The Integrated Flood Management to Enhance Climate Resilience of the Vaisigano River Catchment in Samoa (GCF-VCP)

Land Acquisition Action Plan
for Activity 2.3 Upgrade of Lelata Bridge
[January 2022]
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**Acronyms**

- AE: Accredited Entity  
- AUA: Apia Urban Area  
- COEP: Code of Environmental Practice  
- CMV: Current Market Value  
- EA: Executing Agency  
- EIA: Environmental Impact Assessment  
- ESMF-MP: Environmental and Social Management Framework and Management Plan  
- FESA: Fire and Emergency Services  
- GCF: Green Climate Fund  
- GCF-PM: Project Manager  
- GCF-PMU: Green Climate Fund Project Management Unit  
- GCF-VCP: Green Climate Fund Vaisigano Catchment Project  
- GoS: Government of Samoa  
- GRM: Grievance Redress Mechanism  
- GRM-C: Grievance Redress Mechanism Committee  
- IP: Indigenous People  
- LAAP: Land Acquisition and Resettlement Action Plan  
- LTA: Land Transport Authority  
- MoF: Ministry of Finance  
- MoH: Ministry of Health  
- MNRE: Ministry of Natural Resources and Environment  
- MWCS: Ministry of Women, Community and Social Development  
- MWTI: Ministry of Works, Transport and Infrastructure  
- PUMA: Planning and Urban Management Agency  
- RIA: Responsible Implementing Agency  
- SCC: Safeguards Coordination Committee  
- SES: Social and Environmental Standards  
- SESP: Social and Environmental Screening Procedure  
- SGS: Safeguards and Gender Specialist  
- UNDP: United Nations Development Program  
- VRCA: Vaisigano River Catchment Area
1. **Introduction**

1. This Abbreviated Land Acquisition Action Plan (LAAP) was developed to guide and support the Green Climate Fund (GCF) Government of Samoa (GoS) project “The Integrated Flood Management to Enhance Climate Resilience of the Vaisigano River Catchment in Samoa” (GCF-VCP). The LAAP relates specifically to GCF-VCP Output 2 Activity 2.3: Replacement of Lelata Bridge to accommodate increased flood waters. The LAAP is structured in accordance with UNDP requirements for an Abbreviated Land Acquisition Action Plan. The UNDP Guidance on Standard 5 – Displacement and Resettlement provides for such an abbreviated plan where displacement risks and impacts are considered to be minor.

2. The LAAP seeks to fulfil the aims of Standard 5, namely to recognize and respect the prohibition on forced evictions; to anticipate and avoid, or, when avoidance is not possible, minimize adverse social and economic impacts from land or resource acquisition or restrictions on land or resource use, and to enhance or at least restore the livelihoods of all displaced persons. In addition, it will ensure to conduct a fair, equitable and transparent land transaction process through negotiation, with the land owners to be compensated to at least full replacement cost, and suffer no adverse economic impact. Reference will also be made to UNDP’s Standard 6 on Indigenous Peoples to ensure that any impacts on them will be identified and mitigated.

3. Under Output 2 of the GCF-VCP, the existing Lelata Bridge structure is to be raised by 2.8 meters to tie in with the height of the proposed flood wall that will also be funded by the GCF-VCP. The flood wall is a flood protection measure that will be built along the banks of the Vaisigano River (VR) to protect the local communities from repeated flooding. Both the Lelata bridge and the flood wall components of the GCF-VCP are directly interlinked and need to be connected together to provide the best possible protection from flood waters and debris.

4. During the initial planning and design phase of the GCF-VCP in 2016, it was noted through the use of UNDP’s Social and Environmental Screening Procedure (SESP) and the project’s Environmental and Social Management Framework and Management Plan (ESMF-MP 2016) that land acquisition and/or displacement activities would not occur as the expected infrastructural works within the Vaisigano River would take place mostly within the river. It was also noted in the ESMF-MP 2016 that there were no indigenous people living in Samoa.

5. However, after the completion of technical studies, design plans and environmental assessments for Activity 2.3 between 2020-2021, some unanticipated risks were identified and included vehicle and pedestrian safety issues, accessibility concerns, and implications to current and future land use. These issues resulted in the project proposing the:

   (a) closure of one Right of Way (RoW) due to the proposed changed of height of bridge and road;
   (b) improvement of an existing RoW and extension of the same to create a new RoW to address (a);
   (c) acquisition of two freehold properties of 860 square meters each to facilitate (a) and (b);
   (d) reconstruction of access ways to 7 private residential properties; and
   (e) the construction of new retaining walls along the road side. More detailed information regarding Activity 2.3 is provided in Section 1.2.

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6. In light of the above risks, the GCF-VCP updated its SESP and ESMF-MP in 2021 using UNDP’s Social and Environmental Standards (SES). During this process, Standard 5 on Displacement and Resettlement and Standard 6 on Indigenous People were triggered due to potential land acquisition and displacement and resettlement activities that will result from implementation of the GCF-VCP Activity 2.1 (Flood Mitigation Levees) and Activity 2.3 (Lelata Bridge Upgrade). For Activity 2.1, land acquisition and displacement and resettlement activities will be expected while for Activity 2.3, only land acquisition will occur as physical displacement and/or resettlement actions will not be expected. Regarding SES Standard 6 on indigenous peoples, the ESMF-MP 2021 has incorporated potential concerns for Samoa’s indigenous people given the triggering of Standard 6 and associated potential impacts. For more specific information on Indigenous People/Samoans refer to the ESMF-MP 2021, its associated stakeholder engagement plan (which includes free, prior, informed consent procedures), and section 2 of this LAAP.

7. In relation to Activity 2.3’s potential environmental and social impacts, BECA and OSM prepared the Preliminary Environmental Assessment Report (PEAR) for the Lelata Bridge Replacement Project in August 2020 with revisions to the document finalised in December 2021. The revised PEAR is attached as Annex 1 for reference as the PEAR had identified a number of impacts associated with the construction of the Lelata Bridge and included but not limited to the following: the acquisition of two freehold Lots; impacts on private access ways and RoW’s, and impacts on road-side subsistence food-crops within the road reserve. While these impacts were identified in the PEAR, they were not discussed in much detail. This LAAP therefore will elaborate on these concerns as they are potential impacts linked specifically to land acquisition and compensation issues. Any construction impacts relating to the proposed development will be managed via the ESMF-MP 2021, the PEAR 2021 and standard good engineering practices.

8. The LAAP is outlined as follows:

Section 1: Provides a brief overview of the project, structure of the LAAP and justification for land acquisition.

Section 2: Provides a brief account of land tenure in Samoa and describes the relevant laws and policies of Samoa including brief descriptions on UNDP’s Standards 5 and 6, and the Abbreviated LAAP.

Section 3: Describes the Land Acquisition process including consultations and negotiations with affected parties.

Section 4: Provides details about the institutional arrangements and implementation schedule for the LAAP.

Section 5: Provides information about the project-level Grievance Redress Mechanism

Section 6: Briefly describes measures to monitor to ensure completion of the LAAP.

Section 7: Provides details about the estimated budget for compensation.

1.1 Overview of the project

9. The GCF-VCP provides an integrated solution to manage the flood risks and impacts of the Vaisigano River on the communities and environment of the Vaisigano River Catchment Area (VRCA). This integrated approach consists of a number of soft and hard interventions with supporting mechanisms and capacity strengthening activities to enhance the climate resilience of the VRCA.

