

MILLENNIUM CHALLENGE ACCOUNT-VANUATU
Reducing Poverty through Improved Infrastructure



Small Scale Resettlement Action Plan:

First 5 km of Efate Ring Road MCA02 Subproject

FINAL REPORT

August 2008

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Abbreviations

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| AIDS | Acquired Immune Deficiency Syndrome |
| COC | Council of Chiefs |
| COM | Commissioner of Mines (Mines and Minerals Section of DGM) |
| DB | Design and Build |
| 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) |
| 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 |
| RAP | Resettlement Action Plan |
| ROW | Right of Way |
| SDCC | Supervision of Design and Construction Consultants (TA to FIDIC Engineer) |
| 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 first 5km of the Subproject. The RAP approach that is being taken for the whole of the Efate Ring Road Subproject is consistent for all sections of the road in terms of generic Goodwill Entitlement (Compensation) Table, 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. The Ring Road has the support of Vaturisu Council 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 first 5km 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:

- Potential for permanent loss of a small section of leased land where the existing road alignment has encroached and where there is limited design alternative.
- Potential temporary loss of income for four tourism enterprises (The Cascades, the Klems Hill Lookout Gardens and Café, the Secret Garden, and Hideaway Island) as a result of the inconvenient access during construction of Klems Hill, associated road closure, temporary visual pollution, and unforeseen impacts on the local water supply during construction.
- Potential temporary loss of income for Luco Farm should access to market be constrained during road construction.
- Potential temporary restricted access to private fenced farm and bush land to allow public use of the old Devils Point Road as a temporary vehicle by-pass for Klems Hill when closed during construction.
- Some relocation of fences and temporary roadside stalls, which are located within the road reserve.
- Minimal loss of crops and fruit trees.
- There is a possibility that a small number of power poles may need to be relocated. The RAP provides guidance for the mitigation of any resettlement issues which may arise from these relocations.
- Similarly, there is a possibility of temporary disruption of water supply services though the DB contractors have been instructed to avoid where ever possible.

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 should be applied for all RAPs being prepared for the Subproject. 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. The Goodwill Entitlements Table used in the RAP (attached in Annex I) has been prepared in accordance with 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.
- The Survey Report for the First 5km prepared by Phillippe Firiam, Site Supervisor ESU-PWD.
- RAP investigations on site of the first 5km on the 3rd July 2008 and 6th August 2008.
- Additional consultations with affected land and lease holders, communities and businesses during August 2008.

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 this approach of formalize 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 Mele Village, Temoto (part of Mele Village) and Mangaliliu Village (the 3 villages with land located adjacent to the road within the first 5km) 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 the first 5km are:

- Engineering solutions to control silt and runoff during the construction of Klems Hill to avoid adverse effects on the Cascades tourism operation and further erosion of land adjacent to Klems Hill.
- Avoidance of harm, including discharges to the water supply intake for Mele Village and Hideaway Island downstream of the crossing of Taie River at Temoto Village.
- Compliance with village protocols and Kastom requirements.
- Awareness raising for the contractors and the village to avoid the spread of communicable diseases including STIs, HIV/AIDS.
- Management of temporary disruptions to traffic movements.
- 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 ES Contractor and the DB Contractor.

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 determined 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 2: 1st 5 Kms 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 |
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| Before 0Km | a) Potential loss of income for tourism business located between the bottom of Klems Hill and after the Old Devils Point Road turn-off, during Klems Hill Road closure as a result in a reduction in passing traffic. | Leaseholder; Secret Garden, Marc & Jenny Neil-Jones | Temporary signs at Devils Point Road turn-off indicating location of secret garden. | No ES issues. | Marc & Jenny Neil-Jones |
| 0.12km | b) Potential impact on income as a result of reduced roadside visibility and passing traffic, also limited access to roadside parking for Mele Cascades at 120m. Currently restricted on-street parking may be further restricted with plant and | Evergreen Tours, contact; Philip Malas. | Contractor to advise owner of Evergreen Tours of proposed work start date and construction programme. Contractor to report in daily with Evergreen Tour staff on possible location of equipment to ensure minimal impact. | Ensure access to Cascades is clear of plant and machinery and sign is visible. Silt control measures in place, including bunds and alternative | Philip Malas |

