RP1621 REV

****

Resettlement Policy Framework

Tonga Cyclone Ian Reconstruction and Climate Resilience Project

Ministry of Infrastructure Kingdom of Tonga

14 April 2014

Resettlement Policy Framework

[1. Background 1](#_Toc385241850)

[1.1 Tropical Cyclone Ian 1](#_Toc385241851)

[1.2 World Bank Response 3](#_Toc385241852)

[2. Aim of the Resettlement Policy Framework 7](#_Toc385241853)

[3. Justification for Preparing a Resettlement Policy Framework for the Project 7](#_Toc385241854)

[4. Objectives, Definitions and Key Principles 9](#_Toc385241855)

[4.1 RPF Objectives 9](#_Toc385241856)

[4.2 RPF Definitions 10](#_Toc385241857)

[4.3 Key Principles 11](#_Toc385241858)

[5. Legal and Policy Framework 13](#_Toc385241859)

[5.1 Main land tenure types 13](#_Toc385241860)

[5.2 Tongan Land Act 13](#_Toc385241861)

[5.3 Preparing and Approving ARAPs 14](#_Toc385241862)

[5.4 Implementation Process 15](#_Toc385241863)

[5.5 Funding Arrangements and Delivery of Compensation for land acquired 16](#_Toc385241864)

[5.6 Consultation and Disclosure arrangements 16](#_Toc385241865)

[5.7 Monitoring Arrangements 16](#_Toc385241866)

[5.8 Grievance Procedures 17](#_Toc385241867)

[6. Annex A - Outline of the Abbreviated Resettlement Action Plan (ARAP) 18](#_Toc385241868)

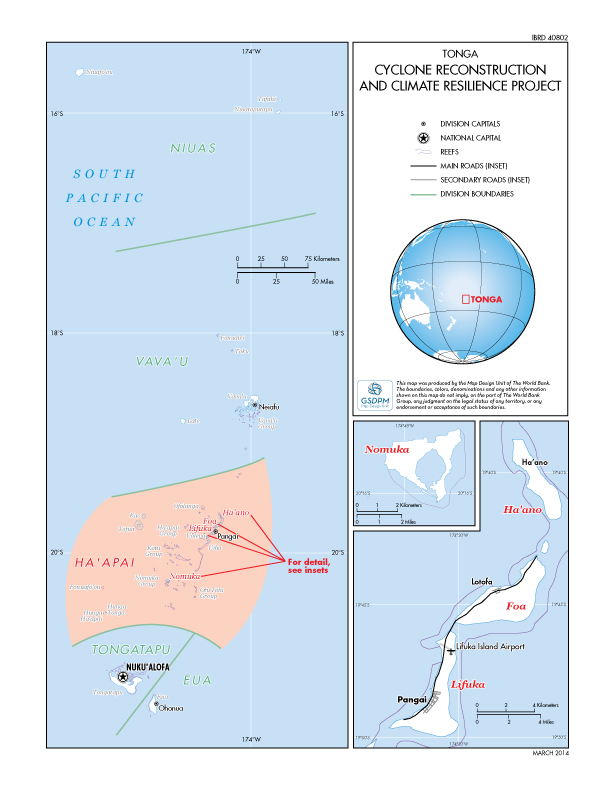
Resettlement Policy Framework

# Background

## Tropical Cyclone Ian

Tropical Cyclone Ian (TCI) hit the South Pacific region in January, 2014 and had a devastating impact in Tonga. TCI passed directly through the Ha’apai Islands Group, home to about 6,616[[1]](#footnote-2) people, and affected 5,500 people in 18 villages across six islands[[2]](#footnote-3) in the group. Good preparedness measures had been in place and the Government of Tonga’s response was rapid and likely prevented more fatalities and injuries to human life. In response to TCI, the Government of Tonga (GoT) declared a state of emergency on January 11, 2014, the day TCI struck the Northern Ha’apai islands. The GoT, jointly with the Bank and in collaboration with other development partners, subsequently undertook a rapid assessment of the damages and losses in accordance with the Damage and Loss Assessment methodology. The assessment estimates the combined physical damage and economic losses to be approximately US$49.5 million (about 11% of Tonga’s GDP). The immediate physical damage, particularly on housing stock, transport infrastructure, and agriculture, is estimated at US$39.4 million. TCI is expected to cause a potential income loss for the Ha’apai Island Group of around 40% for 2014 and a significant increase in the poverty level of the affected persons via the destruction of subsistence agricultural crops and inputs for handicraft production, and disruption to private sector business activity.

The project area is shown in the following map.



## World Bank Response

The proposed Project Development Objectives are to: (i) Restore housing, community facilities, and basic services to the population of affected Ha’apai; and, (ii) Strengthen the country’s policy, institutional and executing capacity for Disaster Risk Management and inclusive reconstruction.

The project will assist with the TCI emergency recovery effort through the following:

**Component A: Housing and Key Community Facilities Repair, Reconstruction and Climate Resilience (USD12.97 m including contingencies and taxes)**:

**A.1 Houses for the Vulnerable (H4Vs).** Provision of two resilient[[3]](#footnote-4) habitable rooms/dwellings for some 200 socio-economically extremely vulnerable households or households in extremely vulnerable communities (equivalent to ~USD18,000 / TOP32,500 per household).

