (SHEFA) 	<ul style="list-style-type: none"> • See meeting notes
27 th & 28 th October 2008	<p>Collecting of Signatures for 23km to 28km section of Ring Road RAP Chief Mormor Mady Fitchett Moli Williamson</p>	<ul style="list-style-type: none"> • See Signatures form below

CONSULTATION REGISTRATION SHEET

DATE: EMUA PLACE OF MEETING: 19 SEPT 09

NAME	OCCUPATION	VILLAGE
MASEMANTALO	GARDNER	EMUA VILLAGE
TARMA BEN	"	TAKARA
PETER ALBERT	"	"
PAKOA MAU	"	EMUA
ESEN KALMAERE	"	"
KALSA DESNEY	"	PAUNANGISU
Daniel Ruben	"	Sarama
Dallace	"	Paungisim
ibw	"	Sara
James MARI	Farmer	Paungisim
Pete Arthur (Paungisim)	CHIEF	SIVIS
Joe Kallapua	Journalist	Emua Village
Kalmaru Kalmar	Counsellor (Self Proj)	Paungisim
Michael Bethel	GARDNER	TASSIRIKI
STANLEY TOR	GARDENER	TASSIRIKI
ANDREW VICTOR	GARDENER	TASSIRIKI
Archibald Kalo	Self employed	Paungisim
Fred Kama	Contractor	Paungisim
J. MAMASIPUA	ASST PDS VILL	"
MIDIANIAEWA	ASSIST	EMUA
LEISARIA Pula	House wife	Emua
MERCY Raymond	Housewife	Emua
ANITA LANGO	HOUSE WIFE	EMUA
Winnie Douglas	House wife	Emua
Kenneth Lango	Gardener	Emua
K. Manawa	Gardener	T. Para
SK Namali	Gardener & driver	Paungisim
Mattias Daniel		EMUA
MARK BETHEL	PLUMBER	PAUNANGISU
ALICK TESNIF	GARDENER	"
APIE THOMAS	GARDENER	PAUNANGISU
Samuel Tuma	"	Sarama
GEORGE BETHEL	"	PAUNANGISU
Fred. Samson	"	EMUA
JACK. LOKIN	"	EMUA
JONATHAN. KALDI	"	PAUNANGISU

CONSULTATION REGISTRATION SHEET

DATE: 19/09/08 PLACE OF MEETING: EMUA

NAME	OCCUPATION	VILLAGE
WIKI BIRD	GARDENER	PAUNAGISU.
SIMON FRANK.	"	EMUA
SERGE MORRISON	"	EMUA
KALI GEORGE.	"	EMUA
BRIAN FRANK.	"	EMUA
BEN FRANK	"	EMUA
KACMANUA JOHN	"	SAAMA
RICHARD FRANK	"	EMUA
JOHN FRANK	"	EMUA
ARTHUR LANGO	"	EMUA
KALO FRED.	"	PAUNAGISU
JACKY KALAPARI	"	EMUA
Bendamin	"	EMUA
KALCA KALSI	"	PAUNAGISU
JOM JULU	"	SAAMA
Johnny Kallapiri	"	EMUA VILLAGE
MORIS ARKHO	"	PRONAGISU
BRIAN TASEEI	"	EMUA VILLAGE
Peter Kato.	"	EMUA VILLAGE
Titus Nawa	"	PAUNAGISU
Lonky Frank	"	PAUNAGISU
JOSEPH WALLACE	"	PAUNAGISU
Samuel FRANK	"	EMUA
MANSUEL KALAPARI	"	EMUA
KALPI KALES	"	PAUNAGISU
J. RATIS	"	PAUNAGISU
Kalman Sam	"	EMUA
K. Latta	"	"
FRANK GEORGE	"	EMUA
Morris Ben	"	TAKARA
Rennie Songomopulo	Chief	TAKARA
THOMAS PARATA	Chief	TAKARA
Mario Kalamunua	CHIEF	TAKARA
MONIEE SIMU	Chief	EMUA
CRAIG SMART	Dancer EDI WONGS	V.10
JACOBETH KB	HOUSE WIFE	EMUA

Consultation and Village Welkam Meeting – Emua 2pm 18th September 2008

Meeting Notes

Attendance:

Men: 71

Women: 20

Villages –

Siviri

Saama

Emau

Takara

Presentations by Moli, Tony, Stanley, Craig.

Community Comments/Questions:

1. Chief Kalmari (Counsellor for North Efate) asked about job application process firstly he wanted to know if he could photo-copy the forms, secondly he queried whether the quarry fees were being established for landowner or was the use of the quarry free for the Government. Thirdly he wanted to know what would happen to the fences (especially bullock fences) and fruit plants located next to the road. Who pays?
2. Someone was selling the job application forms so Tony responded with an explanation of the process.
3. Mark spoke about the compact goal to reduce poverty, suggesting best way to do this was to employ youth from their villages to work on the road.
4. Mamas are concerned about road safety after the road is complete, especially for children playing and walking to school, what is the plan for safety management? Many drivers just ignore signs so what else can you do?
5. What happens during construction if there is marriage or a funeral in the village and there are lots of cars coming to the village. Craig responded by requesting that communities give Downer as much notice as possible and they will accommodate the village events with extra traffic flows into their traffic management plan.
6. Question about the trench depth for telephone wires, water pipes across the road. Also how can the contractors and new road deal with flooding. Craig explained that culverts and drainage pipes will prevent some water for pooling on road but will not stop flooding from very big rain events.
7. Concern about Downer breaking a water pipe and cable that Ausaid paid for. Downer responded that if they break it they fix it. Grievance procedures were explained to community at this point. Fence on the road edge as example.
8. Keeping pipes clear of material is part of keeping road functioning.

9. Question about what will happen to any excess material. Previously PWD provide this to the community to build football field or playing area for children or to level and area. Can Downer do this? Craig responded that they could if circumstances allow it though they must spend there time building the road rather than football fields. Downer have 1065 days to build the road and already started counting.
10. Offer from community for Craig and the work crew to stay at his house or with his community. Craig explained they may be setting up a camp for workers to stay in but will not sleep in villages but near their machines.
11. Question about where Downer will crush the stones from the quarry. Community wanted it crushed in their quarry, perhaps as relate this process to employment opportunities?
12. What is the quality of the road, how is it being designed. Craig responded that has a 20- 25 year life depending on how it is maintained, explained thickness of tarseal. Also that the PWD budget increased 100% as part of the compact to ensure maintenance is better. The life of the road is also related to the drainage so important to maintain this too.
13. How many quarries in North Efate?
14. Question on what maintenance is required for a tar seal road. Craig explained PWD community contracts scheme, though this needs to be developed further.