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| | machinery located adjacent to entrance. | | | drainage to prevent runoff into Cascades and into Mele. | |
| 0km – 0.95km | c) Klems Hill possible road closure 2-3 weeks, will affect access to properties and those providing alternative route around the island. | Kastom Owner; Mele Village. Roading authority; PWD | Provide signs promoting access to businesses during temporary alternative route provided on Old Devils Point Road. Additions to the RAP may be required for access across private land through from Old Devils Point Road to the Ring Road. This will be assessed once the decision to use the temporary alternative route is made. | Possible clearing of vegetation and grading on Old Devils Point Road to make passable for all vehicles. | Landowners and Lessees of old Devils Point Road if alternative route is required. |
| 0.4km | d) Breadfruit tree to be cut back on LHS of Klems Hill at 400m. This is minimal loss as it is a large tree and will continue to grow and provide fruit. | Leaseholder; Marie Jeanne Dinh. Mele Village Kastom Owner | The Department of Agriculture will provide tree seedlings if required due to destruction of the tree. | NIL | Mele Village Representative: Marie Jeanne Dinh |
| 0.7km | e) Removal of Avocado tree at 700m (look out point on Klems Hill) | Leaseholder: Kalori Anatu. Kastom Owner; Mele Village | The Department of Agriculture will provide tree seedlings. | NIL | Kalori Anatu Mele Village Representative |
| 0.95km | f) Potential temporary loss of | Leaseholder: Kalori | Prior to construction, the | NIL | Kalori Anatu |

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| | <p>income for Look-out Garden and Café operator as a result of road closure.</p> <p>g) Gardens and café fence may need to be relocated.</p> <p>h) Potential temporary loss of roadside area for storage of materials on eastern side of road top of Klems Hill adjacent to the Gardens and Café at 950m.</p> | <p>Anatu 7772585 Kastom owner: Mele Village</p> | <p>contractor to discuss offer of storage and security support with Mr. Anatu, which will provide an alternative income source during the period. The building contractor (with PWD assistance) may assist movement and replacement of the fence and make good any damage caused.</p> | | <p>Mele Village Representative</p> |
| 1.4 – 1.7 km | <p>i) Fence on west side on ROW: The fence will need to be re-located behind the ROW at 1.4 to 1.7km point.</p> | <p>Lessee: Mrs Marie Jeanne Dinh ph:36250, Hotel Santo. Kastom owner: Mele Village</p> | <p>The building contractor (with PWD assistance) may assist movement and replacement of the fence and make good any damage caused.</p> | <p>NIL</p> | <p>Marie Jeanne Dinh Mele Village Representative</p> |
| 1.6km | <p>j) Fences on west sides may need to be relocated as in ROW at 1.6km.</p> | <p>Emile Mahe' (Jojo) Kastom owner: Mele Village</p> | <p>The building contractor (with PWD assistance) may assist movement and replacement of the fence and make good any damage caused.</p> | <p>NIL</p> | <p>Emile Mahe' (Jojo) Mele Village Representative</p> |
| 1.7km | <p>k) Possible removal of 2-3 coconut trees on west side on ROW at 1.7km</p> | <p>Emile Mahe' (Jojo) Kastom owner: Mele Village</p> | <p>The Department of Agriculture will provide seedlings if removal of trees is required.</p> | <p>NIL</p> | <p>Emile Mahe' (Jojo) Mele Village Representative</p> |
| 1.9 – 2.0km | <p>l) Possible fence relocation from 1.9km to 2.0km point on northern side of road.</p> | <p>Leaseholder: Richard Guyot (Brother at Natapoa Café), Kastom Owners Mele Village</p> | <p>The building contractor (with PWD assistance) may assist movement and replacement of the fence and make good any damage caused</p> | <p>If any vegetation to be removed as a result of fence relocation then additional silt</p> | <p>Richard Guyot, (brother at Natapoa Café) Mele Village Representative</p> |