10. The project has a total value of USD $65.7 million and an implementation timeframe of six years from 2017 to 2023. The main institutions involved include the UNDP as the GCF Accredited Entity (AE), the Ministry
of Finance (MoF) as the Executing Agency (EA) and the responsible implementing agencies (RIAs) which include the Ministry of Natural Resources and Environment (MNRE), Ministry of Works, Transport and Infrastructure (MWITI), Ministry of Health (MoH) and the Land Transport Authority (LTA).

11. The impact potential of the GCF-VCP relates to flood prevention measures and watershed management practices that would provide multiple benefits to at least 26,000 people living within 31 village communities of the Apia Urban Area (AUA). The interventions planned under the project seek to: (a) reduce vulnerability of communities and their livelihoods to flood-related risks; (b) develop flood-resilient infrastructure in the VRCA supported by upstream ecosystem and community based adaptation measures; and (c) upgrade drainage systems in downstream areas to regulate water flows from the river catchment system (APR 2019).

12. Although this LAAP focuses specifically on Activity 2.3, it is important to understand the GCF-VCP Results (Outputs and activities) structure and how they are interlinked and integrated to highlight the significant contribution the GCF-VCP will make to the enhancing the climate resilience of the VRCA. A summary of the GCF-VCP Output and Activities is provided below:

- **Output 1** focuses on strengthening capacities and mechanisms for an integrated approach to reduce flood-related risks. The activities include a variety of interventions such as:
  1. Strengthen capacities and information requirements to pursue an integrated programme approach to flood management;
  2. Establish health surveillance systems to track and manage flood related health issues;
  3. Expand the early warning system coverage to provide flooding alerts; and
  4. Conduct awareness-raising campaigns on climate resilient building practices and designs for at-risk communities living along the Vaisigano River.

- **Output 2** focuses on key infrastructure in the Vaisigano River Catchment being flood-proofed to increase resilience to the negative effects of excessive water. The activities include a variety of interventions such as:
  1. Channelization of Segment 2, 3 and 4 of the Vaisigano River streambed to accommodate increased water flow and to decrease flood risks.
  2. Implement ecosystem responses upstream for decreased flows during extreme weather events; and
  3. Replacement of Lelata Bridge to accommodate an increase in flood levels.

- **Output 3** focuses on upgrading drainage in downstream areas for increased regulation of water flows. The activities include a variety of interventions such as:
  1. Develop a climate resilient stormwater master plan; and
  2. Upgrade drainage systems and outfalls in hazard areas to accommodate flooding events.

1.2 **Project Activity Requiring Land Acquisition**

13. As described in the Project Document 2017 (ProDoc 2017), the Lelata Bridge is a major arterial road for transport within the AUA. The existing bridge was built in 2001 and is one of four bridges that facilitates vehicle and pedestrian access across the VR. The current bridge is 10.8m wide and 24.6m long and consists of two traffic lanes and two pedestrian walkways. It comprises of two equal spans and a central pier constructed of concrete. The approach embankments are retained by approximately 2.5m high gabion type retaining walls, concrete abutments and wing walls (Refer to Annex 1: PEAR, Dec 2021).

14. To climate proof the Lelata Bridge, the existing bridge will need to be demolished and reconstructed to make way for the new proposed flood walls that will be built along the river banks. This involves raising the bridge to tie in with the height of the flood wall which in some areas is expected to be as high as 8 meters
from the river bank. The planned works will improve the current flow area beneath the bridge with debris accumulation to be significantly reduced.

15. The replacement bridge design is for a single span bridge without a central pier to accommodate flood flows under the bridge. The bridge will follow the same footprint of the existing bridge with similar dimensions consisting of two traffic lanes and sidewalks on both sides. However, the replacement bridge will be raised 2.8m higher than the current bridge to accommodate for the height of the proposed new floodwall (Activity 2.1) and to allow for sufficient freeboard to cater for floodwaters and debris. It is necessary to raise the bridge as designed or it will impede flood waters at this point, thereby exacerbating high hazard risk conditions. The proposed bridge has been designed to a 1 in 20 year event with a design life of 100 years. The LTA is the RIA for the GCF-VCP Activity 2.3 relating to the replacement of the Lelata Bridge. The tender process for the reconstruction of the Lelata Bridge began in Quarter 3 of 2020 but the contract has yet to be awarded. The duration for construction works is expected to take fifteen (15) months.

16. According to the PEAR dated December 2021, the alternative to reconstructing and raising the bridge as proposed includes the ‘do nothing’ approach. This would mean the bridge would remain as it is. However, with the new flood wall expected as part of the GCF-VCP, the current bridge would not only create a gap in the flood wall but would also become an obstacle to the flow path of the river. As the flood wall is expected to contain all the river flow from upstream within the river bed, the water levels would be expected to be much higher during flash floods. All these will contribute to diminishing the ability of the flood wall to reduce the flood risks in the area. The ‘do nothing’ approach would therefore do more harm than good. It is therefore in the public’s interest to raise the bridge to allow for the flood wall to protect and safeguard the Lelata residents and all those who live downstream.

17. As detailed in the PEAR and Figs 1 and 2 below, the raising of the height of the bridge will also require the reconfiguration of access points of seven residential properties and two RoW’s along Vailele Street. The existing RoW located at the North-East corner of the bridge is to be closed off permanently due to safety concerns, while the second RoW (further east of bridge) will be improved and extended to accommodate a new RoW.

18. To accommodate the new section of access road, the GoS proposes to acquire two (2) freehold properties ………. Note that the alterations to access points to the road will take place entirely along the road reserve with potential to affect roadside subsistence food crops. No additional acquisition of private land will be required from the residential properties for the reconfiguration of the access points, and no displacement will occur as well.

19. As noted in Figures 1, 2 and 3 below, the existing RoW that currently lies parallel to the eastern boundary line of ……., will be extended west to provide access to the …….. Aside from using the acquired lots to accommodate the new RoW, these two lots will eventually be used by the contractors during construction works for maintenance access purposes and as a Government Reserve.
Figure 1: Re-configured access ways in project affected area (Source: Tender drawings, Beca, April 2020)

Figure 2: Shows existing RoW – with new access road through (Source: Tender drawings, Beca, April 2020)
1.3 Justification for Land Acquisition

20. The GCF-VCP provides an integrated approach to managing increased flood risks resulting from extreme weather events and climate change induced impacts that affect the VRCA. Therefore, to enhance the resilience of the VRCA community in responding to such impacts, it is necessary to invest in infrastructure that can withstand the negative effects of excessive flood waters. As such, the success of the GCF-VCP relies heavily on the proposed construction works relating to the replacement of the current Lelata Bridge and flood protection measures (flood wall) as both structures are inter-linked and aim to protect the local community within the VRCA from inundation during flood events. Also, as mentioned in the ProDoc 2017, approximately 26,000 people within the AUA will benefit from these proposed works.

21. The VR runs through the Vaimauga West district which is one of four districts that make up the AUA. In 2012 Cyclone Evan had a significant detrimental impact on Vaimauga West with the highest number of damaged houses (872) recorded in Samoa due to the overtopping of flood waters of the VR. In response to the severe impact of Cyclone Evan on the population, the GoS set-up 34 shelters and evacuation centres for the 7500 people who needed shelter. The damages to durable assets destroyed by Cyclone Evan were estimated to reach approximately USD 103 million while production losses were estimated to reach approximately USD 100m (PDNA 2013).

