Enhanced Road Access Project (ERAP)

ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF)

November 2015
Independent State of Samoa
### ACRONYMS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ARAP</td>
<td>Abbreviated Resettlement Action Plan</td>
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<tr>
<td>CEAR</td>
<td>Comprehensive Environmental Assessment Report</td>
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<td>CERC</td>
<td>Contingency Emergency Response Component</td>
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<td>CFP</td>
<td>Chance Finds Procedure</td>
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<tr>
<td>COEP</td>
<td>Codes of Environmental Practice (also known as Environmental Codes of Practice ECOPs)</td>
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<tr>
<td>CRICU</td>
<td>Climate Resilience Investment and Coordination Unit</td>
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<tr>
<td>EA</td>
<td>Environmental Assessment</td>
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<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<td>EMP</td>
<td>Environmental Management Plan</td>
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<td>ESIA</td>
<td>Environmental and Social Impact Assessment</td>
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<td>ESMF</td>
<td>Environmental and Social Management Framework</td>
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<td>ESMP</td>
<td>Environmental and Social Management Plan</td>
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<td>ERAP</td>
<td>Enhanced Road Access Project</td>
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<tr>
<td>FA</td>
<td>Financial Agreement</td>
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<tr>
<td>FPIC</td>
<td>Free prior and informed consent</td>
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<td>GoS</td>
<td>Government of Samoa</td>
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<td>HMMP</td>
<td>Hazardous Materials Management Plan</td>
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<td>IDA</td>
<td>International Development Association</td>
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<td>IPP</td>
<td>Indigenous Peoples Plan</td>
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<td>IPPF</td>
<td>Indigenous Peoples Planning Framework</td>
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<td>LARPF</td>
<td>Land Access and Resettlement Policy Framework</td>
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<td>LTA</td>
<td>Land Transport Authority</td>
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<td>LUA</td>
<td>Land Use Agreement</td>
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<tr>
<td>M&amp;E</td>
<td>Monitoring and Evaluation</td>
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<tr>
<td>MNRE</td>
<td>Ministry of Natural Resources and Environment</td>
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<td>MoF</td>
<td>Ministry of Finance</td>
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<tr>
<td>MWTI</td>
<td>Ministry of Works, Transport and Infrastructure</td>
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<td>NGO</td>
<td>Non-Government Organisation</td>
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<tr>
<td>OP</td>
<td>Operational Policy of the World Bank (safeguards)</td>
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<td>PAD</td>
<td>Project Appraisal Document</td>
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<tr>
<td>PCR</td>
<td>Physical Cultural Resources</td>
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<td>PCRMP</td>
<td>Physical Cultural Resources Management Plan</td>
</tr>
<tr>
<td>PDNA</td>
<td>Post-Disaster Needs Assessment</td>
</tr>
<tr>
<td>PDO</td>
<td>Project Development Objective</td>
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<tr>
<td>PEAR</td>
<td>Preliminary Environmental Assessment Report</td>
</tr>
<tr>
<td>PMU</td>
<td>Project Management Unit</td>
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<tr>
<td>PPCR</td>
<td>Pilot Program for Climate Resilience</td>
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<td>PUMA</td>
<td>Planning and Urban Management Agency</td>
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<td>SA</td>
<td>Social Assessment</td>
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<tr>
<td>SOPs</td>
<td>Standard Operating Procedures</td>
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<tr>
<td>TA</td>
<td>Technical Assistance</td>
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<tr>
<td>VLDP</td>
<td>Voluntary Land Donation Protocol of the World Bank</td>
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<tr>
<td>WB</td>
<td>World Bank</td>
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1. Introduction

1.1 Purpose and Scope of the ESMF

This Environment and Social Management Framework (ESMF) has been prepared for the Enhanced Road Access Project (ERAP) in Samoa. The ESMF has the following objectives:

(i) To establish clear procedures and methodologies for the environmental and social planning, screening, review, approval and implementation of subprojects to be financed under the Project;
(ii) To specify appropriate roles and responsibilities, and outline the necessary reporting procedures, for managing and monitoring environmental and social concerns, including those relating to gender and different sub-groups within the beneficiary communities, that will arise from the subprojects;
(iii) To determine the training, capacity building and technical assistance needed to successfully implement the provisions of the ESMF;
(iv) To establish the project funding required to implement the ESMF requirements; and
(v) To provide safeguard tools and templates for implementing the ESMF.

The purpose of this ESMF is to guide the Implementing Agency (IA) – the Land Transport Authority (LTA) - and subproject proponents on the environmental and social screening and subsequent assessment of specific activities during project preparation, design and implementation.

The procedures outlined in the ESMF serve to ensure that potential adverse environmental and social impacts that may be generated as a result of each subproject activity are identified early, and appropriate safeguard instruments are prepared prior to implementation to avoid, minimize, mitigate and, in cases where there are residual impacts, offset or minimize adverse environmental and social impacts. The ESMF also contains safeguard instruments that may be triggered by certain activities, such as an Environmental Assessment (EA, OP4.01) and Land Acquisition and Resettlement Plan (LARP, OP4.12).

The scope of this ESMF includes a description of how safeguards issues will be dealt with by outlining:

(i) Types of activities that will not be supported by the project using the ‘negative list’ (Annex A);
(ii) Procedures for safeguard screening and assessment to determine the project category and early identification of potential safeguard issues (Section 6);
(iii) Project-specific safeguards instruments and procedures for activities that may trigger adverse environmental and/or social impacts; and
(iv) Key responsibilities for ESMF implementation (Section 9);
(v) Institutional and monitoring arrangements.
The ESMF will ensure a robust approach to consider environmental and social risks and impacts in line with World Bank safeguard policies\(^1\), and to prepare appropriate good practice safeguard instruments for the actual mitigation and management measures identified in final activities plan/s.

\(^{1}\text{The World Bank safeguard policies are available at www.worldbank.org/safeguards.}\)
2. Project Description

2.1 Context

The Independent State of Samoa is a small remote Pacific Island state with a population of approximately 180,000 people. Samoa consists of the two large islands of Upolu and Savai’i, and several smaller islands, and has a total land area of about 2,935 square km. It is located some 3,000 km from New Zealand, and 4,000 km from Hawaii and Australia. Samoa is one of the wealthier and better performing Pacific Island Countries (PICs) with a gross national income of around US$3,200 per capita.

On the principal islands of Upolu and Savai’i, there are about 1,150 km of classified roads (747 km on Upolu and 403 km on Savai’i), and 52 bridges (44 bridges on Upolu and 8 on Savaii). Roads are critical in Samoa, as approximately 70 percent of Samoa’s population lives within one kilometer of the coast, and critical infrastructure, such as hospitals, schools, places of employment, tourist infrastructure, port facilities, power plants, airports, and roads, are located primarily in the coastal zone.

Samoa’s road network is of critical importance to the country’s economic development. It provides for the day-to-day well-being of its people by increasing their access to economic activities and social services. Expected climate change effects - the combination of rising sea level and more intense tropical cyclones - place these coastal infrastructure and communities at high risk.

Tropical Cyclone Evan (TCE) struck Samoa in December 2012. It caused an estimated Samoan Tala (SAT/WST) 235.7 million (~US$103.3 million) in damage to physical assets across all economic and social sectors. It is estimated that TCE inflicted about SAT 88.35 million (US$40.16 million) in damage and losses to the transport sector, as well as most of the country’s networks of roads and bridges. The 2012 Post-Disaster Needs Assessment (PDNA) of TCE documented the high degree of damage, for example 600 homes were damaged and about 4,000 people displaced. Major roads and bridges were also damaged, which negatively affected the mobility of people and movement of goods around and between the islands of Upolu and Savai’i.

The Samoa road network faces a range of vulnerability issues, in particular: (i) coastal exposure to sea-level rise, storm surge, wave action during cyclones and tsunamis; (ii) inland flooding and landslips during extreme rainfall events; (iii) damage from earthquakes; and (iv) accelerated pavement deterioration due to extreme weather and rising water tables in some locations. The Government of Samoa (GoS) is developing a systematic approach to strengthen the resiliency to climate change and to build an overarching adaptation strategy for the entire Samoa road network.

2.2 Program Components

The program development objective (PDO) is to restore key road sector assets damaged by extreme weather events and enhance the climate resilience of critical roads and bridges in Samoa.

This emergency operation is guided by the Government’s priorities articulated in the Strategy for Development of Samoa 2012 to 2016, the Samoa Infrastructure Strategic Plan, the Samoa National Adaptation Program of Action, and by the Bank’s overall approach to the Pacific Islands as set out in a Pacific Islands Directions note of April 2010. The Bank’s broader engagement in the region is structured around the themes of: (i) generating opportunities through greater global and regional integration; and (ii) building resilience against external shocks, including climate change. This project
is aligned with the second of these themes.

The Program will comprise the following three components:

**Component 1: Road and Bridge Reconstruction**

This component would help to repair roads and bridges damaged by TCE and upgrade, rehabilitate and/or reconstruct existing road sector assets to higher standards to strengthen their resilience to climate change and extreme weather events. Activities funded under ERAP include repairing Leone Bridge, widening Vaitele Street in Apia urban area and constructing a bridge over Mali’oli’o Ford in Savai’i to allow all-weather access. Other road and bridge projects will be selected based on both economic and social factors, including: (i) condition of asset and urgency of repair or replacement; (ii) cost-benefit analyses; (iii) issues of safety; and (iv) population served.