**Supported Self-Recovery (SSR).** Facilitation of SSR for eligible households[[4]](#footnote-5) for replacement or repairs and retrofitting/climate resilience of slightly damaged and undamaged housing. As described in greater detail in Annex 2, the supported self-recovery activity is based on project funded building advice, inspection and certification to agreed standards to receive funding. The level of funding is linked to the level of damage incurred and resistance standards. Funding will be provided to households through vouchers in tranches linked to stages of construction and certified by MoI Building Inspectors:

1. **A.2.A:** SSR funding for some 350 eligible households with **destroyed or severely damaged main dwellings** – house reconstruction funding (~USD9,000 / TOP16,500 per household[[5]](#footnote-6)) in tranches, subject to compliance with an agreed resilience standard.
2. **A.2.B:** SSR funding for some 400 eligible households with **reparable damage to main dwellings** – small repairs and retrofitting funding (average ~USD2,750 / TOP5,000 per household) in tranches, subject to compliance with an agreed resilience standard.
3. **A.2.C:** SSR funding (resilience strengthening) for some 150 eligible households with **undamaged buildings** – small retrofitting funding (average ~USD750 / TOP1,400 per household) for building supplies subject to compliance with an agreed resilience standard.

**Reconstruction and Resilience Strengthening of Community Facilities**:

1. **A.3:** Provision of supported self-recovery funding for up to 18 eligible communities for **repairs and climate resilience of community-run public facilities –** materials funding for repairs and retrofitting (average ~USD6,000 / TOP11,000 per community) in tranches, subject to compliance with an agreed resilience standard.
2. **A.4:** Reconstruction and **resilience strengthening of key large public facilities**. (~USD100,000/ TOP180,000 total amount).

**Proper disposal of building debris and demolition rubble:**

1. **A5A:** Provision of funding to 1,100 households(~USD150 / TOP 180) to sort and assemble for collection non-hazardous building debris.
2. **A5B: Removal of debris** – the safe collection of construction and demolition waste and hazardous waste, and transport and disposal to a registered, managed landfill site on the main island of Tongatapu.

**A.6 Household supplementary potable water and sanitation facilities**. Address critical basic services at household level to improve potable water supplies and provide appropriately constructed, on-site sanitation disposal (average ~USD1,800 / TOP3,300 per household).

**A.7 Logistical support for materials supply** (USD0.23m) – purchase of a barge for MoI to transport reconstruction advisory and inspectorate personnel and building materials to supplement limited private sector carriers to the remote islands.

**Component B: Technical Assistance and Training for Enhanced Disaster and Climate Resilience (USD1.58 m including contingencies and taxes)**

**B.1 Resilience strengthening for safer homes and communities**:

1. **B1.A: Mobilization and Building Advice for households (USD1.04m).** Provision of technical assistance for repairs and retrofitting of homes and community facilities as part of the SSR (Component A). This will include: (i) the establishment of an on-site one-stop-shop ‘Recovery Center’ where participants can receive training, obtain building advice and reconstruction support; (ii) preparation of pre-approved building plans and home repairs and retrofitting toolkits; (iii) preparation and implementation of a communications strategy (including grievance procedures); (iv) develop and put in place in the MoI PST a simple but comprehensive database of beneficiary households[[6]](#footnote-7); and, (v) deployment (through a contracted firm) of four mobile units (one per District) comprising ‘Community Liaison Officers’ (CLO) and ‘Building Liaison Officers’ (BLO)[[7]](#footnote-8).
2. **B1.B: Climate Resilience Training.** Knowledge and practical training of tradespeople, supervisors, MoI Building Inspectors, community leaders, and local design and supervision consultants for climate resilient buildings and infrastructure. It is envisaged that this would take the form of both formal classroom training and on-the-ground mentoring and oversight.
3. **B1.C: Improve Building Code** **Application.** Strengthening and updating of the Building Code, and design and implementation of public awareness and practices campaigns for self-enforcement. Taking into account previous updates of the Code, the activity will strengthen the sections relating to cyclone resilient standards, extract key messages for influencing building practices, and focus on measures that practically can be attained by low income groups.
4. **B1.D: Hazard Mapping.** Assessment and mapping of coastal hazards and risks to further inform reconstruction planning and resilience building within the Ha’apai affected areas. The mapping will update mid-scenarios relating to sea-level rise with storm surge to provide the basis for informed ‘acceptable risk’ decision-making as part of the reconstruction.

**B.2 Disaster Recovery and Reconstruction Framework**

1. **Operationalize and institutionalize recovery and reconstruction**. Activities include: (i) review and documentation of lessons learnt from Bank-supported reconstruction and recovery of past major disasters in Tonga and other regions; (ii) review and update of relevant legislation and institutional arrangements, such as the Emergency Management Act 2007 and the National Emergency Management Plan 2010; (iii) development of an operations manual detailing implementation and planning arrangements for disaster recovery and reconstruction, including standard assessment templates and procedures (leading out of the draft National Housing Recovery and Reconstruction Policy); and, (iv) conduct of a roadshow and broad community consultations on the draft Recovery and Reconstruction Policy prior to its adoption by Cabinet.
2. **Improved post-disaster mapping capacity** **and damage assessments** based on experiences to date in Tonga (including the project) to support future efficient disaster response and recovery.