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| | | | | control measures to protect the Taie River. | |
| 1.95km | m) 3 coconut trees on southern side of road at 1.95km point may need to be removed. | Leaseholder: Malas Kouma Kastom Owner: Mele Village | The Department of Agriculture will provide seedlings if removal of trees is required. | Any removal of vegetation must be managed so no additional runoff into Taie River. | Malas Kouma Mele Village Representative |
| 2km | n) Possible temporary loss of access to land for a day camp site on northern side of road at 2km to be used for up to 6 weeks. Some clearing of vegetation (wild sugar cane) and clearing of earth to accommodate a container and parking area. Land not currently used for crops or gardens, no significant vegetation to be removed | Leaseholder Richard Guyot, (brother at Natapoa Café). Kastom Owners - Mele Village | Clear and prepare the land and return the land to an agreed condition in consultation with the Chief and village spokespersons. The Temoto Village will be most affected so DB Contractor will be asked to give priority to offering labor opportunities to these villagers, in providing security, construction assistance, refreshments, and/or participating in the training on road maintenance to develop skills to improve future income | Ensure camp operation and management is in accordance with EMP | Richard Guyot, (brother at Natapoa Café). Mele Village Representative |
| 2.1km | o) Road leaves alignment at 2.1km . Existing road is 29m from legal ROW and encroaching in lease 12/0543/005. Approximately | Leaseholder Malas Kouma Kastom Owner; Mele Village. | Department of Lands to provide cash compensation for loss of land and access to land in keeping with legislation and procedures | NIL | Malas Kouma Mele Village Representative |

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| | 2260m ² of land lost to road. | | and current rates. Additional positive entitlement to be offered as a “fairness” adjustment | | |
| 2.2km | p) Fence on southern side of road may need relocating at 2.2km point. | Leaseholder; Malas Kouma Mele Village Kastom owner | The building contractor (with PWD assistance) may assist movement and replacement of the fence and make good any damage caused | NIL | Malas Kouma Mele Village Representative |
| 2.4km | q) Temporary structure for roadside stall for sale of crops must be relocated back to outside road reserve at 2.4km on north-eastern side of road | Nugro Farms (Neil Slatter at Professionals) Kastom landowner; Mele Village | The building contractor (with PWD assistance) may assist movement and replacement of the structure and make good any damage caused | NIL | Nugro Farms (Neil Slatter at Professionals) Mele Village Representative |
| 2.6km | r) Banana trees on eastern side of road within the ROW and garden of leaseholder may need to be removed at 2.6km point. | Nugro Farms (Neil Slatter at Professionals) Kastom owner; Mele Village | The Department of Agriculture will provide seedlings if required due to destruction of the trees. As vulnerable PAPs, affected squatters will be considered for local labor if required at a daily rate of Vatu 1000 per worker. | NIL | Nugro Farms (Neil Slatter at Professionals) Mele Village Representative |
| 2.7km | s) Mango tree at 2.7km on eastern side of road may be need to be trimmed. Minimal loss expected as | Kastom Owner; Mele Village Leaseholder - Nugro Farms (Neil Slatter at | The Department of Agriculture will provide seedlings if required due to destruction of the tree. | NIL | Nugro Farms (Neil Slatter at Professionals) Mele Village |

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| | large healthy tree will continue to fruit and branches re-grow. | Professionals) | | | Representative |
| 2.8km | t) Power-pole at 2.8m on western side possible relocation for traffic safety depends on final design and alignment within road reserve | UNELCO and GoV | MCA, QCPP with other GoV agencies (MIPU and Lands) is working with UNELCO to determine a cost-effective and timely solution /process that can be applied to any required power-pole relocation along extent of Subproject . Where relocation may involve any resettlement issues, there will be assessment and mitigation on a case-by-case basis. | NIL | TBA |
| 2.7 - 2.9km | u) Fence posts at 2.7km and 2.9km on eastern side of the road may need relocation. | Mele Village Kastom Owners behind to talk to owners at 2.2 km Leaseholders; Nugro Farms (Neil Slatter at Professionals) | The building contractor (with PWD assistance) may assist movement and replacement of the fence and make good any damage caused. | NIL | Nugro Farms (Neil Slatter at Professionals) Mele Village Representative |
| 3.4km | v) Potential removal of 3 coconut trees on eastern side ROW at 3.4km | Kastom Owners – Mele Village Nugro Farms (Neil Slatter at Professionals) | The Department of Agriculture will provide seedlings if required due to destruction of the trees. | NIL | Nugro Farms (Neil Slatter at Professionals) Mele Village Representative |
| 3.5km | w) Potential relocation of fence | Kustom owner; | The building contractor (with | NIL | John Crowbie |