**Component 2: Technical Assistance**

Funding would be provided to support institutional and regulatory reforms in road sector assets management and maintenance, including measures to strengthen local capacity and to increase the sustainability of sector investments. Attention would be given to: (i) revising standards for road and bridge maintenance and construction to be more climate resilient; (ii) updating legal, regulatory and enforcement arrangements for enforcing axle load limits, which would support the Bank’s Development Program Operation (DPO); (iii) strengthening LTA’s technical capacity to effectively plan and manage the sector, including developing a bridge maintenance program; and (iv) addressing emerging priority issues that could have an impact on the Government’s ability to create more climate resilient road sector assets.

**Component 3: Project Management**

The services of a firm to support implementation of the ERAP would be financed through the project.

### 2.3 Institutional Arrangements

The Ministry of Finance (MoF) serves as the Executing Agency (EA) and the Land Transport Authority (LTA) is the Implementing Agency (IA) for the ERAP. The LTA will manage the ERAP on behalf of project beneficiaries from other ministries and agencies, and will be responsible for: (i) procurement of all services, goods and equipment; (ii) financial record keeping, reporting and disbursements; (iii) project monitoring and reporting; and (iv) contractual obligations with IDA.

To help manage and implement the project and ensure that the Bank’s fiduciary, safeguards and reporting requirements are met, a consulting firm – IPA - was selected to be the Project Management Unit (OMU) and provide project management support to LTA.

A Project Steering Committee (PSC) that provide general oversight and policy direction for the implementation of the World Bank-funded Second Infrastructure Asset Management Project (SIAM-2) and Climate Resilience of the West Coast Road (CRWCR) Projects have a similar role for ERAP.

The LTA will work in coordination with the following agencies in relation to environmental and social safeguards aspects of the project:

- Ministry of Works, Transport and Infrastructure (MWTI), Land Transport Division – for road closure and traffic disturbance during construction phase.
• Ministry of Natural Resources and Environment (MNRE), Land Management Division and Legal Division – for land management and administration; ensure cabinet approval for land registration and proclamations; negotiation with village chiefs and orators, matai and beneficial owner of affected customary land.

• Ministry of Natural Resources and Environment, Planning and Urban Management Agency (PUMA) – for development approval, community consultation, monitoring compliance of development activities in accordance with development consent conditions and approved environmental management plans;

• Ministry of Women, Community and Social Development (MWCSD) – to notify local leaders (Sui le o nu’u/malo, matai, etc) and communities of consultation activities with affected communities;

• Ministry of Finance (MoF) – to make compensation payments to affected persons for damage or loss of property or assets where applicable.

Section 7 outlines responsibilities of key project stakeholders with regard to ESMF implementation and safeguards.
3. **Legal and Policy Framework and Regulatory Requirements**

This section describes the applicable World Bank safeguard operational policies (OPs) and country specific policy, legal and administrative frameworks and rules and regulations applicable to the ERAP. It also provides an overview of current gaps between Bank policies and existing country systems.

### 3.1 World Bank Safeguard Policies

The World Bank’s safeguard policies (also referred to as operational policies or OPs) cover environmental, social and legal aspects of proposed projects. Table 1 below contains a brief description of the aim of the safeguard policy, why the policy is triggered for the ERAP, and the applicable safeguard instruments.

Since the project also envisages technical assistance (TA) for risk financing and the Interim Guidelines on the Application of Safeguard Policies to TA Activities in Bank-Financed Projects will be applied. As such, the safeguard documentation prepared for the project will apply equally to the TA component(s).

**Table 1** **Applicable World Bank Safeguard Operational Policies**

<table>
<thead>
<tr>
<th>Safeguard Policies</th>
<th>Description of Policy and Applicability to ERAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Assessment OP/BP 4.01</td>
<td><strong>Purpose</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Justification of why this OP is triggered</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Safeguard Instrument</strong></td>
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</tbody>
</table>

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\(^2\) EA and EIA are used interchangeably in this ESMF.
Table 1  
Applicable World Bank Safeguard Operational Policies

<table>
<thead>
<tr>
<th>Indigenous Peoples OP/BP 4.10</th>
<th>Purpose</th>
<th>This policy aims to protect the rights and culture of Indigenous Peoples who may live in the project area.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Justification of why this OP is triggered</td>
<td>Country-level social analysis undertaken as part of preparation of the World Bank’s Environmental and Social Safeguard Procedures and Instruments for Pacific Island Countries, determined that OP 4.10 is not typically triggered in Samoa, however a precautionary approach has been applied for this project.</td>
</tr>
<tr>
<td></td>
<td>Safeguard Instrument</td>
<td>Annex D presents an Indigenous Peoples Planning Framework (IPPF) that provides guidance on when to prepare an Indigenous Peoples Plan (IPP) in Phase II. Where Indigenous People are the overwhelming majority, key elements of an IPP will be integrated into overall project design. This requires free, prior and informed consultation (FPIC) with Indigenous People in a culturally appropriate manner and the local vernacular to be undertaken, as well as a Social Assessment (SA) by a suitably qualified person to identify potential sociocultural impacts, inform project design and adapt mitigation measures to suit the local context. Where Indigenous People are not the overwhelming majority but are present in the project area, a separate IPP will be developed.</td>
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<thead>
<tr>
<th>Involuntary Resettlement OP/BP 4.12</th>
<th>Purpose</th>
<th>This policy aims to restrict the involuntary taking of land or any form of economic displacement of populations affected by World Bank financed activities; and where displacement is unavoidable, to assist persons to improve (or at least restore) their incomes and standards of living; and to identify and accommodate the needs of vulnerable groups.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Justification of why this OP is triggered</td>
<td>Although it is expected that the majority of project activities will be undertaken on government land, there is potential for certain project activities to encroach on customary or private lands (e.g. easements); involve small-scale involuntary land acquisition or removal of assets; and/or require ongoing access for maintenance purposes. Accordingly, this policy is triggered to ensure appropriate safeguards are in place should this occur.</td>
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<tr>
<td></td>
<td>Safeguard Instrument</td>
<td>The Land Acquisition and Resettlement Policy Framework (LARPF) (Annex E) guides the process in cases where land acquisition, loss of access, and/or removal of assets or access to assets could occur and provides guidance on whether additional safeguard instruments need to be prepared (e.g. Abbreviated Resettlement Action Plan (ARAP), Land Use Agreement (LUA), Land Access Agreement (LAA)).</td>
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Although Physical Cultural Resources OP/BP 4.11 is not triggered for this project, a precautionary approach still applies. This ESMF includes a ‘Chance Find Procedure’ should any resources of

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3 According to the Environmental and Social Safeguard Procedures and Instruments for Pacific Island Countries (PICs) developed by the World Bank (WB)’s East Asia and Pacific Regional Safeguard Secretariat (RSS), OP 4.10 is not typically triggered in the generally homogeneous island nations of Federated States of Micronesia, Kiribati, Marshall Islands, Palau, Samoa, Tonga and Tuvalu. Depending on the specific project context, persons meeting the four defining characteristics of OP 4.10 are likely to be found in Fiji, PNG, the Solomon Islands, Timor Leste and may be found in Vanuatu.
archaeological, paleontological, historical, architectural, religious, aesthetic or other cultural significance be encountered during construction activities. This will be contained in site-specific Environmental Management Plans (EMP) prepared by Contractors.

3.2 National Legislative and Regulatory Setting

This section provides a brief overview of the specific policies, administrative and institutional framework in relation to environmental and social safeguards applicable to the preparation and implementation of ERAP in Samoa.

Governance

Samoa declared independence from New Zealand in 1962 and the Constitution was enacted in 1960. The country has a unique system of governance, blending a parliamentary government structure [comprised of the Legislature (Parliament or ‘Fono’), Executive (Cabinet and Prime Minister) and the Judiciary] with the fa’amatai customary system in which traditional matai’s (leaders of extended families with chiefly status) are elected to serve in Parliament.

At the subnational level, the country is divided into sixteen districts across the islands of Upolu and Savai’i, and one urban area (Apia). The Fono o Matai (Village Councils) attend to civil matters at the village level, a role recognized under the Village Fono Act (1990). The government representative in each village is called the Pulenu’u. At the household level, matai administer customary land on behalf of the extended family.

The key legislative instruments relevant to ERAP activities and environmental and social safeguards in Samoa include:

- Planning and Urban Management Act (PUMA) 2004 (under review);
- Planning and Urban Management (Environment Impact Assessment) Regulations 2007;
- Samoa Codes of Environmental Practice 2007;
- Planning and Urban Management Amendment Act 2005 to clarify three definitions;
- Land Transport Authority Act 2007;
- National Parks and Reserves Act 1974;
- Lands, Survey and Environment Act 1989;
- Marine Pollution Prevention Act 2008;
- Fire and Emergency Services Act 2007;
- Samoa Waste Management Act 2010;
- Samoa Disaster and Emergency Management Act 2006;
- Samoa Occupational, Health and Safety Act 2002;
- Water Resources Management Act 2008;
- Samoa Water Authority Act 2003;
- Ministry of Works Act 2002;
- Building Code Act 2002;
- Samoa Antiquities Ordinance 1954;
- Village Fono Act 1990;
- Taking of Land Act 1964;
- Alienation of Customary Land Act 1965; and
Environmental Assessment

The Ministry of Natural Resources and Environment (MNRE) is responsible for environmental protection and management in Samoa. MNRE hosts the Land Registry, Planning and Urban Management Agency (PUMA), and the Meteorology Office for Samoa, among others. A draft Environment Management and Conservation Bill has been developed but not yet endorsed.