**Component C: Project Support (USD1.34 m including contingencies and taxes)**

1. Technical support for construction activities including the mobilization of MoI Building Inspectors responsible for phased inspection and certification of all works. The Building Inspectors will be closely supervised and mentored in the first six months by a project-funded Senior Contracts Manager and then progressively absorbed into MoI’s staff establishment.
2. Project support for procurement, financial management, contract and project management.
3. Social and environmental safeguards oversight, monitoring and evaluation.

In accordance with the Government of Tonga’s aim to “Build Back Better,” repairable houses and other buildings will be repaired to cyclone resistant standards. Dwellings beyond repair will, where possible, be replaced with a cyclone resistant dwelling[[8]](#footnote-9) on or near the original sites or on other land in the neighbourhood owned or leased by the beneficiary. Legislation prohibits construction within 17 metres of the coastline so buildings will not be permanently replaced in this zone. The number affected in this zone would be small – probably under twenty. Some affected dwellings are on land whose lease has lapsed or whose absentee owner has not been located. Security of tenure/occupancy in cases where the beneficiary is not the owner is being negotiated by the Ministry of Lands.

# Aim of the Resettlement Policy Framework

The principle adopted by the project will be to replace housing on existing sites/allotments wherever possible. Notwithstanding the above principle and the expectation that relocation is unlikely, there remains a possibility that relocation of some houses may be required. Relocation may be due to safety, legal or occupancy security reasons. In addition to the sites for replacement houses, the site for disposal of construction demolition wastes (CDW) is yet to be confirmed[[9]](#footnote-10). It is anticipated that Government land will be available for this purpose, however to take a conservative approach, the land for any potential future landfill site in Ha’apai is also covered by this RPF.

The Government of Tonga (GoT)has developed this Resettlement Policy Framework (RPF) in accordance with principles, objectives, procedures and rules set out in the World Bank Operational Policy OP/BP 4.12 – Involuntary Resettlement. This RPF establishes the principles, objectives, procedures and rules to be used in the preparation abbreviated resettlement action plans (ARAP).

**ARAPs.** “Affected persons” if any, will be those who involuntarily relinquish land or assets to accommodate the relocation of beneficiary households. If any of the components of the Project result in **involuntary resettlement impacts that are minor** (i.e. affected people are not physically displaced and less than 10 percent of their productive assets are lost) **or fewer than 200 people are displaced**, the GoT has agreed to prepare one or more **abbreviated resettlement plans (ARAP)** when the land requirements for the emergency response housing is known and prior to the commencement of any works or subproject implementation on these houses.

# Justification for Preparing a Resettlement Policy Framework for the Project

Given the nature of the project and the expected low level of “new” land needing to be identified to accommodate project beneficiaries who do not have, or secure occupancy rights over, land, the likely outcome is that land under the ownership of either a Noble, or the Government will be identified. Accordingly, the likelihood of people being adversely affected is very low.

A survey of all affected households has been undertaken by the Ministry of Infrastructure to report on the degree of damage, and the Ministry of Lands to determine the status of land and lease titles. At the time of project appraisal, a further household census survey is being conducted in collaboration with the Department of Statistics to establish the cyclone affected households’ needs. The final findings of these studies will be available before construction commences around July, 2014.

A needs assessment and categorisation takes into account vulnerability factors, such as age, disability, sole parent family status, presence of a new baby or numerous pre-school children or elderly dependents in the household composition.

As outlined above, it is expected that in most cases, houses will be constructed or repaired on the same allotment. The situation in terms of potential resettlement impacts is as follows:

|  |  |
| --- | --- |
| **ISSUE / RISK** | **IMPACT AND ADOPTED APPROACH** |
| Approximately 80% of lands have clear title in favour of the beneficiaries | **No resettlement risk** is attributed to 80% of the houses |
| For the remaining approximately 20% of beneficiaries, some owners are absent, cannot be identified or contacted, and others have no formal occupancy arrangements. In the Tongan context, where communal and/or familial sharing of land assets underpins much of the traditional land management arrangements, informal occupancy arrangements (such as grand-fathered estates or extended family members occupying a house and/or allotment based on a verbal agreement etc.) is common. | The Ministry of Lands, Surveys and Natural Resources (MLSNR) is working to achieve a level of certainty for all beneficiaries by identifying the formal title holders and to confirm that the beneficiaries have consent to remain on the allotment and construct a replacement house and basic services on the land. The type of acceptable agreement is detailed below. |
| It is possible that identified informal arrangements will be disputed by the registered title holder and/or that consent is not granted to repair/reconstruct on the land | This is the key situation under which **a resettlement risk would exist**. Where this occurs, the GoT will consider other measures to provide security of occupancy to the beneficiary such as a lease or licence agreement which can be created under Tongan Law in favour of the beneficiary. The nature of this agreement would be subject to definition in a subsequent Abbreviated Resettlement Action Plan (ARAP).  The objective of this is to ensure that the beneficiary has adequate security of title over a parcel of land, upon which the replacement house can be constructed. **It is not expected that this would be permanent title as this would introduce significant inequities where people who did not have permanent title**, but were affected by the cyclone, would receive full title as well as a house. Other people without title who **were not affected** by the cyclone would receive neither title **nor** a house. The key from a social safeguard perspective is to ensure that the beneficiary has security of occupancy for period of time; possibly in the order of 25 – 35 years (the approximate design life of the house). |
| The Tongan Constitution includes a 17 metre foreshore building line from the mean high tide watermark to establish a foreshore protection area. Some of the houses damaged by TCI are located within this protection area. | Where suitable land is available on the same allotment, the replacement houses will be located on that part of the allotment setback from the foreshore building line and outside of the foreshore protection area.  In the event that land outside the foreshore protection area is not available on the allotment, the GoT will consider other measures to identify land and to provide a security of occupancy to the beneficiary in the same manner as would be used in case a beneficiary is not provided consent to build the house on the land by the form land owner, or if the land owner cannot be found. |
| The project will undertake Hazard Mapping of coastal areas to identify high risk areas for settlement where houses are to be, or have been built by the project. Some allotments may be found unsuitable for the accommodation of a residential building. | Same as above. |
| There is a possibility that some land will be required to accommodate a landfill site for the future use of residents in Ha’apai. Options exist for the management of the CDW including transporting it to a managed landfill site in Tongatapu. It is also understood that Government owned land is likely to be available for this purpose of required. | If land is required for this purpose, this land will be acquired in accordance with an ARAP approved by the World Bank. |