22. More recently, Samoa was affected by extreme rainfall on 18 December 2020 that caused significant flooding in various areas of Apia and affected several public (bridges, roads, water lines and storage) and private (businesses, homes) assets. The VR burst its banks just upstream of the Lelata Bridge and the Leone Bridge resulting in several families being evacuated by the Fire and Emergency Services (FESA). Although this recent flooding event was not as severe as the flooding in 2012, Samoa’s experience with floodwaters has become more debilitating after every flooding event due to losses to households, businesses and livelihoods with long-term negative impacts on food security, financial independence and mental capacities to cope with the stress.

23. According to an analysis cited in the ProDoc 2017, the economic costs of adapting infrastructure to projected changes in rainfall and associated floods in the more urbanised areas of Samoa has been estimated to cost on average USD 7.8m per year over the period 2011-2050. This is a significant adaptation cost of more than USD$ 300 million. In light of these projected costs, it is important that Samoa continues to implement measures to reduce the impacts caused by floodwaters, especially for vulnerable families who live near rivers in low lying areas.

24. Given that the VR is the largest river that runs through the AUA, it is logical that significant economic investment is required to flood-proof existing infrastructure near the River as well as to develop additional flood protection measures to protect and safeguard the large number of households that are repetitively being inundated by flood waters. As such, approximately 40% percent of the GCF-VCP budget is tied to both the Lelata Bridge and flood wall / protection works.

25. The proposed bridge works will result in several off-site impacts such as: (a) the closure of an existing RoW for traffic safety reasons; (b) the reconstruction of several private access roads; and (c) the acquisition of two parcels of freehold land to accommodate a new public access road. These impacts however are considered minor and manageable given the context surrounding the proposed development. Currently, only two ¼ acre properties will be acquired by the GoS, only two landowners will be affected by land acquisition, and these land parcels that are to be acquired are vacant with no persons expected to be physically and economically displaced.
26. On this basis, the proposed land acquisition by the GoS is crucial and necessary for the benefit of the whole Lelata community and the wider Apia Urban Area. Proceeding with land acquisition, will allow for the construction of a new bridge with a design able to withstand a 20 year flood event, resulting in a more resilient bridge for the community at large. With the bridge and the floodwalls tied in together, the river ecosystem will also reap the benefits of having significantly reduced soil erosion, more stabilised river banks, minimal accumulation of debris and improved river flows. All these will further enhance the safety of the community from floodwaters.

27. If the bridge remains as it is (the “do nothing” approach), it will diminish the ability of the proposed flood wall to fully reduce and contain the flood risks especially as the current bridge was built with a pier in the middle and designed for lower than 1 in 20 year flood levels. It is therefore in the public interest to acquire the land for public purposes to allow for the construction of the new bridge. Note that land acquisition is defined under the Standard as “involuntary”, as in the event that it is not possible to negotiate a mutually-acceptable deal with the land owners, local law would allow for a compulsory purchase by the government.

1.4 Measures to minimize land acquisition and associated adverse impacts.

28. In anticipation of potential impacts and conflicts arising from the proposed works, the following measures were undertaken by the LTA:

(a) Due diligence Report on Lelata bridge design by Tonkin and Taylor, September 2020: This review was coordinated by UNDP to ensure an independent review of the proposed bridge design by a third party.

(b) Community Consultations: The LTA held consultations to discuss the proposed bridge and its potential impacts with the residents of Lelata in October 2019 and May 2020. Information about the GCF-VCP Grievance Redress Mechanism (GRM) was also shared to the participants during the consultations. The consultation reports are included in section 6 of the PEAR, December 2021 (Annex 1).

(c) Land Valuation Assessments: Three land valuation assessment reports were prepared for the purposes of providing estimated market values .......... One assessment was prepared by the GoS while the other two assessments were prepared by private land valuers for the owners of the two separate Lots. These are attached as Annex 2.

(d) Negotiations with the directly affected land owners: The GoS began negotiations with the two directly affected land owners in May 2020. As part of this process, land valuation reports were prepared and discussed by the....... ........ Refer to section 3 for more detailed information.

(e) Safeguards Coordination Committee: The Safeguards Coordination Committee (SCC) was established in December 2020 to discuss and resolve GCF-VCP issues relating to safeguards matters. It includes a number of GoS Ministries and Public Authorities.

2. Legal Framework

2.1 General Description of Land in Samoa

29. Land in Samoa is classified into three types: (a) Freehold land; (b) Public or GoS land; and (c) Customary land.

➢ Freehold land makes up 12 per cent of land in Samoa with the majority of freehold land located in the Greater Apia Area. Freehold land is registered in the Land Registry administered by the MNRE.
Customary land makes up 81 per cent of all land in Samoa. Customary land cannot be conveyed or mortgaged but can be alienated in only two ways, through: (a) lease of land to a person or corporation by approval of family matai, and (b) land acquisition by the GoS for a public purpose. The majority of customary land has not been surveyed thus boundaries are usually based on lineage, years of occupation, and traditional knowledge. Any issues disputing ownership of customary land are resolved in the Land and Titles Court following provisions of the Land and Titles Act 1981.

Public land or GoS land makes up 7 per cent of land in Samoa. This land type is administered by the Land Board on behalf of the State/GoS. Provisions regarding the management and use of public land by the GoS is contained in the Lands, Surveys and Environment Act 1989.

Where land is required for public purposes, the land acquisition process is fairly straightforward for freehold properties as freehold land is registered under the deeds system at MNRE with land usually registered to one or a few individuals. The value of freehold property is based on several factors such as comparative sales cost (against other properties), and accessibility and proximity to public services and amenities. In determining compensation amounts agreeable to the registered land owner, the sale usually depends on the open market ‘willing buyer and seller’ context but with room for negotiation given the involuntary nature of the exchange.

Customary land on the other hand would be more of a challenge to acquire for public purposes given certain factors such as: communal ownership of the land by extended family members or title; unclear boundary lines; land not usually surveyed and/or registered at MNRE; and land usually subject to family or court disputes at the Lands and Titles Court. In addition, customary land cannot be sold, mortgaged or alienated. In determining compensation for customary land, it is important that family members with interest in the land give their consensus for the land taking process including any compensation costs. Like freehold land, the ‘market value’ of the land is subject for discussion and approval. Where compensation is paid out to the head of the family, it will be her/his responsibility to distribute the benefits or if the family prefers, compensation can be placed in an escrow account managed by MoF until the family resolves any internal disputes.

2.2 General Description of Indigenous Peoples

While the initial ESMF-MP 2016 had indicated that there were no indigenous people living in Samoa the update of the ESMF-MP in 2021 has highlighted the need for the project to incorporate the potential concerns of Samoa’s indigenous people given the issues pertaining to land acquisition, and displacement and resettlement impacts.