The PUMA is the lead agency for development approvals and environmental management of new developments. PUMA administers the Planning and Urban Management (Environmental Impact Assessment) Regulations 2007 (EIA Regulations 2007) under the Planning and Urban Management Act 2004 (PUM Act 2004). PUMA has a dual role: (i) defining the requirements of environmental impact assessments (EIAs); and (ii) to review project EIAs for development activities and consider findings and conditions for development consent. Specific requirements for environmental assessments are provided in the EIA Regulations 2007 and PUM Regulation 2008 (Development Consent and fees).

The EIA Regulations set out what level of EIA is required, the components required for an EIA, and the process for review and approval. In addition, Codes of Environmental Practice (COEP) present methods and procedures to be followed for the avoidance or mitigation of adverse environmental effects that may arise from infrastructure projects or maintenance work (Annex G). PUMA personnel monitor the implementation of these COEP and specific development controls through development consent conditions. All other authorities monitor the implementation of the COEP through normal contract administration procedures.

Under the EIA Regulations 2007, environmental assessments (EA/EIA) are required for any public or private development proposal that triggers qualifying criteria. The qualifying criteria relate to potential negative impacts on people, property, places, habitats and a range of situations detailed in the regulations, including:

- adverse impacts on people, an existing activity, building or land;
- adverse impacts on a place, species or habitat of environmental (including social and cultural) importance;
- adverse impacts in conjunction with natural hazard risks;
- adverse impacts on or in the coastal zone;
- adverse impacts on or in any waterway or aquifer;
- adverse impacts arising from the discharge of any contaminant or environmental pollutant;
- adverse impacts associated with land instability, coastal inundation or flooding
- adverse impacts on the landscape or amenity of an area;
- adverse impacts on public infrastructure;
- adverse impacts on traffic or transportation; and
- any other matter for consideration stated in s46 of the Act.

Depending on the nature and scope of the development, either a Preliminary Environmental Assessment Report (PEAR) or a Comprehensive Environmental Assessment Report (CEAR) is required for a development that meets the qualifying criteria. The PEAR is required where the PUMA does not consider that significant adverse impacts on the environment are likely, and a CEAR where adverse impacts are likely to be significant. Once completed, the PEAR / CEAR is submitted with a Development Consent Application (DCA) including final design drawings, a site plan, certified survey plans, written consent from property owners, lease agreements, deeds of conveyance and a fee,
to the PUMA to be reviewed. The PEAR and CEAR are open for public comment before a final recommendation is made to the PUM Board. Projects with significant adverse impacts and projects with a value of SAT$1 million or more must publish a public notice. A 28-day public notification period applies. The Board has representation of various ministries and public communities, and can therefore act independently of MNRE. The Board may approve the application, decline it or approve it with conditions. Once development consent for buildings and infrastructure is granted, a building permit from the Ministry of Works, Transport and Infrastructure (MWTI) is required.

The Lands, Survey and Environment Act 1989 (LSE Act 1989) also covers land allocation and the environmental management of land. Under the Act, regulations can be made to address specific issues including forest protection, regulation of various forms of land use, and biodiversity conservation.

Cultural Preservation

The key legislation protecting relics, antiquities and sites of historical and cultural significance in Samoa is the Samoa Antiquities Ordinance 1954. This ordinance aims to prevent the loss of national heritage treasures by export to overseas buyers but excludes botanical or mineral collections or specimens. A Heritage Policy was also passed by the Cabinet in 2002 for the sustainable management of Samoa's natural and cultural heritage sites.

Land Acquisition

There are three types of land ownership in Samoa:

(i) Freehold land: Freehold land is privately owned and constitutes approximately 12% of land area in Samoa and it can be transferred, leased, mortgaged or otherwise.

(ii) Public land: Public land is owned by the Government of Samoa and constitutes approximately 7% of land in Samoa by area. Public land can be leased and, in certain circumstances, transferred.

(iii) Customary land: Customary land is owned by the community in accordance with traditional custom and usage. Approximately 81% of land area in Samoa is customary land. Customary land may be leased but may not be otherwise sold or transferred. Both Upolu and Savai‘i islands have predominantly customary land ownership, which extends to the high water mark.

Key legislation in Samoa relevant to involuntary resettlement and compulsory land acquisition includes the Taking of Land Act 1964, Alienation of Customary Land Act 1965 and the Lands, Surveys and Environment Act 1989 (LSE Act), as well as the COEP 4 Land Acquisition and Compensation.

The LSE Act provides a process for the alienation of Government land, land administration and other matters such as environmental protection, wildlife conservation and coastal zones. The Minister may approve purchase of any land for public purpose (s23) or lease of government land for up 20 years (s37). The Land Board administers government land.

The Taking of Land Act 1964 establishes the taking of lands for “public purposes” (i.e. alienation of freehold or customary land). Leases of public land and customary land are administered by MNRE and

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4 http://www.joneslanglasallesites.com/investmentguide
5 Defined to include limited disposal by lease.
6 Government land is a subclass of public land which is not set aside for any public purpose and includes land which has become the property of the Government as ownerless property.
are based on standard terms. The Minister of Lands is appointed by the *Alienation of Customary Land Act 1965* to act for and on behalf of all beneficial owners in signing a lease for registration.

### 3.3 Gap Analysis

Table 2 highlights the differences between applicable Bank safeguard policies and national laws, standards and regulations, and relevant measures for addressing key gaps.

The existing environment and land management legislation provides a satisfactory framework for the implementation of ERAP activities in accordance with safeguard policies, however key pieces of legislation are currently under review. In addition, participating countries have environmental agencies with limited staff and means to enforce their national laws.

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7 Ibid
<table>
<thead>
<tr>
<th>WB Safeguard Requirements</th>
<th>National Requirements</th>
<th>Measure to fill gap (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Consideration of Alternatives:</strong> Feasible alternative project designs should be considered to avoid or at least limit physical or economic displacement or environmental damage.</td>
<td>Impacts should be avoided where feasible, or minimized, exploring all viable alternative project designs.</td>
<td>Acquisition of land will only be pursued once all viable alternatives have been considered and no other suitable sites exist. The process and agreements between the Government and landowner are based on an Abbreviated Resettlement Action Plan (ARAP) approved by the Bank.</td>
</tr>
<tr>
<td><strong>Physical Cultural Resources (or Heritage):</strong> Avoid and mitigate adverse impacts from Bank-assisted projects on physical cultural resources (archaeological, paleontological, historical, architectural, religious, aesthetic or other cultural significance).</td>
<td>Prevent the export of, or damage to, sites of important national historical and cultural heritage.</td>
<td>Chance Finds Procedures (CFP) is included in Annex G Code of Environmental Practice (COEP) and will be included in each site-specific Environmental Management Plan (EMP).</td>
</tr>
<tr>
<td><strong>Loss of assets or livelihood:</strong> Economically displaced persons whose livelihoods or income levels are adversely affected will also be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living.</td>
<td>Section 5 of EIA Regulations require consideration for adverse impacts on people, an existing activity, building or land. Right to compensation when land or property is compulsorily acquired but no transitional assistance required.</td>
<td>Land Acquisition and Resettlement Policy Framework (LARPF, Annex E) require directly affected persons to be fully compensated for loss of livelihood.</td>
</tr>
<tr>
<td><strong>Resettlement:</strong> Where physical relocation is necessary displaced persons are provided compensation, transitional assistance and support to enhance or restore livelihoods. Physically displaced persons will be offered a choice of replacement property of equal or higher value, security of tenure, equivalent or better characteristics, and advantages of location or cash compensation where appropriate.</td>
<td>Right to compensation when land or property is compulsorily acquired but no transitional assistance required.</td>
<td>LARPF (Annex E) requires directly affected persons to be given compensation, land or property to full replacement value. Compensation will be paid to all affected persons as defined in LARPF. Any ARAP prepared will specify full compensation and measures to enhance or restore livelihoods where necessary.</td>
</tr>
<tr>
<td><strong>Consultation and Public Notification:</strong> Affected persons/communities are provided timely and relevant information, and informed about their options and rights. Consultation with customary landowners and affected persons is essential, and may require their participation in a Social Assessment.</td>
<td>COEP 3 Consultation Does not specify the need for participation and consultation with vulnerable groups.</td>
<td>Consultation Framework (Annex C). Identification of affected persons must consider vulnerable persons (disabled, women, youth, etc). Notification periods should allow adequate time to salvage property being removed for the</td>
</tr>
<tr>
<td>WB Safeguard Requirements</td>
<td>National Requirements</td>
<td>Measure to fill gap (if any)</td>
</tr>
<tr>
<td>----------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Adequate notice is required.</td>
<td>Section 5 of EIA Regulations require consideration for adverse impacts on people, an existing activity, building or land. Affected persons are dealt with on a case-by-case basis in practice.</td>
<td>LARPF (Annex E) requires a 100% census of affected persons including inventory of losses and basic socioeconomic information at household level to be undertaken as part of an Abbreviated Resettlement Action Plan (ARAP).</td>
</tr>
<tr>
<td><strong>Census:</strong> Where involuntary resettlement is unavoidable, either as a result of a negotiated settlement or expropriation, a census will be carried out to collect appropriate socio-economic baseline data to identify the persons who will be displaced by the project, determine who will be eligible for compensation and assistance.</td>
<td>Compensation often determined based on issues including land type, crops etc which often means ‘non-land producing’ income (e.g. store business) are excluded. Valuation varies depending on land tenure.</td>
<td>LARPF (Annex E) outlines compensation requirements to World Bank standards. Any ARAP prepared will specify an inventory of losses will cover the value of impacted land, structures, business, livelihoods and assets.</td>
</tr>
<tr>
<td><strong>Compensation:</strong> Compensation should be sufficient to replace lost land and other assets at full replacement cost in local markets. Compensation in kind should be considered in lieu of cash.</td>
<td>Compensation can only be received by those with formal legal title to land or rights to customary land.</td>
<td>LARPF (Annex E) outlines compensation requirements to World Bank standards.</td>
</tr>
<tr>
<td><strong>Compensation Eligibility:</strong></td>
<td>Customary and formal grievance mechanisms exist. People given the opportunity to make objections through 28 day public notification period.</td>
<td>Grievance Redress Mechanism (GRM) (Annex C).</td>
</tr>
</tbody>
</table>
| - Who have formal legal rights to the land or assets they occupy or use;  
- Who do not have formal legal rights to land or assets, but have a claim to land that is recognized or recognizable under national law;  
- Who have no recognizable legal right or claim to the land or assets they occupy or use. | | |
| **Grievances:** Must establish a grievance mechanism to receive and address specific concerns about compensation and relocation, including a recourse mechanism designed to resolve disputes in an impartial manner. | | |
| **Monitoring & Evaluation:** Requires monitoring and reporting on the effectiveness of EMP/ARAP implementation. | MNRE carry out monitoring and compliance audits. | Monitoring requirements are set out in this ESMF. |
4. Procedures to Address Environmental and Social Impacts and Risks