# Objectives, Definitions and Key Principles

## RPF Objectives

**Objectives**. In World Bank-assisted projects, borrowers are expected to take all necessary measures to avoid, minimize, mitigate and compensate for adverse social impacts, including, but not limited to, those impacts associated with involuntary resettlement.

Every viable alternative project design should be explored to **avoid, where feasible, or minimize involuntary resettlement**.

If involuntary resettlement cannot be avoided altogether, **sufficient resources should be made available to conceive and implement resettlement activities as sustainable development programs**, in close consultation with displaced persons.

**Displaced Persons should be assisted in their efforts to improve, or at least restore, their livelihoods and living standards** **to pre-displacement levels or levels prevailing prior to project implementation**. This is accomplished primarily through: a) compensation at full replacement cost for losses of assets (for example, land, unharvested crops, improvements on the land to be acquired, etc.); and b) provision of other forms of assistance for livelihoods restoration or physical relocation, as necessary in accordance with OP 4.12.

## RPF Definitions

“**Displaced persons**”, under OP 4.12, refers to all the people who are affected by:

1. Involuntary acquisition of land resulting in
2. relocation or loss of shelter;
3. loss of assets or access to assets;
4. loss of income sources or means of livelihood, whether or not the affected persons must move to another location.[[10]](#footnote-11)
5. The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

**"Full Replacement cost"** is defined, under OP 4.12, as a method of valuation of assets that helps determine the **amount sufficient to replace lost assets and cover transaction costs.**

**Depreciation** of structures and assets to be replaced is **NOT taken into account** to determine the compensation amount necessary to meet Full Replacement Cost.

**Full Replacement Cost for:**

1. **Agricultural land**: it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.
2. **Land in urban areas**: it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.
3. **Houses and other structures**: it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining full replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

**Where the law of theGoTdoes not meet the standard of compensation at Full Replacement Cost, compensation under domestic law is supplemented by the additional measures set out in this RPF.**

## Key Principles

OP/BP 4.12 establishes the key principles to be followed in resettlement planning and implementation. Of particular relevance for this RPF are the following:

1. Wherever possible, project design and ARAPs should be conceived as sustainable development programs, so that Displaced Persons may benefit from the benefits, services and facilities created for, or by, project activities.
2. Involuntary Resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
3. All Displaced Persons are provided prompt and effective compensation at full replacement cost for losses of assets (example, land, trees, etc.) attributable directly to the project.
4. Displaced Persons without a recognizable legal claim or right to the land they are occupying are provided with compensation for loss of assets other land and resettlement assistance (example, cash, employment, etc.).
5. Displaced Persons should be provided prompt and effective compensation at full replacement cost (including without depreciation or deduction for tax arrears, licensing or registration fees, or for any other purpose).
6. When cultivated land is acquired, the borrower should seek to arrange land-for-land replacement if that is the preference of the Displaced Person.
7. Persons losing more than 10 percent of their productive land area (e.g. land used for cultivation or grazing) are deemed significantly affected, and receive additional assistance for livelihoods restoration.
8. If new resettlement sites are to be prepared, replacement housing and community facilities and services are provided of a quality at least equivalent to those prior to displacement, or to minimum community standards, whichever is higher. Measures also are taken to ensure that resettlement sites do not diminish the quality or availability of facilities or services to surrounding host communities.
9. If a commercial enterprise (e.g. shop or vendor, service provider, industrial facility) is required to close temporarily, the owner or operator is compensated for temporary loss of profits. If a commercial enterprise is required to relocate, the owner or operator is compensated at replacement cost for loss of land and structures (including fixtures or improvements that cannot be relocated), is provided transitional assistance sufficient to meet costs of moving equipment and inventory, and compensated for loss of profits until business operations can be restored.
10. The involuntary resettlement transition period should be minimized. Compensation for land, crops, structures and other assets should be paid prior to involuntary resettlement. Transitional support should be provided prior to the time displaced persons will incur transitional expenses.
11. Displaced Persons should be informed and consulted during the process of ARAP preparation, so that their preferences and concerns regarding involuntary resettlement and other resettlement arrangements are solicited and considered.
12. Both the draft and final ARAPs are publicly disclosed in a manner and place accessible to Displaced Persons.
13. The previous level of community services and access to resources should be maintained or improved after involuntary resettlement takes place.
14. The ARAP should include an estimated budget for all costs associated with involuntary resettlement, including contingency arrangements.
15. Monitoring and evaluation arrangements should be established for the borrower to adequately assess the effectiveness of ARAP implementation.
16. Methods by which displaced persons can pursue grievances will be established as necessary, and information regarding these grievance procedures will be provided to displaced persons.
17. Land acquisition will be based on Tongan laws, including The Act of the Constitution of Tonga 1875 (Cap. 2), which provides the fundamental principles of land ownership in the Kingdom and the protection of the rights and interests of landholders, and the Land Act 1927 (Cap. 132), which is the principal legislation by which the Crown exercises constitutional responsibility relating to land, and which forms the legal and administrative framework for processing, registering and protecting land titles and interests. Particularly relevant is Part IX of the Land Act (Land for Public Purpose), which addresses the resumption by the Crown of land for a public purpose. The policy is also based on the powers of the Minister for Lands to administer the provisions of the Land Act.