As described in the ESMF-MP 2021, Samoa’s population is made up of 92% Samoan (considered indigenous to the country) while the remaining ethnicities comprise of 7% Mixed European and Polynesian ancestry, and about 0.4% European. With such a high percentage of indigenous people in the country with only one language (Samoan), Samoa is considered to be culturally homogenous as the country’s customs and traditions are practiced throughout the whole country. The majority of indigenous Samoans are culturally linked to land through their ownership of customary land which makes up 81% of Samoa’s land tenure. With customary land being inalienable, the rights of this homogenous population to customary land is protected and safeguarded as provided for by Samoan laws. There are also many indigenous Samoans that own both customary and freehold land.

2.3 Applicable Samoan laws and policies

To ensure that all actions pertaining to land acquisition and compensation are implemented in accordance with Samoan laws, specifically the Taking of Land Act 1964; and UNDP’s SES Standards 5 and 6, the following laws and policies have been identified below.
<table>
<thead>
<tr>
<th>Law or Policy</th>
<th>Brief Description</th>
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<tbody>
<tr>
<td>Constitution of the Independent State of Samoa 1960</td>
<td>In reference to rights regarding property, Article 14 of the Constitution of Samoa provides that no property shall be taken possession of compulsorily and no right over or interest in any property shall be acquired compulsorily except under the law, which of itself or when read with any other law: (a) requires the payment within a reasonable time of adequate compensation; (b) gives to any person claiming that compensation a right of access for the determination of his interest in the property and the amount of compensation, to the Supreme Court; and (c) gives to any party to proceedings in the Supreme Court relating to such a claim the same rights of appeal as are accorded generally to Parties to civil proceedings in that Court sitting as a court of original jurisdiction. This is also the same for customary land although customary land cannot be alienated except by way of an Act of Parliament where a lease may be granted or when land is taken for public purposes.</td>
</tr>
<tr>
<td>Taking of Lands Act 1964</td>
<td>This law is administered by the MNRE. It provides a legal framework under Part 2 of the Act for land acquisition where the GoS can compulsorily take Customary and/or Freehold land for public purposes but with due consideration for compensation. Where there is disagreement on compensation, the matter can be referred to the Supreme Court for a determination and the Court of Appeal if so required. Procedures for land taking includes the confirmation of land owners and occupiers, the taking of surveys and valuations to confirm land boundaries and compensation estimates, notification of those who have interest in the land, the hearing of any objections to land taking, proclamation of the land and determination of full and just compensation by the Minister for MNRE with opportunity for legal recourse when compensation is not acceptable to the affected party.</td>
</tr>
<tr>
<td>Lands, Surveys and Environment Act 1989</td>
<td>This law is administered by the MNRE. It regulates matters relating to Government Land of which all rivers and the coastal zone are part of. It describes the power of the Land Board to administer and use government land for lease or a public purpose. It also includes provisions for the conservation and protection of the environment and the establishment of National Parks and other forms of protected areas.</td>
</tr>
<tr>
<td>The Planning and Urban Management Act 2004</td>
<td>This law is administered by the MWTI although when the GCF-VCP was approved in 2017, this Act was administered by the MNRE. The Act provides a framework for planning the use, management, protection and the sustainable development of land in Samoa. It established the Planning and Urban Management Agency (PUMA) and the Planning and Urban Management Board, both of which assess and determine the social and environmental impacts of development applications. It administers the Development Consent process and provides for the development of sustainable management plans when necessary. It also provides for the development of environmental impact assessments which also takes into account social impacts of developments on the community. All development projects related to land must obtain Development Consent prior to any works commencing.</td>
</tr>
<tr>
<td>Land Transport Authority Act 2007</td>
<td>This Act provides for the functions and responsibilities of the LTA in relation to the management of roads and land transport infrastructure inclusive of bridges.</td>
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<tr>
<td>Samoa Codes of Environmental Practice 2007</td>
<td>Provides 14 Codes of Environmental Practice (COEP) that define methods and/or procedures to avoid or mitigate adverse environmental impacts that may arise from infrastructural development projects and/or maintenance work. COEP 4 relates to Land Acquisition and Compensation.</td>
</tr>
</tbody>
</table>
35. While the above national laws and policies are all relevant to this LAAP, the two key documents that have direct links to land acquisition and compensation matters are the Taking of Land Act 1964 and the Samoa Codes of Environmental Practice 2007.

36. The Taking of Land Act 1964 provides procedures for land acquisition and makes no allowance for land to be taken compulsorily without any form of compensation. The following process is provided for in the Act:
   a) Inform the MNRE and its Minister about the proposed land taking.
   b) Confirm ownership of land whether Freehold or Customary land.
   c) Undertake a survey showing the land to be taken including the names of the owners and occupiers.
   d) Require a copy of the plan to be deposited in the office of the MNRE.
   e) Ensure public notification is carried out with a Notice sent to each owner, occupier and person having an interest in the land, stating the GoS’s proposal to take the land and the public purpose for which the land is required. Any person affected may give notice of objection within 28 days of the first publication of the notice.
   f) Upon receiving any objection with any reason (other than an objection to the amount or method of payment of compensation), appoint a time and place at which the objector may appear before the Minister or some person delegated by the Minister and support the objection with evidence and argument as the objector sees fit.
   g) If the Minister determines that the taking should proceed, the Head of State may, by proclamation, take the land for public purposes.
   h) Pay out full and just compensation determined by the Minister.

37. Under the Samoa Codes of Environmental Practice 2007, COEP 4 provides four guiding principles for land acquisition and compensation matters.
   a) Land acquisition shall be minimised. Where unavoidable, land acquisition shall be carried out in such a manner so as to minimise the adverse impacts on the affected people.
   b) Avoid, wherever possible, the need to relocate graves and/or burial sites. Where this cannot be avoided, such relocation shall be carried out in a manner that will minimise duress on the relatives of the deceased.
   c) Land acquisition and compensation issues should be clearly distinguished from labour and industrial related matters in following the procedures established in the COEP.
   d) Any acquisition of land shall be carried out in consultation with the people to be affected.

38. In the event that any affected people are dissatisfied with the land acquisition process, available legal avenues include the lodgement of official complaints to the PUMA for resolution as PUMA is mandated to assess impacts of potential developments and to the GCF-VCP PMU to activate the Project Level Grievance Redress Mechanism (PL-GRM) which includes a GRM Committee (GRM-C). The PL-GRM is described in more detail in Section 5.

2.4 UNDP’s SES Standard 5 on Displacement and Resettlement

39. The aims of Standard 5 are to:
   (a) recognize and respect the prohibition on forced evictions;
   (b) anticipate and avoid, or, when avoidance is not possible, minimise adverse social and economic impacts from land or resource acquisition or restrictions on land or resource use;
   (c) enhance or at least restore the livelihoods of all displaced persons and to improve the standards of living of the displaced poor and other displaced groups and to support efforts to progressively
realize the rights to adequate housing and adequate standards of living for displaced populations; and

(d) ensure that resettlement activities are planned and implemented collaboratively with meaningful and informed participation of those affected.

40. The following table provides a brief comparison between the requirements of national laws and UNDP’s SES standard 5. Where National laws fall short, the GoS will implement the UNDP SES Standard 5 requirements.