This ESMF was developed to ensure due diligence, to avoid causing harm or exacerbating risks or impacts.

This section describes the procedures in place to determine: (i) the categorization of the project activity based on potential adverse environmental and social impacts of project activities, and (ii) how potential impacts will be addressed through the selection of appropriate mitigation and management plans. Approved ERAP activities must be consistent with these procedures. Responsibilities for implementing these procedures are outlined in Section 7 of this ESMF.

4.1 Applicable Safeguard Instruments

A suite of safeguard instruments applicable to the ERAP during preparation and implementation phases is listed in Table 3 below.

Table 3  Safeguard Instruments

<table>
<thead>
<tr>
<th>Safeguard Policy</th>
<th>Type of Subproject</th>
<th>Applicable Instrument</th>
</tr>
</thead>
<tbody>
<tr>
<td>OP4.01 Environmental Assessment</td>
<td>All subprojects or activities</td>
<td>Safeguard Screening Form</td>
</tr>
<tr>
<td>Category A (Broad, diverse, potentially irreversible impacts; major resettlement; conversion of natural habitats; hazardous materials)</td>
<td>Environmental Assessment - A full ESIA (CEAR under Samoan regulations) is undertaken for Category A subprojects to identify all environmental and social risks and impacts including site assessment, analysis of alternatives, and environmental and technical constraints. Necessary studies are undertaken proportional to potential risks and to direct, and, as relevant, indirect, cumulative, and associated impacts.</td>
<td></td>
</tr>
<tr>
<td>Category B (Geographically limited, readily identified impacts that can be mitigated)</td>
<td>A limited ESIA (PEAR under Samoan regulations) is undertaken for Category B subprojects that require additional subproject-specific data/information and further analysis including site assessment, and analysis of alternatives / environmental and technical constraints to determine the full extent of environmental and social impacts, which cannot be supplied by an Environmental Management Plan (EMP), Environmental and Social Management Plan (ESMP) and/or an Codes of Environmental Practice (COEP). It may also involve an environmental audit, hazard assessment, etc.</td>
<td></td>
</tr>
<tr>
<td>Category C (Negligible or minimal potential impacts that are easily mitigated)</td>
<td>Category C projects do not require any safeguard instrument beyond screening and adhering to Environmental Code of Practice (ECOP) should be sufficient to address environment and social issues.</td>
<td></td>
</tr>
<tr>
<td>Physical works/ Construction</td>
<td>Environmental Management Plan (EMP) developed in line with Environmental Codes of Practice (ECOPs) to address construction-related and site-specific environment and social issues (Annex F).</td>
<td></td>
</tr>
<tr>
<td>OP4.10 Indigenous People</td>
<td>All subprojects or activities</td>
<td>Safeguard Screening Form</td>
</tr>
<tr>
<td>Indigenous People are present in project area</td>
<td>Social Assessment (SA) may be undertaken as part of a broader ESIA.</td>
<td></td>
</tr>
<tr>
<td>Safeguard Policy</td>
<td>Type of Subproject</td>
<td>Applicable Instrument</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>As above</td>
<td>Free, prior and informed consultations (FPIC) will be undertaken to inform the SA and build broad community support for the project. Refer to Indigenous Peoples Planning Framework (IPPF) in Annex D.</td>
<td></td>
</tr>
<tr>
<td>OP4.12 Involuntary Resettlement</td>
<td>All</td>
<td>Safeguard Screening Form</td>
</tr>
<tr>
<td>Potential Physical and Economic Displacement</td>
<td>A Land Acquisition and Resettlement Policy Framework (LARPF) is contained in the ESMF in the event that physical or economic displacement, or loss of assets or access to assets may occur as a result of the project (Annex E). It outlines criteria and procedures for the development of Abbreviated Resettlement Action Plan (ARAP).</td>
<td></td>
</tr>
<tr>
<td>Small-scale involuntary land acquisition of customary or private land (short or long term)</td>
<td>Abbreviated Resettlement Action Plan (ARAP)</td>
<td></td>
</tr>
<tr>
<td>Land gifted by private or customary landowner/s that directly benefit from the project</td>
<td>Voluntary Land Donation Protocol (VLDP) is a formal agreement with landowners to secure land for project-specific purposes (Annex E).</td>
<td></td>
</tr>
<tr>
<td>Land access required on customary or private land (temporary or permanent)</td>
<td>Land Access or Land Use Agreement (LAA/LUA) is a formal agreement with landowners to secure land access for project-specific purposes (Annex E).</td>
<td></td>
</tr>
</tbody>
</table>

The LTA will be responsible for the preparation of safeguard instruments prior to the commencement of activities, and application of safeguard instruments during the implementation/operations phase. The screening process outlined below will identify which activities require further environmental and/or social assessments and the preparation of an environmental management plan (EMP).

### 4.2 Environmental and Social Safeguard Procedures

A procedural process for identifying and assessing safeguard impacts of project activities and assessing impact mitigation measures is outlined below. These steps aim to ensure that the World Bank’s safeguard policies are followed.

Each project will be screened by the LTA in consultation with experts and affected peoples. The LTA will review each proposed activity in the country according to decision-support tree in Figure 1 below and the screening process outlined in this section.
4.2.1 Step One – Eligibility Screening using Negative List

A negative list will be used by the LTA to ensure ineligible subprojects are not progressed and exclude activities with very high or significant adverse environmental or social impacts (Annex A).

4.2.2 Step Two – Scoping

Scoping will identify which specific activities are envisaged; any known environmental sensitivities; any sites with known or potential cultural, heritage or unique natural values that may involve environmental and social impacts and may require discussion with knowledgeable expert/s and local stakeholders.

4.2.3 Step Three – Technical Screening and Categorisation of Subprojects

All subprojects and activities are subject to the screening process using the Safeguards Screening Form in Annex B to determine the appropriate categorisation of the subproject according to the potential level of environmental and social impact and Bank guidelines (i.e. Category A, B or C). The form is used by the LTA to determine the appropriate safeguard instrument required according to the type of activity and possible level of impact or disturbance.

In accordance with World Bank policies, project categorization is as follows:

- **Category A** subprojects are those that have potential significant adverse environmental and social impacts that are:
  (i) sensitive (i.e., a potential impact is considered sensitive if it may be irreversible);

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Subprojects deemed to be Category A will not be funded under the ERAP.

Under ERAP, the proposed interventions are highly unlikely to trigger Category A, and most activities are likely to be Category B or C. However, since not all project activities are known there is a possibility for subprojects/activities identified as Category A to eventuate.
(ii) diverse, or unprecedented; and/or
(iii) affecting an area broader than the sites or facilities subject to physical works (e.g., a dam that may affect downstream communities or road construction that may have induced impacts on nearby forests and natural habitats).

- **Category B** subprojects are those that have potential adverse environment and social impacts that are less adverse, site-specific, that can be readily addressed through mitigation measures; and few if any of the impacts are irreversible.
- **Category C** subprojects are those that have minimal or no adverse environmental and social impacts. Although they may not require formal assessment, their implications need to be closely monitored.