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| | on eastern side of road at 3.5km where centerline is close to edge of the ROW. | Mele/Mangaliliu Village Leaseholder; John Crowbie | PWD assistance) may assist movement and replacement of the fence and make good any damage caused. | | Mele and Mangaliliu Village Representative |
| 3.6km | x) Concealed spring used by adjacent landowners. Construction phase may impact on the access to safe drinking water for users. | Kastom Landowners; Mele/Mangaliliu Village No registered Lease | Appropriate goodwill entitlement for the duration of the impact on access to safe drinking water for regular users. DB contractor may provide bottled water if required. | Alert builders to concealed spring water on west side at 3.6 km. Avoid sediment runoff flow, ensure silt control measures in place and operational. | Mele and Mangaliliu Village Representative |
| 3.8 | y) Fence may need to be relocated at 3.8km on the eastern side of the road. | Leaseholder; Louis Xourel. Kastom owner Mele/Mangaliliu Village | The building contractor (with PWD assistance) may assist movement and replacement of the fence and make good any damage caused. | NIL | Louis Xourel Mele and Mangaliliu Village Representatives |
| 3.9km | z) At 3.9km a recently cleared and fenced sandalwood plantation on east side within current ROW, but road has infringed on leased land: option to design around it is unlikely | Leaseholder; Jonathon Naupa. Kastom Owner; Mele/Mangaliliu Village | Department of Lands to compensate under GoV Compensation fund, with fairness entitlement. | NIL | Jonathon Naupa. Mele and Mangaliliu Village Representatives |
| 4.5km | aa) Existing PWD Quarry: potential resettlement issues if extension of Quarry required. | Leaseholders: PWD Kastom Landowners; Mele/Mangaliliu Village | To be assessed during construction. | Existing PWD quarry may need to be extended. Permits may need to be reviewed. Kastom owners | PWD Representative Mele and Mangaliliu Village Representatives |

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| | | | | will need to be consulted. QMP must be in place. | |
| 4.8km | bb) Mango tree on east side overhanging ROW at 4.8km may need to be trimmed | Leaseholder; Anis Mathius Kastom Landowners; Mele/Mangaliliu Village | The Department of Agriculture will provide seedlings if required due to destruction of the tree. | NIL | Anis Mathius Mele and Mangaliliu Village Representatives |
| 4.9km | cc) At 4.9km there may be a slight realignment of road within the road reserve affecting the property on western side of the road | Leaseholder; August Nicholas Kastom Land owners; Mele/Mangaliliu Village | If realignment is required which has resulting resettlement issues then a RAP to address these will be undertaken including consultation with landowners and goodwill entitlement procedures. | NIL | Mele and Mangaliliu Village Representatives |
| 4.9km | dd) At 4.95 young hibiscus fence on east side on ROW may need relocation. | Leaseholder; August Nicholas Kastom Land owners; Mele/Mangaliliu Village | The building contractor (with PWD assistance) may assist movement and replacement of the fence and make good any damage caused. | NIL | August Nicholas Mele and Mangaliliu Village Representatives |
| 5km | ee) At 5km road side stall to be relocated. In tree above structure is a small tree house which may need to be removed | Leaseholder; August Nicholas Kastom Land owners; Mele/Mangaliliu Village | The building contractor (with PWD assistance) will relocate the structure. | 1 power pole may be in ROW. | August Nicholas Mele and Mangaliliu Village Representatives |
| General | ff) Kastom Welkam is required for Mele Temoto and Mangaliliu Village for works adjacent to their Village | | Building Contractor to: | HIV awareness for Temoto Village | At Kastom Welkam |

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| | <p>land within the first 5km. 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>Contractor to establish day camp at 2km point (just past Temoto Village). PWD Snake Hill Quarry at 4.5 km to be used as storage areas for material and machinery.</p> | <ul style="list-style-type: none"> • Establish an agreement(s) with Mele/Temoto/Mangaliliu 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 area. • At Mele, Mangililiu and Temoto Villages welcome into the village, the building contractor will provide a once-only | <p>and Mele Village. Mangaliliu village will be addressed in the next 5 km section.</p> <p>Water permits gained for water-take from Creek Ai River.</p> | <p>Ceremonies all of communities and residents of the first 5km are invited.</p> |
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| | | <p>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.</p> <ul style="list-style-type: none"> • Provide a First Aid Kit to the Temoto and Mele villages for community use. <p>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.</p> | | |
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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.