# Legal and Policy Framework

## Main land tenure types

All land in Tonga is the property of the Crown. The Land Act provides for the following:

* 1. *Tax Allotments:* Every male Tongan subject to receive an allotment of land as a grant of land not exceeding 3.3387 hectares. This allotment may be a continuous plot of land or a number of different plots.
  2. *Town Allotments:* Male Tongans are also entitled to receive a land grant in a town of an area not exceeding 1618.7m2.
  3. *Hereditary Estates:* These are lands held by nobles and *matapules*.
  4. *Royal Estates:* This is land available for the use of the Sovereign.
  5. *Royal Family Estate:* This land is granted by the Sovereign to individuals for a period of time as determined by the Sovereign.

## Tongan Land Act

The Tongan Land Law provides for the resumption of land for public purposes and lays out the procedure as summarized below:

|  |  |  |
| --- | --- | --- |
| **Aspect** | **OP/ BP 4.12** | **Proposed Project Measures** |
| The King may call on a landholder to give up possession of land provided that the Privy Council is satisfied that the land is required for public purposes. | Recognizes the need for compulsory acquisition for public purposes | If required, land will be acquired for a term agreed by the Government and land owner based on an Abbreviated Resettlement Action Plan approved by the World Bank. |
| Compensation is paid for land, crops, and buildings impacted by the resumption of land. | Full replacement cost to be paid for land and fixed assets affected by land resumption. | Full replacement cost to be paid for land and fixed assets prior to any involuntary resumption of land. |
| Compensation is calculated within thirty days of the date of notice of resumption of land. | Compensation to be calculated based on full replacement cost and paid prior to the impact/resumption | Compensation to be calculated based on full replacement cost and paid prior to the impact/resumption |
| The decision on how the land will be compensated is at the discretion of the Minister of Lands. | The form of compensation is to be based on consultation, disclosure and needs of the affected person. | In determining the form of compensation, the Minister will consider the needs of affected persons and will not be inconsistent with requirements of OP 4.12. If the land is voluntarily donated (such as by a Noble landholder), this will be fully documented in accordance with World Bank requirements. If compensation is required, full replacement cost will be paid. If livelihoods are affected, then an appropriate livelihood restoration program will be developed and included in future ARAPs as appropriate. |

The Land Law does not include provisions for transitional assistance, compensation to tenants or non-legal dwellers. The Land Law does not go into specifics on the nature of compensation, for example, whether it can include transitional assistance or compensation for loss of livelihood; however the Constitution notes that acquisition of land by Government should be compensated at “fair value”.

For this project, the GoT agrees to carry out the project in accordance with this RPF and OP/BP 4.12 and, so, the GoT agrees to waive any national legal, regulatory provisions in contradiction to the requirements established in this RPF, and to take actions necessary to endeavour to achieve effective implementation of ARAPs prepared in accordance with the RPF within the Tongan context and conditions..

## Preparing and Approving ARAPs

Responsibility for preparation, implementation and monitoring of ARAPs (including responsibility for meeting all associated costs with their implementation), in accordance with this RPF, rests with the GoT. The agency with direct and overall responsibility for managing the land acquisition and involuntary resettlement process in this project is MoI*.* As necessary, MoI will exercise its authority to coordinate actions with any other agencies involved to ensure timely and effective ARAP implementation.

Preparation of the ARAP begins as soon as it is determined that involuntary resettlement is essential to complete any of the project activities and shall be finalized prior to the commencement of any works to carry out said project activities. The GoT will carry out, or cause to be carried out, a census survey to identify and enumerate Displaced Persons and to identify and inventory land and other assets to be required. The census survey must cover 100 percent of the Displaced Persons. The census survey also establishes whether any displaced persons are significantly affected by loss of productive land, whether any commercial enterprises are affected, or whether any households will be required to physically relocate.

If **involuntary resettlement impacts are minor** (i.e. affected people are not physically displaced and less than 10% of their productive assets are lost) **or fewer than 200 people are displaced**, the GoT prepares one or more **abbreviated resettlement plans (ARAP)**.