**Table 1: Comparison between UNDP SES Standard 5 and National laws**

<table>
<thead>
<tr>
<th>Context</th>
<th>UNDP SES Standard 5</th>
<th>National Laws / Policy</th>
<th>Measures to close gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Acquisition, Displacement and Resettlement</td>
<td>UNDP provides requirements to be met if Land Acquisition, Displacement and Resettlement is proposed in any project</td>
<td>Legislation provides for Land Acquisition but is silent on Displacement, Resettlement and recognition of displaced persons.</td>
<td>GoS will comply with the Taking Lands Act 1964 and will also ensure to satisfy and meet requirements of Standard 5. However, resettlement provisions in UNDP SES 5 are not applicable.</td>
</tr>
<tr>
<td>Forced Evictions</td>
<td>UNDP prohibits forced evictions but allows evictions in exceptional circumstances supported by laws and full justification of the activity</td>
<td>Forced eviction is the last resort after exhausting all avenues to negotiate. Forced evictions are subject to the Supreme Court.</td>
<td>GoS will not evict any persons in relation to this project.</td>
</tr>
<tr>
<td>Avoid, minimize and mitigate physical and economic displacement</td>
<td>UNDP requires the implementation of measures to avoid or minimise the need for displacement of affected people</td>
<td>Legislation does not specifically provide for this except through the PUMA Act where a proposed development can be influenced to change its plans if it does not conform to planning law and policies</td>
<td>The proposed land acquisition is unavoidable, for reasons described herein.</td>
</tr>
<tr>
<td>Legal counsel and remedies</td>
<td>UNDP requires the project to provide for access to legal counsel and remedies if necessary.</td>
<td>Legislation does not have provisions for providing affected people with access to legal counsel and remedies</td>
<td>Face to face meetings with affected land owners with land owners aware of their rights to legal representation.</td>
</tr>
<tr>
<td>Replacement land</td>
<td>Prioritises replacement land commensurate in quality, size, and value or better.</td>
<td>Legislation does not specify types of compensation to be paid out as it only refers to full and just.</td>
<td>Compensation dependent on land valuation reports and on negotiated settlement. Land-for-land is not appropriate in this instance for reasons described herein.</td>
</tr>
</tbody>
</table>
Compensation for displacement and resettlement inclusive of affected assets and non-assets such as crops, trees, income loss to name a few

SES refers to several different types of compensation including relocation assistance, relocation sites with basic services, transitional support, lost net income, for loss, salvage and transport of affected properties. Recognizes the displacement of informal land users, or users without legal entitlements.

Legislation does not specify types of compensation to be paid out as it only refers to full and just compensation to be determined by the Minister in charge

As no displacement or resettlement will occur, the measures are not required. Land compensation costs however will be dependent on land valuation reports and on negotiated settlement. No informal/illegal land users are present.

LAAP

Requires a LAAP to be developed

Legislation does not have provisions for the development of a LAAP

Project has developed a LAAP to assist with guiding the process

### 2.5 UNDP’s SES 6 on Indigenous People and compatibility with GoS laws

41. UNDP’s Standard 6 on Indigenous People has 5 objectives which seek to:

a. Recognize and foster full respect for indigenous peoples’ human rights as recognized under Applicable Law, including but not limited to their rights to self-determination, their lands, resources and territories, traditional livelihoods and cultures

b. Support countries in their promotion and protection of indigenous peoples’ rights, through implementation of domestic laws, policies, and project activities consistent with the State’s human rights obligations

c. Ensure that UNDP projects that may impact indigenous peoples are designed in a spirit of partnership with them, with their full and effective participation, with the objective of securing their free, prior, and informed consent (FPIC) where their rights, lands, territories, resources, traditional livelihoods may be affected

d. Promote greater control and management by indigenous peoples over developments affecting them, including their lands, resources and territories, ensuring alignment of projects with indigenous peoples’ distinct vision and self-identified development priorities

e. Avoid adverse impacts on the rights of indigenous peoples, their lands, territories, resources, to mitigate and remedy residual impacts, and to ensure provision of just and equitable benefits and opportunities for indigenous peoples in a culturally appropriate manner

42. While there is no specific body of law that refers to ‘indigenous people’ in Samoa, human rights are protected under the Samoan Constitution 1960 given its reference to the ‘fundamental rights of all people’. With regards to land however, freehold and or customary land cannot be alienated but can be taken for public purposes with adequate compensation provided. Much like the requirements under SES 6, the Samoan Constitution 1960 and the Taking Lands Act 1964 have provisions that also safeguard the Samoan people and their land.

43. To satisfy the definition of Indigenous Peoples regardless of local terms, consideration must be given to, but not limited to the following; whether the collective self identifies as indigenous people; pursues their
own way of human development; maintains distinct group identities, languages, traditional beliefs, customs, laws and institutions; exercises control and management of their lands, territories and natural resources, and whether their existence pre-dates those that colonized the lands. These are reflected in the table below.

Table 2: Identification of Indigenous People in Samoa and project area

<table>
<thead>
<tr>
<th>UNDP criteria on Indigenous People as a collective</th>
<th>Samoan context</th>
<th>Activity 2.3 Affected Persons / Stakeholders involved in consultations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self identifies as indigenous people;</td>
<td>92% of all Samoans are Indigenous People</td>
<td>Most of the stakeholders involved in consultations are indigenous. Note however that of the two affected persons impacted by land acquisition, one is indigenous while the other is non-indigenous.</td>
</tr>
<tr>
<td>Pursues their own way of human development;</td>
<td>Samoa is a homogenous society with one language and with traditional beliefs and customs across the country.</td>
<td>Leleata residents/stakeholders share the same way of life – the faa-Samoan (Samoan way of living) although they live in an urban area which is less traditional</td>
</tr>
<tr>
<td>Maintains distinct group identities, languages, traditional beliefs, customs, laws and institutions;</td>
<td>Samoa is a homogenous society with one language and with traditional beliefs and customs across the country.</td>
<td>Leleata area residents/stakeholders (within 150m of the Leleata bridge area) share the same language and culture (Samoan) however as a non-traditional urban village, Leleata does not have a village council per se.</td>
</tr>
<tr>
<td>Exercises control and management of their lands, territories and natural resources;</td>
<td>Traditional / customary land makes up 81% of land in Samoa. Such lands are owned collectively by groups of people affiliated through family lineage/genealogy.</td>
<td>The two Lots required for land acquisition are Freehold properties therefore they are individually owned. No customary or traditional lands will be affected in relation to Activity 2.3.</td>
</tr>
<tr>
<td>Whether their existence pre-dates those that colonized the lands.</td>
<td>Indigenous Samoans pre-dates colonization by Germany and New Zealand/Great Britain.</td>
<td>Indigenous Samoans pre-dates colonization.</td>
</tr>
</tbody>
</table>

2.5.1 Free, Prior, Informed Consent (FPIC):

44. The overall objective of the FPIC process under SES 6 is to reach a mutual agreement(s) between the involved parties (affected persons and RIA) through the full, effective and meaningful participation of indigenous people throughout the LAAP process. As such, the FPIC process will need to be satisfied when and where indigenous people are involved to the extent that their rights, land, territories, resources, traditional livelihoods and cultural heritage are affected, and could also possibly result in resettlement. Table 3 below provides guiding questions to help assess whether the FPIC process should be followed. For more detailed information about the consultation process undertaken for Activity 2.3, refer to Section 3.