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

| 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 Kastom trees or ornamental plants. | <ul style="list-style-type: none"> • Crops and/or wood may be retained by owner(s). • Village/ Chiefs provide alternative land for planting, assist with planting, and provide initial access to other crop or fruit until trees are bearing, if required. | <ul style="list-style-type: none"> • Free removal, once agreed. • Replacement plants or seedlings provided, with the assistance of the Department of Agriculture. • In cases of significant loss, cash compensation provided by the Department of Agriculture and Rural Development under the Agriculture Compensation Policy, current valuations and procedures. |
| Hedges or fences. | <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. | <ul style="list-style-type: none"> • Free removal, once agreed. • Replacement plants or materials provided with assistance to replace hedge or fence to same quality and condition or to PWD standards. |
| Temporary loss of community or Kastom 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 and distribution of unwanted construction materials. • Mamas Association to assist with refreshment services. | <ul style="list-style-type: none"> • Free clearance and grading of land by the contractor. • Payment for 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. • Donation of unwanted materials resulting from the works. • Cash advance and purchase of food and drinks through the Mama's Association. • Small items of sporting equipment. • First Aid Kits. • Gift boxes of food OR books OR calico, OR mobile, 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, Kastom, 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, Kastom 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. |

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| | | <ul style="list-style-type: none"> • Mobile phone. • 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. • Mobile phone. • Voucher for small business or similar training. • First Aid Kit |
| Permanent loss of leased land. (No loss of Kastom land is anticipated). | 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

| 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 | <p>Members of the Mele Village Community; Members of Implementing Entities; Chief Mormor (Vaturisu Council of Chiefs)</p> <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) <p>List of Attendants from Community attached below.</p> | <ul style="list-style-type: none"> • Information provided to community on consultation procedure related to resettlement of fences, structures ad 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 | <p>Meeting with Mele Village Community, Leaseholders within the 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"> • Explanation of resettlement process. • 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. |

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| | | <ul style="list-style-type: none"> • 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. |
| August 2008 | <p>Kastom Welkom in Mele Village.</p> <ul style="list-style-type: none"> • MCA-Vanuatu • Downer EDI Works Ltd, • Supervising Engineer, • Chief Mormor, • Shefa Provincial Planning Office. | <ul style="list-style-type: none"> • Perform Kastom welcome for Contractor to begin works on first 5km. • Consultation with members of the community, including chief, on the likely impacts to occur during construction. Awareness on important contact points |
| September 2008 | HIV STI Awareness in Mele Village | <ul style="list-style-type: none"> • Delivery of Awareness on the potential threat of HIV and STIs on the community. |

CONSULTATION REGISTRATION SHEET

DATE: 18 August 2008 PLACE OF MEETING: Mele Village

| NAME | OCCUPATION | VILLAGE |
|------------------------|-----------------------------|----------------|
| Cliff Tiratelo | | Mele |
| Abel 1028 | | Snake Hill |
| MAHE 9 mile | | Snake Hill * |
| Simon Kalapa | Admin. Farea | Mele |
| PA. Malastapu ass chaf | Ass. Chief Taisila | Mele Farea |
| Flailog | | |
| T. Nabogamiala | Jif Kousel | |
| T. Sereu Mansel | | |
| Doko. Fasuki | Ind. Village | |
| D. Kasmal sa | Village | |
| ELDE MALAPA | COUNSELLOR | |
| MASKAI Kalkai | Jif (Farea) | Mele Village |
| Philip Kalomor | Technician | Kakola Station |
| Vania Kalomor | Computer | Kakola Station |
| Kathleen Niuri | House wife | Kakola Station |
| Eld. Taripakoa | Mele Village | Daripakoa |
| Willy. Natakom | MELE VILLAGE | |
| Becou Malaka | Mele Village | |
| Kenneth Sore | Mele Village | |
| Noël Malapa | Village 'Abile' | Noël |
| Kalosis natantua | Mele Village | Kun |
| Mancure | Mele Village | |
| K. PAPA VATOKO | KAKOLA: STAFF | |
| Kabiri Korianu | ANATU, K'Don Still Look | out of range |
| Jack NAMUKA | Farmer | Mele |
| Alisa David | Jif | Mele meat |
| Adrian Thomas KAWAS | CUSTOMS OFFICER | ISERE |
| KALUK KALOMOR | LIVESTOCK (LAB. TECHNIKIAN) | KAKOLA STATION |
| Mamanua | Magalilia Villages | FARMA |
| CHRISTIAN XOUREL | CUSTOMS Department | SNAKE HILL |
| CHARLIE MALASIKOTO | Cp - MELE VILLAGE | |
| Bich Sphak | Magalilia Village | |
| Jf. Malusu | Magalilia | |
| MATANUK | LELEPA ISLAND | |
| ANDREW MATHIAS | FARMER | |
| CROWBY JOHN | | |