If an ARAP is necessary, it will be prepared in accordance with the policy principles and planning and implementation arrangements set forth in this RPF. The ARAP is based on accurate baseline census and socioeconomic survey information, and establishes appropriate mitigation measures (e.g. compensation at full replacement cost for loss assets, transitional assistance for relocation, transitional assistance for livelihood restoration, transitional assistance for commercial enterprises) for all relevant categories of adverse impacts. Depending on the categories of impacts, the ARAP specifically addresses the following:

1. description of the project activity causing involuntary resettlement and explanation of efforts to avoid or minimize involuntary resettlement associated with the project (alternative project designs considered);
2. range and scope of potential adverse resettlement impacts;
3. socioeconomic survey and baseline census survey information;
4. review of relevant laws and regulations relating to land acquisition and involuntary resettlement (see section above on legal and regulatory framework for more details);
5. Description of asset valuation procedures and specific compensation rates (or alternative measures) for all categories of affected assets;
6. other assistance measures, if any, necessary to provide opportunities for livelihood restoration for Displaced Persons;
7. assistance to affected commercial enterprises;
8. eligibility criteria for compensation and all other forms of assistance;
9. relocation arrangements, if necessary, including transitional support;
10. resettlement site selection, site preparation, and measures to mitigate impacts on host communities, if necessary;
11. restoration or replacement of community infrastructure and other services;
12. land donation arrangements and documentation requirements, if relevant;
13. organizational arrangements for implementation;
14. consultation and disclosure requirements and arrangements;
15. resettlement implementation schedule;
16. costs and budget;
17. monitoring arrangements;
18. grievance procedures;
19. summary entitlements matrix.

## Implementation Process

A time-bound implementation schedule of all activities relating to involuntary resettlement shall be included in the ARAP. Payment of compensation should be completed at least one month prior to involuntary resettlement. If there is a delay of one year or more between land or asset valuation and payment of compensation, compensation rates will be adjusted for inflation purposes.

## Funding Arrangements and Delivery of Compensation for land acquired

The GoT bears responsibility for meeting all costs associated with involuntary resettlement. Any ARAPs prepared in accordance with this RPF require a budget with estimated costs for all aspects of their implementation. All Displaced Persons are entitled to compensation or other appropriate assistance and mitigation measures, regardless of whether these persons have been identified at the time of resettlement planning, and regardless of whether sufficient mitigation funds have been allocated. For this reason, and to meet any other unanticipated costs that may arise, the ARAP budget shall include contingency funds, i.e. at least 10 percent of estimated total costs.

**Compensation must be paid promptly and in full to the Displaced Person**. No deductions from compensation will occur for any reason. The ARAP should describe the procedures by which compensation funds will flow from GoT to the displaced persons.

## Consultation and Disclosure arrangements

**Disclosure and consultation on the ARAP.** The ARAP must describe measures taken to consult with displaced persons regarding proposed land acquisition, transitional assistance, relocation arrangements, and other arrangements, and summarizes results of those consultations. The GoT also discloses the ARAP- both the draft and final versions – to the displaced persons and the general public in the project area, in a language and location accessible to them. Disclosure of the draft ARAP should occur at least one month prior to Bank review. Disclosure of the final ARAP occurs following Bank acceptance.

## Monitoring Arrangements

A qualified Social and Environmental Safeguard consultant will be hired by the MoI Project Support Team (PST). This consultant will be responsible for monitoring implementation of the World Bank approved safeguard documents including the ARAP, EMP and CEMP. This consultant will provide detailed inputs to the project quarterly reporting.

Monitoring arrangements will be established in the ARAP to assess the effectiveness ARAP implementation in a timely manner. Monitoring includes review of progress in land acquisition, payment of compensation, provision of transitional assistance, and functioning of project grievance procedures. The ARAP should establish the frequency of monitoring activities. Monitoring should be conducted by an individual, firm, or community organization not directly affiliated with the GoT. Any issues or problems associated with ARAP implementation that are observed in the monitoring process will be reported to the GoT and the World Bank project team.

Prior to project completion, the monitoring process will assess whether livelihoods and living standards of displaced persons have been improved, or at least restored. If these objectives have not been achieved, the GoT identifies plans and implements supplemental measures necessary to achieve satisfactory outcomes.

## Grievance Procedures

A consultative ARAP process and effective ARAP implementation will reduce the likelihood of project-related complaints. However, to ensure that displaced persons have avenues for raising complaints relating to land acquisition, compensation payment, relocation, impacts on livelihoods, construction-related damages, or other aspects of project implementation, a multi-step grievance procedure will be established in the ARAP. Necessary elements of the grievance procedure include:

1. Stage 1: A grievance can be lodged in one of two ways:
   1. The project will establish an SMS based complaints system to facilitate the lodging of grievances. This SMS system will immediately advise the Ministry of Infrastructure, TF-PMU, PST, and World Bank Team of the content of the complaint. A detailed protocol for management of these complaints will be included in the ARAP.
   2. If a complainant does not wish or is unable to use the SMS system, any person aggrieved by any aspect of the land acquisition or involuntary resettlement process can lodge an oral or written grievance to Project Management Unit. This complaint shall be appropriately documented and registered by Project Management Unit and supplied to the Project Support Team which will then include it in its quarterly reporting to the World Bank. If the complaint cannot be resolved within 30 days of receipt, it advances to the second step of the process.
2. Stage 2, if the aggrieved person is not satisfied with the outcome of initial stage consideration, or if local level review is unable to reach a proposed solution, the aggrieved person can refer the issue to a grievance committee established by GoT. The grievance committee, which is chaired by the head of MoI and includes representatives not directly affiliated with the MoI, reviews issues raised in the initial complaint and any actions for resolution suggested at the lower level and makes recommendations for resolution within 30 days.
3. Stage 3, if the aggrieved person is still dissatisfied following review by the grievance committee, the case may be referred to legal proceedings in accordance with Tongan laws and procedures. The MoI keeps a record of all complaints referred

# Annex A - Outline of the Abbreviated Resettlement Action Plan (ARAP)

The scope and level of detail of the ARAP will vary depending on the magnitude of land acquisition. The plan is based on up-to-date and reliable information about (a) the proposed compensation payment and resettlement of adversely affected people, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the ARAP.