45. In addition, while Standard 6 requires the development of an Indigenous People’s Plan (IPP), in this particular case, an IPP would not be required as some elements of SES 6 (for Activity 2.3) will be incorporated into the LAAP (with further overarching IPP elements incorporated into the project’s ESMF and SEP) to streamline processes given that (a) the same Samoan laws and systems will be used, (b) an extensive stakeholder engagement process was undertaken with the same people, (c) the use of the same project-level grievance redress mechanism, and (d) it will simplify monitoring and reporting purposes of the project.
Table 3: Risks on Indigenous Peoples and the FPIC process
<table>
<thead>
<tr>
<th>Impact of Lelata Bridge works and determination on whether FPIC is required</th>
<th>....– freehold property.</th>
<th>....... freehold property.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Will the activity involve the relocation / resettlement / removal of an indigenous population from their lands</td>
<td>NO – this land-owner is non-indigenous</td>
<td>YES – this land-owner is indigenous</td>
</tr>
<tr>
<td>2. Will the activity involve the taking, confiscation, removal or damage of cultural, intellectual, religious and/or spiritual property from indigenous peoples</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>3. Will the activity adopt or implement legislation or administrative measures that will affect the rights, lands, territories and/or resources of indigenous people</td>
<td>YES but this land-owner is non-indigenous Land tenure will change – from freehold to public land.</td>
<td>YES Land tenure will change – from freehold to public land.</td>
</tr>
<tr>
<td>4. Will the activity involve natural resource extraction such as logging or mining or agricultural development on lands/territories of indigenous peoples?</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>5. Will the activity involve any decisions that will affect the status of indigenous peoples rights to their lands/territories, resources or livelihoods</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>6. Will the activity involve the accessing of traditional knowledge, innovations and practices of indigenous and local communities?</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>7. Will the activity affect indigenous peoples political, legal, economic, social, or cultural institutions and/or practices?</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>8. Will the activity involve making commercial use of natural and/or cultural resources on lands subject to traditional ownership and/or under customary use by indigenous peoples?</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>9. Will the activity involve decisions regarding benefit-sharing arrangements, when benefits are derived from the lands/territories/resources of indigenous peoples</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>10. Will the activity have an impact on the continuance of the relationship of the indigenous peoples with their land or their culture?</td>
<td>NO</td>
<td>YES – this land-owner will no longer have a continual relationship with his land after land acquisition has taken effect</td>
</tr>
</tbody>
</table>

**2.6 Abbreviated Plan.**

46. As seen in Table 3, only one land-owner is indigenous while the other is non-indigenous therefore only one indigenous person will be affected by the land acquisition process. In addition, as there is no resettlement expected, a full LARAP is not necessary given the minimal impacts expected. UNDP Guidance however provides for an Abbreviated Plan in instances where risks and impacts are considered to be minor. This LAAP therefore has been developed on that basis as it will reflect the following:

- The affected persons are relatively few in number – only two
- There is generally no physical displacement - none expected
- The activities involve minor land acquisition (e.g. affecting less than 10 percent of productive assets) - only 2 Lots will be affected ...... and
- There are no significant livelihood impacts – the two vacant Lots do not contribute to any income generating, or subsistence activities of the land owners.
3. The Land Acquisition Process

3.1 Land Descriptions:

47. The two plots of land that are to be acquired by the GoS are ............ Both Lots are ..... each and are owned by different individuals. As described in page 18 of the PEAR (Dec 2021), the two Lots were vacant during the drafting of that report. It was also indicated in the report that there were no houses on site and that there were no people residing on the land. This was confirmed in the three land valuation reports (Annex 2) that were prepared by MNRE for the GoS and Elon Betham Licensed Valuers and Kaisara Real Estate Management for the individual landowners. MNRE’s land valuation dated June 2020, made reference to ............. as being both vacant and undeveloped. Elon Betham Licensed Valuers, further described ............. as being overgrown with light bush during the time of their inspection (Page 4, July 2020), while Kaisara Real Estate Management indicated in his report dated July 2020 that there was no fence, building or grave on site on Lot ......

3.2 The Land Owners:

48. The two plots of land to be acquired by the GoS belong to two separate individuals. ................. Both individuals are established business people who do not live on their properties at Lelata and also carry out their business ventures elsewhere. With both properties vacant and undeveloped, neither land owner derives any part of their livelihood from the land.

Table 4: Land to be acquired under the Taking Lands Act 1964

49. The proposed land acquisition meets the requirements for an Abbreviated Plan, namely:

a. **Affected persons are relatively few in number.** The properties in question are owned by two individuals. They are the only two people directly affected by the land acquisition.

b. **There is generally no physical displacement.** The land contains no dwellings, and the owners live elsewhere. There is no physical displacement, hence no need for resettlement.

c. **The activities involve minor land acquisition.** The two plots are 860m² each. In both cases the land is not used for any productive purposes.

d. **There are no significant adverse livelihood impacts.** As the land is not used for any purpose, no significant livelihood impacts are caused by the change of ownership. The value of the landholding is simply its cash value.

50. To the above can be added that there has been no evidence of any informal use of the land by squatters for any purpose. There are no dwellings, structures, graves, or sites of cultural or religious significance on the Lots.

51. A comprehensive Resettlement Action Plan under Standard 5 would in most cases require a full socio-economic profile of the affected households or communities, in order to monitor the effectiveness of measures taken to minimize relocated communities’ economic, social and cultural well-being, having been subjected to the trauma of involuntary displacement or resettlement. In this instance however, such a “socio-economic survey” of two established business people’s households, who are effectively cashing in on a real estate investment, is not necessary and could be seen as unacceptably intrusive.

52. Similarly, the Standard’s preference for land-for-land transactions, as opposed to cash-for-land, is not appropriate in this instance as the owners are not using the land for subsistence, commercial farming, or
their own housing. It is also due to the fact that the GoS currently does not have any public land or government land available to exchange with the land owners. As such, reaching negotiated settlements with the land owners is the next best option to ensure that the owners get a return for their investments including any extra costs (eg. sentimental value) where necessary so that they can be adequately compensated.

53. An Abbreviated Action Plan, which establishes compensation procedures and standards at full replacement cost, and which includes meaningful consultation and participation of affected persons is therefore proportional to the impact envisaged, and is fully consistent with the Standard. Nonetheless, to be consistent with the overall aims and intent of Standard 5, the Plan must demonstrate that the owners have been able to negotiate freely with GoS, and that they have received a fair market price for the plots.

3.3 Land Valuations:
54. As previously mentioned in Section 3.1, three land valuation reports were prepared to provide estimated compensation values for the two freehold properties affected by land acquisition. The MNRE prepared one report that included both …… while the other two reports were prepared by Elon Betham Licensed Valuers and Kaisara Real Estate Management for ……. respectively.

55. According to MNRE’s report, the current market value for property at Lelata is determined using the Sales Comparison Approach where the subject property is compared to similar properties being sold around the vicinity, including the nearby areas of Moto’otua, Malifa and Fa’atoia. Other factors that were considered included the market value of surrounding developments and easy access to services and amenities as well as site improvements.

56. For both Lots, the land was valued at a rate of SAT$235.00 per square meter by MNRE with an additional amount included for land refill for one of the Lots. Based on this, the Current Market Value (CMV) for …………… inclusive of land refill costs. The MNRE valuation report did not take into account loss of business goodwill and profits.

57. As seen in the table below (Table 3), the land values estimated by both private licensed valuers are higher than in MNRE’s report. ……. 