**First 5 kms of Efate Road from Top of Klems Hill
Confirmation of Acceptance of the Agreed Solutions and Goodwill
Entitlements**

| Name and title | Signature | Date | |
|--|-----------|------------|---------------------------------------|
| Philip Melas | | 27/08/08 | |
| Kaloni Anatu | | 18/08/08 | |
| Marie Jeanne Dinh 36250 | | 28/8/08 | |
| Emile Mahe | | 18/08/08 | |
| Richard Guyot (Nakapoa Cafe) | | 27/08/08 | 7743149 |
| Malas Kouma | | 28/08/08 | 7752011 |
| Nugro Farnis Representative (Neil Slater @ Professionals) (Mele Tanager) | | 27/8/08 | 22861 23448 LUCAS CHULLIA (MTC) |
| Jonathon Naupa (SHSP LTD) | | 27/08/08 | |
| Anis Mathias / Andrew Mathias | | 18/08/2008 | 7754887 |
| Auguste Nicolas (Marie Ellen Bruno Nicolas) 7744887 | | 27/08/08 | |
| Representative of Mele Village | | 18/08/08 | |
| Representative of Mangaliliu Village | | 27/08/08 | |
| Representative of Temoto Village (Numbi) | | 27/08/08 | |
| PWD Representative | | 18/08/08 | |
| Catherine Malosou | | 18/08/08 | |
| Peter Murr / Craig Smart | | | |
| Chief Mwa Mwa | | 18/08/08 | |
| Xoufel Louis / CHRISTIAN XOUFEL | | 18/8/08 | VAT OFFICE 7742407 |
| John Coubu | | 27/08/08 | |
| Jojo Mwa | | 18/08/08 | |
| Simeon Pailapa | | 18/08/08 | 47736 |
| Kori Pailapa | | 18/08/08 | 7747400 |

| Name and title | Signature | Date | |
|---|-----------|------------|-----------------------|
| Philip Malas | | 27/08/08 | |
| Kaloni Anatu | | 18/08/08 | |
| Marie Jeanne Dinh 36250 | | | |
| Emile Mahe | | 18/08/08 | |
| Richard Guyot (Natapoa Cafe) | | 27/08/08 | 7743149 |
| Malas Kouma | | 18/08/08 | 7752401 |
| Nugro Farms Representative (Neil Slatter @ Professionals) (Mele Trader) | | 27/8/8 | 22861 23448 |
| Jonathon Naupa (SHSP LTD) | | 27/08/08 | LITIANA CHILIA (MTL) |
| Anis Mathias / Andrew Mathias | | 18/08/2008 | 7254487 |
| Auguste Nicolas (MARIE ELLEN 7146482) (Bruno Nicolai) | | 27/08/08 | |
| Representative of Mele Village | | 18/08/08 | |
| Representative of Mangaliliu Village | | 27/08/08 | |
| Representative of Temoto Village (Nambi) tamate | | 27/08/08 | |
| PWD Representative (Phillip F) | | 18/08/08 | |
| Cathene Malosu | | 18/08/08 | |
| Peter Murr / Craig Sweet | | 27/08/08 | |
| Chief Mor Mor | | 18/08/08 | |
| Xourel Louis / CHRISTIAN XOUREL | | 18/8/08 | VAT OFFICE 7742407 |
| John Crouby | | 27/08/08 | |
| Jojo Moller | | 18/08/08 | |
| Simeon Pailapa | | 18/08/08 | 77 47736 |
| Karl Pailapa | | 18/08/08 | 7747600 |
| Jack Pedro (Agriculture Dept) Rep | | 28/08/08 | 7789991 |