* 1. **Description of the component**. General description of the project component that gives rise to land acquisition and a description of the of the project area.
  2. **Potential impacts**. Description of the alternatives considered avoiding or minimizing land acquisition and resettlement the mechanisms established to minimize resettlement, to the extent possible, during project implementation.
  3. **Objectives.** The main objectives of the ARAP.
  4. **Results of the census and socioeconomic surveys.** The findings of surveys to be conducted in the early stages of project preparation and with the involvement of potentially affected people, including
     1. The results of a census survey covering: current occupants of the affected area to establish a basis for the design of the compensation payment.
     2. Standard demographic and socio-economic characteristics of affected households.
     3. The magnitude of the expected loss—total or partial—of assets, and the extent of impacts, physical or economic.
     4. Public infrastructure and social services that will be affected.
  5. **Eligibility.** Definition of affected persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.
  6. **Valuation of and compensation for losses.** The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets
  7. **Income Restoration Measures.** Wherever the livelihoods are affected, appropriate measure for improvement or restoring of livelihoods including assistance during the transition period will be proposed which should be compatible with the cultural preference and skill of the affected people.
  8. **Implementation and Monitoring Arrangements:** The description of agencies responsible for implementation of compensation payment should be outlined.
  9. **Grievance Redress Mechanism**:Description of the grievance redress mechanism.
  10. **Consultation and disclosure:** Summary of consultation and disclosure.
  11. Schedule
  12. Budget

**Attachment 1. Affected Persons**

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **District /Village** | **Land Acquisition** | | **Significantly Affected**  **by Land Acquisition** | | **Housing Affected** | | **Business Affected** | | **Vulnerable Persons** | | **Other** |
| **(name)** | **Owners**  **HH:**  **People:** | **Users**  **HH:**  **People** | **Owners**  **HH:**  **People:** | **Users**  **HH:**  **People:** | **Partially Affected**  **Owner HH:**  **People:**  **Tenant HH:**  **People:** | **Require**  **Relocation**  **Owner HH:**  **People:**  **Tenant HH:**  **People:** | **Owners** | **Workers** | **Category** | **Category** |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
| **Total** |  |  |  |  |  |  |  |  |  |  |  |
| **TOTAL** | | | | | | | | | | | |

**Attachment 2**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Category** | **Subcategory** | **Volume/Unit** | **Unit Cost** | **Local Currency** | **USD** |
| Land Compensation | Private land - residential |  |  |  |  |
|  | Private land - agricultural |  |  |  |  |
|  | Private land - commercial |  |  |  |  |
|  | Private land - other |  |  |  |  |
|  | Community land |  |  |  |  |
| Productive Assets | Crop (Specify) |  |  |  |  |
| Compensation | Crop (Specify) |  |  |  |  |
|  | Crop (Specify) |  |  |  |  |
|  | Crop (Specify) |  |  |  |  |
|  | Tree - fruit |  |  |  |  |
|  | Tree – nut |  |  |  |  |
|  | Tree- other |  |  |  |  |
|  | Other productive assets |  |  |  |  |
| Residential Structures | Private housing |  |  |  |  |
| Compensation | Community housing |  |  |  |  |
|  | Water facilities |  |  |  |  |
|  | Ancillary structures |  |  |  |  |
|  | Walls, fences |  |  |  |  |
|  | Other |  |  |  |  |
| Business Structures | Shops, food services |  |  |  |  |
| Compensation | Other services |  |  |  |  |
|  | Other businesses |  |  |  |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **District, Village** | **Total Land Acquisition**  **(hectares)** | **Private Land Acquisition** | **Number of Plots Affected** | **Community Land Acquisition** | **Number of Plots Affected** | **Other Land Acquisition** | **Number of Plots Affected** |
| (Name ) |  | Residential |  | Community Use |  | (Specify purpose) |  |
|  |  | Agricultural |  | Residential |  | (specify purpose) |  |
|  |  | Commercial |  | Agricultural |  |  |  |
|  |  | Other |  | Other |  |  |  |
|  |  | TOTAL |  | TOTAL |  | TOTAL |  |
|  |  |  |  |  |  |  |  |

**Impact on Agricultural Livelihoods**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **District, Village** | **Total Agricultural Land Acquired** | **Number of Plots Affected** | **Plots Significantly Affected**  **(>10%)** | **Crops Affected**  **Type Extent of Loss** | **Productive Trees Affected**  **Type Number Affected** | **Other Productive Losses**  **Type Extent of Loss** |
| (Name) |  |  |  | Taro | Nut Tree | (Specify) |
|  |  |  |  | Rice | Fruit Tree | (Specify) |
|  |  |  |  | (Specify) | Timber Tree | (Specify) |
|  |  |  |  | (Specify) |  |  |
|  |  |  |  | Other |  |  |