### 4.2.4 Step Four – Determine Safeguard Instrument

Following Step Three, a LTA Officer will assist in the preparation of the required documentation (including TORs where these may be tendered out). The primary safeguard instrument will be an environmental assessment (EA). Table 3 lists all safeguard instruments that may be applied depending on the categorisation of the subproject. It is anticipated that an EA and EMP will be required for all Category A and B subprojects, however in some cases where impacts are minimal, standard COEPs would apply. For activities classed as Category C, no safeguard instruments need to be applied.

### 4.2.5 Step Five – Assessment and Consultation

The requirements for EA/EIA regulations for Samoa have been outlined in Section 3.2. Parameters for environmental and social impact assessments (ESIA) and associated studies should be defined by LTA in consultation with PUMA at the outset. ESIAs will be undertaken by qualified consultants or technical specialists to identify the level of adverse impacts of subprojects and proposed activities prior to any works taking place. Impacts will be assessed according to an impact matrix outlined in the EA/EIA report, which specifies the criteria that determined the adverse impacts to be either: negligible, minor, moderate, major or significant/irreversible in magnitude (or equivalent rankings such as high, medium, low).

**Environmental Safeguards**

Under Bank requirements, an EA or limited EA will be required for Category B subprojects, and a comprehensive EA for Category A subprojects. Standardised Codes of Environmental Practice (COEPs) may be applied where Category B subprojects with limited impacts are identified in the screening process (Annex G).

The level of detail in the EA for Category B subprojects will depend on the nature and scale of the proposed subproject. The process and preparation of EA documentation will primarily be guided by national legislation on EIA, COEPs, and development consent regulations where these are adequate to meet Bank safeguard requirements. For instance, if a project does not require an EA under local regulations but is Category B, an EA will be required under the project in full compliance with OP4.01.

The assessment should include a sound understanding of the existing environment and sociocultural context developed through conducting baseline environmental conditions includes land use, water and air quality, biodiversity, soils, geology, topography, pollution, climate, physical cultural resources, and socio-economic (census) baseline surveys. It should also take into account the local context,
regulatory setting, institutional capabilities and country obligations under international treaties and conventions.

Mitigation measures will also form part of the EA documentation. Such measures will be developed in accordance with national legislation, applicable COEPs, design standards and technical specifications where relevant to help prevent potential environmental impacts. Standardized mitigation measures are included in Annex G of this ESMF and may be applied (and expanded on) if national COEPs do not meet Bank standards. The Bank will review and clear the safeguards instruments prepared by the subproject beneficiary for impact identification and appropriateness of proposed mitigation measures.

Social Safeguards

Under OP4.10 and OP4.12, a Social Assessment (SA) is required for Category B subprojects where communities or individuals may be adversely impacted. The SA will determine the degree to which communities and properties could be adversely affected by project activities (e.g. siting of infrastructure and construction work). The level of detail required for the SA depends on the extent to which they are likely to cause adverse social impacts, which are often related to land use, land access and livelihood sources. The potential magnitude of impact will be determined through stakeholder consultations, sites visits and previous experience.

The SA must be undertaken by an appropriately qualified person, in consultation with affected persons or communities, and in consideration of requirements for compliance of Bank safeguard policies (OP4.01, OP4.10 and OP4.12). The SA will look at the sociocultural setting, governance structures, cultural heritage, and livelihood aspects of the local context. The SA may be included as part of the environmental and social impact assessment (ESIA) for the project or undertaken as a stand-alone assessment. Consultation activities should be planned in a way that minimizes disruption and avoids over-consulting affected persons or communities (See Annex C Consultation Framework). If ERAP activities are only anticipated to have very limited adverse social impacts, it is possible for the assessment to be based on previous in-country experience.

Where it has been identified that the subproject may cause some degree of physical or economic displacement or loss of assets or access to assets, the Land Acquisition and Resettlement Policy Framework (LARP) will guide the preparation and implementation of any necessary safeguard instruments in accordance with OP4.12 (Annex E). The LTA/MNRE will validate the impacts of land acquisition (if any) in coordination and consideration of all stakeholder groups.

Assessments and proposed mitigation measure may have an inequitable impact on women or disadvantaged groups whom need careful consideration. The proposed design must consider viable alternatives and the overall inclusivity with regard to gender, disabled (e.g. hearing or sight impaired persons), and the needs of vulnerable groups or persons where applicable.

4.2.6 Step Six – Preparation of Plan/s

Once the appropriate safeguard instrument has been identified and a proper assessment of potential project-induced social and environmental impacts that could arise during implementation is complete, Management or Action Plans will be prepared. Project- and subproject-specific plans are prepared for Bank review and approval during implementation, as and when relevant information becomes available.

Environmental Safeguards
For subprojects with identified risks and impacts (Category A/B), an EMP/ESMP is included as part of the EA process for all subprojects and will form part of bidding documentation and contractual obligations for works. For subprojects with very limited risks and impacts (Category B), COEPs or equivalent guidelines will be applied.

The EMP will provide practical and relevant means to achieve compliance with environmental safeguards, i.e., a set of mitigation, monitoring and institutional measures to be taken during implementation and operation to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. Safeguard documentation identifies feasible and cost-effective measures that may reduce potentially significant adverse environmental impacts to acceptable levels.

The contractor will prepare an EMP and associated plans for initial approval by the PMU-LTA prior to the commencement of works. Mitigation measures will be detailed and costed by the contractor. Penalties for non-compliance must be included in the contract agreement. The EMP will contain:

- Description of the proposed subproject;
- Analysis of anticipated impacts including location, duration and magnitude;
- Detailed mitigation measures including drawings and costs; and
- Statement of responsibilities for implementing mitigation measures and overall EMP compliance.

If an EMP is required, it is the LTA’s responsibility to ensure this is complete and provided to the World Bank for review prior to implementation. When a subproject is in the implementation phase, with the contractor appointed and mobilization planned, the LTA and relevant government agency will review the appropriateness and currency of the EMP to ensure its relevance. Responsibilities as allocated in the EMP are to be understood and agreed to by all parties involved. The capacity of each party needs to be evaluated as a part of the environmental assessment process, with appropriate training or capacity development incorporated into the subproject to underpin effective implementation.

**Social Safeguards**

Table 3 identifies circumstances that may trigger the need for an ARAP or other, which will be assessed once detailed descriptions of approved subprojects are available. A Consultation Plan may also be required to plan and manage an informed consultation with communities and affected persons (where required) in a transparent manner that is culturally appropriate and respectful of traditional protocols and decision-making processes. The participation of various stakeholder groups at national and local levels will inform details regarding the likelihood and magnitude of impacts (geographic, socioeconomic, gender-related) and appropriateness of mitigation activities and interventions. The process will allow for concerns to be raised and integrated into decision-making. A transparent process will likely facilitate establishing broad community support for the subproject.

**4.2.7 Step Seven – Implementation of Mitigation Measures**

Mitigation and management measures outlined in the EMP (e.g. site selection criteria, diligent construction management, control measures) will be implemented by contractors, and supervised by relevant environmental agencies and the LTA. Performance indicators should be defined to ensure the effectiveness of measures in place, which can be monitored and reported on throughout the project lifecycle.
4.2.8 Step Eight – Monitoring and Reporting

Monitoring is required to gather information to determine the effectiveness of implemented mitigation and management measures and to ensure compliance of the contractor with the approved EMP. Environmental indicators will be defined when mitigation measures are confirmed and the PMU (with support from relevant agencies) will be tasked with monitoring compliance by contractors throughout implementation. Monitoring methods must provide assurance that safeguard measures are undertaken effectively. Some activities may require monitoring beyond the construction phase or project life to address maintenance or rehabilitation issues and this will be determined in the design stage.

Bidding documents will confirm the reporting intervals with contractors, who will be required to submit regular reports on environmental and social indicators and any incidents that may have adversely impacted on the environment arising from the subproject. This will feed into quarterly reports of the IAs and substantiate semi-annual safeguard monitoring reports to the World Bank. The PMU and LTA reports to the Bank on: (i) findings and results of the EA and implementation of EMP and agreed compliance measures; (ii) status of the implementation of mitigation measures; and (iii) findings of monitoring activities.

4.2.9 Step Nine - Completion Audit

An audit by qualified person will be required to guarantee standards have been met and management measures have been adequately implemented to avoid and/or minimize adverse environmental or social impacts.
5. Public Consultation and Information Disclosure

Engagement with stakeholders regarding the potential road and bridge developments to enhance resilience in Samoa has been ongoing. Extensive consultations during preparatory missions were undertaken to agree on the key priorities of the ERAP since 2009.

5.1 ESMF Consultation and Disclosure

The development of the draft Environmental and Social Assessment Framework (ESSAF) involved discussion with key stakeholders including Executing and Implementing Agencies, government ministries and civil society with an interest in potential road developments. Implementation requirements and responsibilities for safeguards relevant to ERAP were discussed with key stakeholders and feedback was sought on the draft ESSAF. The ESSAF was formally submitted to and disclosed on the Bank InfoShop in September 2013.

This ESMF builds on the ESSAF and lessons learnt since the project preparation phase, and as such it supersedes the ESSAF. The ESMF was disclosed on the Bank’s Infoshop in September 2015.

5.2 Information Disclosure

Information disclosure is mandated by OP4.01, OP4.10, OP4.10 and OP4.36, and the Bank’s Disclosure Policy. Safeguard instruments including the ESMF are disclosed in a language and format accessible to people, communities and civil society who may be interested in, or affected by, Project activities to ensure sufficient understanding of the project activities, potential impacts and management arrangements, as well as the grievance redress mechanism.