Table 5: Details of land valuations undertaken

3.4 Participation and Consultations
58. Although the LAAP focuses on discussions and negotiations with the two directly affected land owners, it is important to note that wider consultations with Lelata residents, land owners and stakeholders were undertaken in October 2019 and May 2020 and targeted neighbouring properties within 150m of the bridge. The first round of consultations introduced the stakeholders to the project and the project partners. A presentation of the preliminary design, initial environmental and social assessment and the grievance redress mechanism was provided. This enabled stakeholders to provide comments and feedback on the proposed Lelata Bridge. The second round of consultations included presentations on the final design of the Bridge, the GRM and feedback from the stakeholders on the design, so as to address any concerns that they might have (PEAR, Dec 2021).

59. The targeted stakeholders were divided into three groups and included Group A, Group 1 and Group 2. According to the PEAR, Group A consisted of three land owners who were subject to land acquisition. The land owners were identified ……. However, after review of the Lelata bridge design plans, it was confirmed that out of Group A, ……. properties will be acquired by the GoS for public purposes. ……. property will not be
affected by land taking. For more detailed information on the consultations, refer to Section 6 of the PEAR (Annex 1).

60. Given the differences in land values between the GoS and ………, several meetings between the affected parties, LTA and MNRE were undertaken to negotiate settlement amounts. Negotiations ……… were held over a three month period, between May and July 2020, while for ………, negotiations were held over a four month period, between May and August 2020, inclusive of time taken to prepare all three land valuation reports. Both landowners were aware that they could have legal representation at negotiations ………. The tables below provides information on the consultations/negotiations that occurred in 2020 between the land owners and GoS representatives.

Table 6: Records of Discussions with …...

Table 7: Records of Discussions with …...

61. As seen in the table above, the agreed purchase price higher than initially offered by MNRE thereby resulting in a negotiated……...

62. As described by MNRE in its Cabinet Submission dated November 2020 with regards to the negotiations that took place,

63. Negotiations with …....

64. The significantly increased prices, above the MNRE initial offers, indicate that the owners were not without agency in the negotiations with MNRE, and that the requirement to purchase the land at full replacement cost has been met.

65. It is expected that a Deed of Settlement and Confidentiality will be signed between MNRE (on behalf of the GoS) and the land owners to document the proposed legal transactions/sale of land. Once the Deeds are signed, prior to the release of the settlement amounts, they will be used as evidence to show that the processes undertaken (discussions and negotiations) to complete the transactions between the willing sellers and buyer were adequately facilitated and fulfilled. The Land valuation documents are attached as Annex 2.

3.4.1 Free Prior Informed Consent:

66. As described in Section 2, the overall objective of the FPIC process under SES 6 is to reach mutual agreements between involved parties (affected persons and RIA) through an informative and participatory consultation process. Evidence of this process, inclusive of FPIC can be seen in (a) Annex 1 (PEAR), (b) Signed Affected Person’s Forms and (c) Signed Deed of Settlement and Confidentiality (for those agreeing to land taking). These requirements are also reflected in the stakeholder engagement plan now known as the Community Engagement and Stakeholder Procedure and Action Plan (CSEPAP 2021)

67. The CSEPAP requires the full, effective and meaningful participation of indigenous people and affected persons in developing and reaching mutual agreements on the proposed development and its potential impacts where necessary. However, as there is no standard format for such agreements, the project will undertake the following to ensure evidence of written mutual agreements are developed. Depending on the level of potential impacts affecting individuals and stakeholders, this will include the signing of: (a) the Affected Person’s Forms, and/or (b) Deed of Settlement and Confidentiality, and/or Memorandum of Understandings. It must be highlighted however that free, prior, informed, consent of the
affected persons must be sought and granted or withheld in accordance with the decision-making processes of each indigenous family. For more detailed guidance on the GCF-VCP’s stakeholder engagement and FPIC process, refer to Annex 4.

3.5 Indicative Entitlement Matrix

68. The Entitlement matrix below identifies the affected persons and their entitlements based on loss / costs that will result from the construction of the replacement Lelata Bridge. The affected persons include those who own the affected Lots and those who will lose out on any planted crops or fruit bearing trees. Cut off-dates for these entitlements will be dependent on agreed negotiations prior to any construction works taking effect on site. Note that for the loss of crops and fruit bearing trees, refer to Annex 5 for the list of affected plants.

Table 8: Indicative Entitlement Matrix

<table>
<thead>
<tr>
<th>Type of loss</th>
<th>Entitled person</th>
<th>Entitlements</th>
<th>Intent requirement</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of land due to land acquisition by the GoS</td>
<td>Titled land-owners</td>
<td>Monetary compensation based on current market value and agreed negotiated settlements</td>
<td>Payment for loss of land ownership</td>
<td>LTA, MNRE, and MoF prior to construction works</td>
</tr>
<tr>
<td>Removal of existing assets / structures from current locations such as driveways / private access points</td>
<td>Titled or non-titled land-owners</td>
<td>Replacement value and reinstatement of assets / structures</td>
<td>Payment for removal, relocation and reinstatement of same assets</td>
<td>LTA and Works Contractor</td>
</tr>
<tr>
<td>Loss of subsistence crops or fruit bearing trees along the road reserve or private properties</td>
<td>Persons who planted the crops regardless if land is owned or not</td>
<td>Compensation for crops</td>
<td>Payment for crops and fruit bearing trees</td>
<td>LTA and works contractor</td>
</tr>
<tr>
<td>Unanticipated adverse impacts</td>
<td>Any unanticipated consequences of the project will be documented and mitigated by the works contractor using the ESMF-MP 2021, PEAR / EMP 2021 and pending CEMP.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. Institutional Arrangements and Implementation Schedule

4.1 Institutional Arrangements

69. The key institutions and governing bodies involved in the planning and implementation of this Main Activity of the GCF-VCP are identified in the table below:

Table 9: Relevant institutions and their responsibilities

<table>
<thead>
<tr>
<th>Institution</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Land Transport Authority</td>
<td>Responsible Implementing Agency for the Lelata Bridge works</td>
</tr>
<tr>
<td>2 Ministry of Natural Resources and Environment</td>
<td>Facilitates the land acquisition process required by law</td>
</tr>
<tr>
<td>3 Ministry of Finance</td>
<td>Executing Agency of the GCF-VCP</td>
</tr>
</tbody>
</table>
70. The relationships between the institutions and their involvement with the GCF-VCP, are detailed in the organisational structure diagram depicted in Figure 4.

71. The overall responsibility for coordinating the implementation of the LAAP falls on the LTA which will be supported by the GCF-PMU. The LTA is also responsible for the on-going consultation process which may include further discussions with any of the affected people in relation to the proposed bridge works.

72. The MNRE is mandated to facilitate the land acquisition process as per the Taking Lands Act 1964. With other components of the process completed, such as land surveying, land valuations and negotiations, there are still other legal requirements that need to be fulfilled. These include publishing the public notification in the Savali newspaper to notify any persons with vested interest in the land to provide written objections within the required timeframe. Where no objections are received, land proclamation and compensation pay out can proceed. However, where there are objections, further negotiations are to be undertaken with the possibility of legal recourse through the Supreme Court if negotiations are not satisfactory to both parties.

73. High level decisions regarding land acquisition and compensation measures to be approved by the UNDP, GCF-VCP Project Board and the GoS Cabinet. An important component of this process is the approval or agreement by the affected individuals of: (a) GoS’s land acquisition proposal through direct purchase from the land owners given the unavailability of replacement land; and (b) any negotiated settlement amount, as no property shall be taken possession of compulsorily as it requires payment within a reasonable time of adequate compensation.