**Attachment 3. Entitlements Matrix**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Category**  **of Impact** | **Subcategory of Impact** | **Eligible Persons** | **Compensation or Mitigation Principle** | **Compensation Rates or Standards for Assistance** |
| Loss of agricultural land | Private agricultural land | Registered or acknowledged land owner | Compensation at replacement cost | RP includes compensation rates by category |
| Private pasture | Registered or acknowledged land owner | Compensation at replacement cost | Compensation rates in RP |
| Leaseholder on private land | Acknowledged land user | No land compensation; transitional assistance for disruption of livelihood | Typically allowance is calculated with reference to remaining term of lease |
| Tenant on communal land | Acknowledged user of communal land | Other arrangements for communal land provided, or transitional assistance for disruption of livelihood | RP specifies means of assistance |
| Agricultural encroachment on public land | User | No land compensation; transitional assistance for disruption of livelihood | RP specifies means of assistance |
| Loss of production | Unharvested crops | Cultivator | Compensation for loss of standing crop | Compensation rates by category |
| Fruit/nut trees | Cultivator | Compensation for estimated future production value | Compensation rates by category |
| Trees: timber or other use | Cultivator | Compensation for estimated future production value | Compensation rates by category |
| Loss of structures, fixed assets | Permanent residence | Owner | Compensation at replacement cost | Compensation rates by category |
| Well | Owner | Compensation at replacement cost | Compensation rates by category |
| Wall or fence | Owner | Compensation at replacement cost | Compensation rates by category |
| Outbuildings | Owner | Compensation at replacement cost | Compensation rates by category |
| Other | Owner | Compensation at replacement cost | To be determined on case-by-case basis |
| Permanent business structure | Owner | Compensation at replacement cost | Compensation rates by category |
| Temporary or mobile structure | Owner | Moving assistance | To be determined on case-by-case basis |
| Wall or fence | Owner | Compensation at replacement cost | Compensation rates by category |
| Other fixed assets for business | Owner | Compensation at replacement cost | Compensation rates by category |
| Community facilities or infrastructure | Community or settlement | Compensation at replacement cost, or full restoration | Determined on case-by-case basis |
| Loss of access to resources | Water | User or community | Restoration of access or provision of equivalent alternative | Determined on case-by-case basis |
| Grazing area | User or community | Restoration of access or provision of equivalent alternative | Determined on case-by-case basis |
| Fuel or fodder | User or community | Restoration of access or provision of equivalent alternative | Determined on case-by-case basis |

**Attachment 4. Budget**

**Allowances and Support to Affected Persons**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Type of Support** | **Recipients** | **Unit Rate** | **Local Currency** | **USD** |
| Moving allowance, residential |  |  |  |  |
| Temporary living allowance, residential |  |  |  |  |
| Moving allowance, commercial |  |  |  |  |
| Temporary income support, commercial |  |  |  |  |
| Assistance to squatters, illegal occupants |  |  |  |  |
| Assistance to shareholders, renters, employees |  |  |  |  |
| Assistance to vulnerable persons |  |  |  |  |
| Other |  |  |  |  |
|  |  |  |  |  |
| **SUBTOTAL** |  |  |  |  |

**Administrative and Other Costs**

|  |  |  |  |
| --- | --- | --- | --- |
| **Category** | **Unit/Basis** | **Local Currency** | **USD** |
| Administrative costs | Typically 5% of subtotals 1 and 2 |  |  |
| External monitoring | Negotiated contract (estimate) |  |  |
| Contingency | Typically 10% of subtotals 1 and 2 |  |  |
| **SUBTOTAL** |  |  |  |
|  |  |  |  |
| **ARAP TOTAL COSTS**  (Subtotals 1, 2 and 3) |  |  |  |

1. 2011 Census [↑](#footnote-ref-2)
2. Foa, Ha’ano, Lifuka, Lofanga, Mo’unga’one, and ‘Uiha [↑](#footnote-ref-3)
3. For 70m/s wind speeds and appropriate seismic loading. See Annex 3 for further details. [↑](#footnote-ref-4)
4. An eligible household is one whose main dwelling and/or associated water and sanitation facilities were damaged by Cyclone Ian. The exact number of households qualifying for the different levels of SSR funding will be confirmed once the damage census is completed by the GoT, which is anticipated well before project effectiveness. [↑](#footnote-ref-5)
5. Households have the option to choose owner-led or central contractor-led building. [↑](#footnote-ref-6)
6. The database will provide an accurate, common information platform on pre-approved designs (either for reconstruction or retrofitting), competitive unit prices of materials, progress of works, timeliness of advisory assistance, timeliness of inspectorate services, disbursement of household funding, and identify at risk households requiring additional support. [↑](#footnote-ref-7)
7. The CLO will provide advice and assistance to households regarding proof of eligibility for funding including tenure arrangements, location of house, assembling own-resources and project funding. The BLO will provide advice and assistance to households regarding selecting pre-approved building plans or building improvements, realistic pricing of materials and labor, readiness to request MoI’s inspection for progress certification and payment. [↑](#footnote-ref-8)
8. The project will finance Type 1 structures which are 17.5 m2 and consist of a single room. For highly vulnerable families, two Type 1 structures will be constructed. There will also be basic sanitation facilities. [↑](#footnote-ref-9)
9. Asbestos waste will be removed to the managed land fill site in Tongatapu. [↑](#footnote-ref-10)
10. In the context of this project, the losses and /or need to move refer to the person(s) relinquishing land to accommodate relocation of project beneficiary households. [↑](#footnote-ref-11)