Disclosure occurs through:

- Draft safeguard instruments or project concepts are disclosed during the preparation phase to gather feedback and input from local communities and other stakeholders on the proposed activities and safeguard measures.
- Assessment documents (e.g. EA, SA) are disclosed during activities preparation and prior to their final review and approval.
- Final safeguard documents are disclosed to inform local communities of implementation measures and how their concerns have been considered.

The LTA are responsible for managing information dissemination, overseeing public consultation and assuring compliance to guidelines and procedures set out by safeguard instruments and ensure relevant personnel are trained.

5.3 Consultation Process

Two-way mechanisms for ongoing consultation are necessary throughout the life of the project, to disclose information and seek feedback. Consultation with relevant government officials, the businesses and civil society (NGOs, CBOs etc) will assist in providing different perspectives and needs, and provoke discussion on practical alternatives relevant to the local context. Dedicated channels for information dissemination will be established to ensure consistent communication at national, subnational and local levels throughout the Project.

A Consultation Framework has been developed for ERAP (Annex C) to guide the LTA and other agencies on the formal procedures and planning of public consultation and community engagement for the ERAP. The principles of free, prior and informed consultation (FPIC) will be followed. A
Consultation Plan will detail methods (newspapers, pamphlets, community papers, interviews, community meetings and consultations, participatory tools) and means (radio broadcast, local TV, internet) used to inform and involve affected people and other stakeholders on environmental and social safeguard issues. These must be culturally appropriate, delivered in a timely manner and centrally managed to ensure a consistent and ongoing consultation process. Importantly, each consultation session / meeting must be well documented for reporting purposes.

6. **Grievance Redress Mechanism**

Each World Bank project is required to implement a grievance redress mechanism (GRM) to receive and facilitate resolution of affected peoples’ concerns, complaints, and grievances about the project’s performance, including concerning environmental and social impacts and issues.

A GRM was developed by the LTA for the management of complaints for road projects in Samoa (Annex C). The GRM is for people seeking satisfactory resolution of their complaints on the environmental and social performance of the project. The mechanism ensures that: (i) the basic rights and interests of every affected person by poor environmental performance or social management of the project are protected; and (ii) their concerns arising from the poor performance of the project during the phases of design, construction and operation activities are effectively and timely addressed.

In the early stages of engagement, project stakeholders and affected communities must be made aware:

(i) of how they can access the GRM;
(ii) who to lodge a formal complaint too;
(iii) timeframes for response;
(iv) that the process must be confidential, responsive and transparent; and
(v) alternative avenues where conflicts of interest occur.

The grievance process is based upon the premise that it imposes no cost to those raising the grievances (i.e., Complainants); that concerns arising from project implementation are adequately addressed in a timely manner; and that participation in the grievance process does not preclude pursuit of legal remedies under Samoan law. Local communities and other interested stakeholders may raise a grievance at any time to the IA/EA in Samoa or the World Bank’s Inspection Panel.
7. **Institutional Capacity and Responsibilities**

This section describes the institutional arrangements to implement the ESMF, from the screening of subprojects for environment and social issues, preparation of subproject safeguard instruments, and review and clearance of subprojects through to the monitoring of implementation. It also details specific tasks and responsibilities of key stakeholders involved in the ERAP.

7.1 **Capacity**

The key agencies involved in ERAP have experience in implementation of Bank projects or similar initiatives and associated safeguard requirements. The Bank will provide ongoing support, as well as training and technical assistance to build institutional capacity.

7.2 **Responsibilities**

The LTA has the overall responsibility for ensuring that environmental and social issues are adequately addressed throughout the project cycle. These responsibilities are highlighted in Table 4 below.

**Table 4**  
**Key Responsibilities for Safeguards Implementation**

<table>
<thead>
<tr>
<th>Tasks</th>
<th>Responsible party</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Scoping</strong></td>
<td></td>
</tr>
<tr>
<td>Review and clearance of ESMF</td>
<td>WB</td>
</tr>
<tr>
<td>Disclose ESMF</td>
<td>LTA/MoF</td>
</tr>
<tr>
<td>Eliminate all activities that are included in the Negative List (Annex A)</td>
<td>LTA</td>
</tr>
<tr>
<td>Confirm consultations are adequate</td>
<td>WB</td>
</tr>
<tr>
<td><strong>Screening</strong></td>
<td></td>
</tr>
<tr>
<td>Screen all proposed activities for adverse environmental and social impacts based on scoping exercise with Safeguard Screening Form (Annex B) and categorise subprojects</td>
<td>LTA</td>
</tr>
<tr>
<td>Screening records filed for review</td>
<td>LTA/PMU</td>
</tr>
<tr>
<td>Review screening process</td>
<td>WB</td>
</tr>
<tr>
<td><strong>Subproject Preparation and Design</strong></td>
<td></td>
</tr>
<tr>
<td>Undertake field surveys to inform subproject design and EA, ARAP and EMP as required</td>
<td>Contractor / LTA</td>
</tr>
<tr>
<td>Design subproject and activities in accordance with national and international standards and COEPs</td>
<td>Contractor / LTA</td>
</tr>
<tr>
<td>Approve technical design and EMP</td>
<td>MNRE</td>
</tr>
<tr>
<td>Prepare documentation (i.e. TORs, progress reports) or arrange/organize for preparation of documentation (i.e. TORs for EAs, EMPs etc) for each subproject, in accordance with ESMF and national legislation and agreements</td>
<td>LTA / PMU</td>
</tr>
<tr>
<td>Support review process and documentation</td>
<td>WB</td>
</tr>
<tr>
<td>Disclose draft documents in country</td>
<td>LTA/PMU</td>
</tr>
<tr>
<td>Undertake consultation with stakeholders and affected peoples as required</td>
<td>LTA/MWCSD</td>
</tr>
<tr>
<td>Incorporate mitigation measures and stakeholder feedback into design</td>
<td>LTA</td>
</tr>
<tr>
<td>Tasks</td>
<td>Responsible party</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Review and approval of design and EMP (and update existing EMPs if necessary)</td>
<td>MNRE</td>
</tr>
<tr>
<td>Prepare cost estimates</td>
<td>LTA</td>
</tr>
<tr>
<td>Approve budget</td>
<td>MoF</td>
</tr>
<tr>
<td>Review safeguards instruments and confirm consultation process was adequate</td>
<td>WB</td>
</tr>
<tr>
<td>Clearance of safeguard instruments</td>
<td>WB</td>
</tr>
<tr>
<td>Effective implementation of mitigation measures required in EMP and ARAP</td>
<td>LTA/MNRE</td>
</tr>
<tr>
<td>Update safeguard instruments in consultation with affected people when technical specifications are finalised</td>
<td>LTA</td>
</tr>
<tr>
<td>Establish grievance focal point and address grievances</td>
<td>LTA</td>
</tr>
<tr>
<td>Disclose final safeguard instruments</td>
<td>LTA</td>
</tr>
<tr>
<td>Document the implementation of safeguard measures</td>
<td>LTA/PMU</td>
</tr>
<tr>
<td>Periodic supervision of implementation process, safeguards and progress reports</td>
<td>WB</td>
</tr>
<tr>
<td><strong>Capacity Building</strong></td>
<td></td>
</tr>
<tr>
<td>Deliver safeguards training or support where necessary</td>
<td>IA / WB</td>
</tr>
<tr>
<td>Clear TORs for consultants to ensure outputs meet safeguard requirements</td>
<td>WB</td>
</tr>
<tr>
<td>Supervision and monitoring compliance with EMP (including ongoing maintenance) and ARAP</td>
<td>LTA/MNRE</td>
</tr>
<tr>
<td>Safeguards monitoring and oversight</td>
<td>WB</td>
</tr>
</tbody>
</table>

The LTA/MoF is responsible for implementing this ESMF and will ensure that key staff are familiar with the environmental and social management measures and requirements for project implementation. In addition, they will conduct regular monitoring and evaluation of the project and reporting on these in quarterly progress reports to the PMU.
ANNEXES

Annex A  Negative List
Annex B  Safeguards Screening Form
Annex C  Consultation Framework and Grievance Redress Mechanism
Annex E  Land Access and Resettlement Policy Framework
Annex F  Environmental and Social Management Plan (Template)
Annex G  Codes of Environmental Practice
Annex A  Negative List

This negative list has been compiled to exclude certain activities that fulfill one or more of the following criteria: (i) high environmental risk; (ii) may create impacts that require more sophisticated planning and preparation of mitigation measures; (iii) have technical complexities and requirements that would go beyond the capacity normally available in-country; (iv) would trigger additional safeguards policies or change the project’s safeguards category; and (v) are not aligned with public interests or do not benefit common goods or public services.