74. The GCF-PMU, particularly through the GCF-Project Manager (GCF-PM) and the GCF-VCP Safeguards coordination mechanism established will assist and support LTA throughout the entire process with the GCF-GRM-C and in collaboration with the MWCSD to help mediate and resolve any complaints referred to them by LTA from the affected individuals.

75. The successful implementation of the LAAP will be the responsibility of LTA and MNRE with implementation actions to be monitored by the MoF/GCF-PMU and the Safeguards Committee to ensure completion of all required activities and transactions with the affected individuals.

Figure 4: GCF-VCP Organisational structure
4.2 Implementation Schedule

The table below depicts a schedule for implementation of the LAAP process by LTA, MNRE, MoF and the GCF-PMU. Some tasks have already proceeded and / or completed to inform the process while others have yet to start.

Table 10: Land Acquisition Process and Tasks

<table>
<thead>
<tr>
<th>LAAP tasks</th>
<th>Timeframe</th>
<th>Responsible Stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. LTA to consult MNRE regarding proposed land acquisition</td>
<td>September 2019 May 2020 and on-going since then</td>
<td>LTA, MNRE and GCF-PMU</td>
</tr>
<tr>
<td>2. LTA and MNRE to consult Lelata residents and affected land owners regarding the project and proposed land acquisition</td>
<td>October 2019 May 2020</td>
<td>LTA and GCF-PMU</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>3</td>
<td>MNRE to survey and undertake a land valuation assessment of both Lots</td>
<td>June-July 2020</td>
</tr>
<tr>
<td>4</td>
<td>Landowners to submit their private land valuation assessment reports to MNRE and LTA</td>
<td>June-July 2020</td>
</tr>
<tr>
<td>5</td>
<td>Discuss and negotiate with land owners based on land valuations</td>
<td>May-August 2020</td>
</tr>
<tr>
<td>6</td>
<td>Prepare and Submit Cabinet Paper requesting for inclusion of compensation amounts in the supplementary budget</td>
<td>Oct-Nov 2020</td>
</tr>
<tr>
<td>7</td>
<td>Await Cabinet Approval for funding to be included in the Supplementary Budget</td>
<td>Nov 2020</td>
</tr>
</tbody>
</table>
|8 | Advertise Notice of Intention to take land for public purposes (28 day period of objection)  
- Where objections are received, LTA and MNRE to facilitate further negotiations  
- Where negotiations have failed, refer the matter to the Supreme Court for a determination  
- Where no objections have been received proceed with land proclamation | February 2021 | MNRE |
|9 | Land Proclamation to be signed by the Head of State | March 2021 | LTA, MNRE and OAG |
|10 | Signing of Deed of Settlement and Confidentiality by the land owners | March 2021 | LTA, MNRE and OAG |
|11 | Pay out purchase price to both land owners | Mar-April 2021 | LTA, GCF-PMU |
|12 | Monitor and document financial transactions | April 2021 | LTA, MoF and GCF-PMU |
|13 | Submit LAAP to UNDP for review | April 2021 | UNDP |
|14 | Public Disclosure of the LAAP | May 2021 | LTA and MNRE |
|15 | Construction / civil works begin on the replacement of Lelata Bridge | April 2022 | LTA |

5. **Project Level Grievance Redress Mechanism**

77. In March 2021, the Project-level Grievance Redress Mechanism (PL-GRM) of the GCF-VCP was approved by the Project Board. The PL-GRM outlines procedures to receive, register, respond to, mediate and resolve any possible conflicts, complaints and/or objections relating to the GCF-VCP processes, activities and interventions. It seeks to resolve complaints and grievances on terms that are mutually acceptable to all concerned parties. Refer to Annex 3 for more information on the Project-Level GRM.

78. Where ………… any time throughout the land acquisition process (and during project implementation) has any concerns, complaints or grievances, they are encouraged to direct their concerns through the GCF-VCP Project Coordinator based at LTA and the PL-GRM-C Secretariat or GCF-PMU based at the MoF. Any issues raised will be directed to the PL-GRM-Committee.

79. The PL-GRM-C Secretariat/GCF-PMU will administer and effectively coordinate the implementation of the GRM with LTA. The PL-GRM includes a PL-GRM-C that comprises of 10 members with the MoF as the chair and representatives from the RIAs and external partners with the GCF-PMU as the secretariat.
80. As seen in the Figure 5 below, the GRM has three main steps which includes (a) receipt of complaint/grievance; (b) registering and acknowledging of grievance; and (c) resolving the grievance internally with the GCF-PMU and the RIA; or with the GRM-C; or through the Court system.

**Figure 5: Procedural steps of the GRM** (source GCF-VCP GRM-M 2020)

6. **Monitoring and Evaluation**

81. The GRM-C Secretariat/GCF-PMU will monitor and report to the GCF-VCP Board through the Chair of the GRM-C on the implementation of the LAAP in coordination and assistance from LTA and the MNRE. Areas to monitor, evaluate and report on include:

   a) Any grievances or complaints received from the affected parties regarding the land acquisition process.

   b) Receipt of signed proof of money transfer to the former owners to ensure the effective implementation of this LAAP.

   c) Documentation and records of transactions and agreements to ensure proof of implementation.

7. **Costs and Budgets:**

82. The GoS is responsible for financing the acquisition of two currently vacant property lots at Lelata, ........ as well as to compensate for impacted subsistence crops and fruit bearing trees along the roadside.
83. As shown in Section 3, the negotiated settlement amount for each Lot was based on valuations prepared for by the land owners and by MNRE for the GoS. Table 11 shows the agreed negotiated purchase price for each Lot.

Table 11: Details of land valuations and agreed purchase price

Table 12: Compensation for Crop Count (Refer to Annex 5)

84. LTA in support of MNRE sought Cabinet’s approval to fund the total amount of ... in November 2020 so that the funds could be considered for inclusion in the GoS 2020/2021 Supplementary budget. With Cabinet approval received in November 2020, the funds have now been included in the GoS Supplementary Budget and will remain with the MoF until all legal processes and requirements of UNDP SES Standard 5 have been satisfied and approval received from UNDP to proceed with any remaining land taking procedures under the Taking of Lands Act 1964 and in accordance with the LAAP. For the roadside crop count, the total compensation amount to be paid out to affected persons as seen in Table 12 and Annex 5, is ..... The individual costs will be paid out prior to any works taking effect on site by the contractors.
References:

1. Beca, Tender Drawings, April 2020
2. Betham Elon, Valuation o......, 2020
3. GCF-PMU, Annual Performance Report 2019
4. GCF-VCP Project Document 2017
5. GCF-VCP Grievance Redress Mechanism Manual and Tool 2020
7. GoS, Land/Asset Valuation ......, 2020
8. Kaisara Land Valuation Report, 2020
10. Tinai, Gordon & Associates Limited, 2020, PEAR Package 1 Lot 1
11. UNDP, 2014, Social and Environmental Standards
12. UNDP, 2016, Guidance Note: UNDP SES, Social and Environmental Assessment and Management
13. UNDP, 2016, Guidance Note: UNDP SES, Standard 5 Displacement and Resettlement