The following subproject or activities will be deemed ineligible for the ERAP if they:

1. Involve the significant conversion, clearance or degradation of critical natural habitats, forests, environmentally sensitive areas, significant biodiversity and/or protected conservation zones;
2. Will cause, or have the potential to result in, permanent and/or significantly damage to non-replicable cultural property, irreplaceable cultural relics, historical buildings and/or archaeological sites;
3. Will negatively affect rare or endangered species;
4. Will result in large-scale involuntary land acquisition or significant physical displacement of affected communities (i.e. more than 200 persons), or relocation of Indigenous Peoples that would restrict or cease their access to traditional lands or resources;
5. Do not meet minimum design standards with poor design or construction quality, particularly if located in vulnerable areas;
6. Are located in international waterways or disputed territories;
7. Require or involve:
   • Agro-forestry or agricultural activities, equipment and inputs, including seeds and fertilizer (excluding pesticide);
   • Purchase, application or storage of pesticides or hazardous materials (e.g. asbestos, toxic or explosive chemicals);
   • Building a dam, structures that will alter coastal process or disrupt breeding sites such as retaining or seawall;
   • Sand mining or land reclamation;
   • Sourcing or sand/gravel from illegal or unregistered quarries;
   • Land that has disputed ownership, tenure or user rights;
   • Land that is considered dangerous due to security issues or the presence of unexploded mines or bombs;
   • Political campaign materials or donations in any form or anti-democratic activities;
   • Weapons including (but not limited to) mines, guns and ammunition;
   • Any activity that will support drug crop production or processing of such crops; or
   • A high proportion of funding than is available.

9. In addition to the above general list, the following negative list is added from the IFC exclusion list:
   • Production or trade in any product or activity deemed illegal under host country laws or regulations or international conventions and agreements;
   • Trade in wildlife or wildlife products regulated under CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora);
   • Production or trade in radioactive materials;
   • Production or trade in or movement or use of unbounded asbestos fibers;
   • Production or trade in pharmaceuticals subject to international phase outs or bans;
   • Production or trade in pesticides/herbicides subject to international phase outs or bans;
   • Fishing using electric shocks and explosive materials;
• Production or activities involving harmful or exploitative forms of forced labor / harmful child labor;
• Purchase of logging equipment for use in cutting forest;
• Commercial logging operations for use in primary tropical moist forest;
• Production or trade in products containing PCBs (polychlorinated biphenyls);
• Production or trade in ozone depleting substances subject to international phase out;
• Production or trade in wood or other forestry products from unmanaged forests;
• Production, trade, storage, or transport of significant volumes of hazardous chemicals, or commercial scale usage of hazardous chemicals;
• Production or trade in alcoholic beverages, gambling, casinos or similar enterprises.
Annex B  Safeguards Screening Form

This form is to be used by the Implementing Agency (IA) to screen potential environmental and social safeguards issues in subprojects, and determine which safeguard instrument(s) is to be prepared prior to implementation.

<table>
<thead>
<tr>
<th>Questions</th>
<th>Answer</th>
<th>If Yes WB Policy triggered</th>
<th>Documents Required if Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are the project impacts likely to have significant adverse environmental impacts that are sensitive,(^{10}) diverse or unprecedented?(^{11}) Please provide brief description:</td>
<td>Yes</td>
<td>OP 4.01 Environmental Assessment Category A</td>
<td>Environmental Assessment (EA) and Environmental and Social Management Plan (ESMP, Annex F)</td>
</tr>
<tr>
<td>Do the impacts affect an area broader than the sites or facilities subject to physical works and are the significant adverse environmental impacts irreversible? Please provide brief description:</td>
<td>Yes</td>
<td>OP 4.01 Environmental Assessment Category A</td>
<td>EA and ESMP</td>
</tr>
<tr>
<td>Is the proposed project likely to have no adverse environmental impacts?(^{12}) Please provide brief justification.</td>
<td>Yes</td>
<td>OP 4.01 Environmental Assessment Category C</td>
<td>Nothing further required</td>
</tr>
<tr>
<td>Is the project neither a Category A nor Category C as defined by the Bank?(^{13}) Please provide brief justification.</td>
<td>Yes</td>
<td>OP 4.01 Environmental Assessment Category B</td>
<td>EA or limited EA, and ESMP; Follow Codes of Environmental Practice (COEPs)</td>
</tr>
<tr>
<td>Are the project impacts likely to have significant adverse social impacts that are sensitive, diverse or unprecedented?(^{14}) Please provide brief description.</td>
<td>Yes</td>
<td>OP 4.01 Environmental Assessment Category A</td>
<td>EA and ESMP</td>
</tr>
</tbody>
</table>

\(^{10}\) Sensitive (i.e., a potential impact is considered sensitive if it may be irreversible, e.g., lead to loss of a major natural habitat, or raise issues covered by OP 4.04, Natural Habitats; OP 4.36, Forests; OP 4.10, Indigenous Peoples; OP 4.11, Physical Cultural Resources; or OP 4.12, Involuntary Resettlement; or in the case of OP 4.09, when a project includes the manufacture, use, or disposal of environmentally significant quantities of pest control products).

\(^{11}\) Examples of projects where the impacts are likely to have significant adverse environmental impacts that are sensitive, diverse or unprecedented are large scale infrastructure such as construction of new roads, railways, power plants, major urban development, water treatment, waste water treatment plants and solid waste collection and disposal, etc.

\(^{12}\) Examples of projects likely to have minimal or no adverse environmental impacts are supply of goods and services, technical assistance, simple repair of damaged structures, etc.

\(^{13}\) Projects that do not fall under Category A or Category C can be considered as Category B. Examples of Category B subprojects include small scale in-situ reconstruction of infrastructure projects such as road rehabilitation and rural water supply and sanitation, small schools, rural health clinics, etc.

\(^{14}\) Generally, subprojects with significant resettlement-related impacts should be classified as Category A. Application of judgment is necessary in assessing the potential significance of resettlement-related impacts, which vary in scope and scale from subproject to subproject. Subprojects that would require physical relocation of residents or businesses, as well as subprojects that would cause any individuals to lose more than 10 percent of their productive land area, often are classified as Category A. Scale may also be a factor, even when the significance of impacts is relatively minor. Subprojects affecting whole communities or relatively large numbers of persons (for example, more than 1,000 in total) may warrant Category A, especially for projects in which implementation capacity is likely to be weak. Subprojects that would require relocation of Indigenous Peoples, that would restrict their access to traditional lands or resources, or that would seek to impose changes to Indigenous Peoples' traditional institutions, are always likely to be classified in Category A.
<table>
<thead>
<tr>
<th>Questions</th>
<th>Answer</th>
<th>If Yes WB Policy triggered</th>
<th>Documents Required if Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will the project involve the discharge of pollutants into air, water, soil and/or storage of chemicals, hazardous materials, etc that pose risks to environmental and public health?</td>
<td></td>
<td><strong>OP 4.01 Environmental Assessment</strong> Category B</td>
<td>ESMP with Hazardous Materials Management Plan</td>
</tr>
<tr>
<td>Will the project site be located near rivers, waterways or water bodies/ponds?</td>
<td></td>
<td><strong>OP 4.01 Environmental Assessment</strong> Category A/B</td>
<td>EA or Limited EA and ESMP</td>
</tr>
<tr>
<td>Will the project adversely impact physical cultural resources? Please provide brief justification.</td>
<td></td>
<td><strong>OP 4.11 Physical Cultural Resources</strong> Category B</td>
<td>ESMP with PCR Management Plan and/or Chance Find Procedures (CFP)</td>
</tr>
<tr>
<td>Will the project involve the conversion or degradation of non-critical natural habitats? Please provide brief justification.</td>
<td></td>
<td><strong>OP 4.04 Natural Habitats</strong> Category A/B</td>
<td>EA or Limited EA and ESMP</td>
</tr>
<tr>
<td>Will the project involve the significant conversion or degradation of critical natural habitats? Please provide brief justification.</td>
<td></td>
<td><strong>OP 4.04 Natural Habitats</strong> Category A</td>
<td>EA and ESMP</td>
</tr>
<tr>
<td>Will the project involve clearing of forest cover, impacts on the health and quality of forests, or the rights and welfare of people and their level of dependence upon or interaction with forests; or does it aim to bring about changes in the management, protection or utilization of natural forests or plantations? Please provide brief justification.</td>
<td></td>
<td><strong>OP 4.36 Forestry</strong> Category B</td>
<td>EA or Limited EA and ESMP</td>
</tr>
<tr>
<td>Will the project have significant impact on, or cause significant conversion or degradation of critical natural forests?</td>
<td></td>
<td><strong>OP 4.36 Forestry</strong> Category A</td>
<td>EA and ESMP</td>
</tr>
<tr>
<td>Will the project involve constructing a new dam?</td>
<td></td>
<td><strong>OP 4.37 Dam Safety</strong> Category A/B</td>
<td>Not eligible for financing</td>
</tr>
<tr>
<td>Will the project involve reinforcement of an existing dam?</td>
<td></td>
<td><strong>OP 4.37 Dam Safety</strong> Category A/B</td>
<td>Not eligible for financing</td>
</tr>
<tr>
<td>Will the project involve procurement of pesticides (either directly through the project, or indirectly through on-lending, co-financing, or government counterpart funding), or will it affect pest management in a way that harm could be done even if the project is not envisaged to procure pesticides?</td>
<td></td>
<td><strong>OP 4.09 Pest Management</strong> Category B</td>
<td>Not eligible for financing</td>
</tr>
</tbody>
</table>

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15 In the riparian zone or within 20 meters from a body of water.
16 Examples of physical cultural resources are archaeological or historical sites, including historic urban areas, religious monuments, structures and/or cemeteries, particularly sites recognized by the government.
17 Subprojects that significantly convert or degrade critical natural habitats such as legally protected, officially proposed for protection, identified by authoritative sources for their high conservation value, or recognized as protected by traditional local communities, are ineligible for Bank financing.
<table>
<thead>
<tr>
<th>Questions</th>
<th>Answer</th>
<th>If Yes WB Policy triggered</th>
<th>Documents Required if Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will any physical works be sited on private freehold, Crown or state land? Will this be acquired through market-based lease, government lease or sublease, purchase, or voluntary donation? Please provide a brief explanation:</td>
<td>Yes No NA</td>
<td>OP 4.12 Involuntary Resettlement Category C</td>
<td>Evidence of Land Title or Voluntary Land Donation Protocol (Annex E)</td>
</tr>
<tr>
<td>Will any physical works be sited on communal or collective land? If so, is the land more than 5% of the community’s area, and/or do gardens, crops or fixed assets exist on the nominated land? Please provide a brief explanation:</td>
<td></td>
<td>OP 4.12 Involuntary Resettlement Category B</td>
<td>Land Access and Resettlement Policy Framework (Annex E); Voluntary Land Donation Protocol</td>
</tr>
<tr>
<td>Does the project involve the donation of land (in-kind) from project-affected persons for facilities or investments that will be of benefit to the broader community? Please provide a brief explanation:</td>
<td>Yes No NA</td>
<td>OP 4.12 Involuntary Resettlement Category C</td>
<td>Land Use Agreement; Voluntary Land Donation Protocol</td>
</tr>
<tr>
<td>Will any physical works be located on land that is used or occupied by persons?</td>
<td></td>
<td>OP 4.12 Involuntary Resettlement Category B</td>
<td>Land Access and Resettlement Policy Framework (Annex E)</td>
</tr>
<tr>
<td>Does the project involve large-scale(^{18}) involuntary land acquisition or physical relocation of people? Please provide brief explanation:</td>
<td>Yes No NA</td>
<td>OP 4.12 Involuntary Resettlement Category A</td>
<td>Not eligible for financing</td>
</tr>
<tr>
<td>Does the project involve minor involuntary land acquisition, loss of assets or access to assets, or loss of income sources or means of livelihood? Please provide brief explanation:</td>
<td>Yes No NA</td>
<td>OP 4.12 Involuntary Resettlement Category B</td>
<td>Land Access and Resettlement Policy Framework (Annex E)</td>
</tr>
<tr>
<td>Are any Indigenous Peoples or ethnic minority communities present in the project area that are likely to be affected by the proposed project negatively or positively? Please provide brief justification:</td>
<td></td>
<td>OP 4.10 Indigenous People Category B</td>
<td>Indigenous Peoples Policy Framework (Annex D)</td>
</tr>
<tr>
<td>Is there any territorial dispute between two or more countries in the project area and in the area of its ancillary aspects and related activities?</td>
<td>Yes No NA</td>
<td>OP7.60 Projects in Disputed Areas</td>
<td>Not eligible for financing</td>
</tr>
<tr>
<td>Will the project and its ancillary aspects and related activities, including detailed design and engineering studies, involve the use or potential pollution of, or be located in international waterways?(^{19})</td>
<td>Yes No NA</td>
<td>OP7.50 Projects on International Waterways</td>
<td>Not eligible for financing</td>
</tr>
</tbody>
</table>

\(^{18}\) Physical and/or economic displacement of more than 200 affected people and/or more than 10% of productive assets are lost.

\(^{19}\) International waterways include any river, canal, lake or similar body of water that forms a boundary between, or any river or surface water that flows through two or more states.
Categorisation and Safeguards Instruments Required

The subproject is classified as a Category ______ as per World Bank OP 4.01, and the following safeguard instruments will be followed and/or prepared:

Tick all that apply:

☐ Environmental Assessment (EA) or Environmental and Social Impact Assessment (ESIA) / CEAR
☐ Limited Environmental Assessment (EA) / PEAR
☐ Environmental and Social Management Plan (ESMP)
☐ Environmental Codes of Practice (ECOPs) [Category B or C]
☐ Environmental Management Plan (EMP)
☐ Hazardous Materials Management Plan (HMMP)
☐ Physical Cultural Resources Management Plan (PCRMP)
☐ Chance Find Procedures (CFP)
☐ Voluntary Land Donation Protocol (VLDP)
☐ Land Use Agreement (LUA) or Land Access Agreement
☐ Abbreviated Resettlement Action Plan (ARAP)

If two categories are selected for a subproject on the screening form, state whichever is higher (i.e. Category A, in cases where A and B are selected; and Category B in cases where B and C are selected).
Annex C Consultation Framework and Grievance Redress Mechanism

I. Consultation Framework

World Bank safeguard policies require consultation with the public and affected people (AP) and communities throughout the life of the project. This section outlines a Consultation Framework for ERAP that meets national and World Bank requirements to be followed for the Project.

Samoa has a well-developed and culturally-embedded system of consultation guided by informal and formal guidelines. The Samoa Codes of Environmental Practice (COEP) (MNRE 2007) strictly prescribes acceptable procedures for carrying out consultations during the EIA process in the preparatory stage (Attachment 1). Public participation is also one of the key principles underlying the Planning and Urban Management Act 2004 in Samoa.

Principles

The purpose of public consultation and community engagement is to inform stakeholders about the proposed activities, gather feedback on the design and how the proposal may affect them, provide notification prior to construction activities, and to gauge the effectiveness of mitigation measures once implemented. Since OP4.10 is triggered for ERAP, consultation in Samoa must follow the key principles for free, prior and informed consultation (FPIC) which include:

- **FREE** – information should be transparent and free from coercion or bias;
- **PRIOR** – Consultation starts as early as possible in the project planning. This includes giving Indigenous Peoples sufficient time to go through the traditional processes of decision-making, deliberation and consensus-building;
- **INFORMED** - People must be given enough information, transparent about the project scale, and in such a way that allows them to understand fully the impacts being discussed with them and feed into the decision-making process where appropriate;
- **CONSULTATION** – A two-way process that allows Indigenous Peoples to participate meaningfully in decisions directly affecting them, including proposed management and mitigation measures and benefit sharing or distribution.

Schedule

Consultation activities occur throughout the life of the project, driven by a central agency (LTA) in collaboration with other key agencies and organisations. More specifically, there should be targeted engagement activities at the following stages:

(i) when considering project concept, feasibility and alternatives;
(ii) during the design phase to gather feedback on potential options;
(iii) to inform the EIA and social assessments (including beneficiary surveys);
(iv) upon finalization of project design;
(v) to raise awareness of construction activities at the onset of implementation phase; and
(vi) project completion.

Instrument

The Consultation process involves four key stages:

(i) Awareness-raising with broader community
(ii) Identification of affected persons, households, and villages
(iii) Detailed consultation sessions with affected villages and persons
Formal notification of works commencement.

A Consultation Plan structured on these four stages will be developed with the template provided in Annex 3. A Consultation Plan for the Project should be developed to cover each of these stages to ensure proactive and ongoing communication with the public and community stakeholders (see template in Attachment 2). This should include a Work Plan and Schedule that reflects the overall project schedule and key milestones.

Stakeholder Identification

Consultation will need to be multi-tiered: general community consultation to describe the overall works program, village level consultation to detail impacts within discrete sections of the alignment; and household level consultation for property access, impacts, compensation etc. Careful consideration must be made of potential stakeholders with an interest in the project at the local, subnational and national levels. Stakeholder groups include:

- Directly affected persons / Impacted communities
- Government (subnational and national, pulenu‘u)
- Traditional leaders (matai, sui o le nu‘u/malo)
- Village council / mayor (fono o matai)
- Village Women representatives (Sui o Tamaitai) and Youth representatives (Sui o Talavou)
- Civil society and community-based organisations (CSO, CBO)
- Non-government organisations (NGO)
- Utility and service providers
- Businesses

This list is not exhaustive and should be detailed in the Consultation Plan.

Implementation

LTA has overall responsibility for community engagement and public consultation activities. The Public Relations Officer (or similar) shall work with key agencies such as MWCSD, MNRE and MWTI on engagement activities. Reporting on the outcomes of each consultation activity shall be centralized within LTA and copies forwarded to PMU for semi-annual reporting. Follow-up with communities on the outcome of consultation and participatory activities is also expected.

Community perceptions of the Project are as important to manage as the actual environmental and social impacts themselves. Misinformation and miscommunication are a key project risk where communities (and their anticipation of compensation in particular) are involved.

Effective coordination and communication between responsible agencies will be key. Meetings among respective villages with sui o le nu‘u, matai, village councils and Project and government representatives will be initiated by the Ministry of Women, Community and Social Development (MWCSD) as per formal government process. Local consultations will be conducted using methods that are consistent to the social and cultural values of the local community. Liaison officers from MWCSD who can facilitate intergenerational and gender equal participation will support the Project consultation session.

Methods

The Consultation Plan will detail which engagement methods are suitable for different consultation activities and stakeholder groups. Consultation sessions will include special outreach efforts tailored to the need of vulnerable groups such as women, elderly and disabled persons so that the process is socially inclusive and a range of stakeholder views and perspectives are
adequately represented. Consultation methods will be designed in consideration of the different socio-cultural norms that inhibit the participation and input into decision-making from vulnerable groups and persons.

Individual households directly affected by the Project will be approached by MNRE’s Land Management Division (LMD) and/or LTA regarding land arrangements (voluntary donation, involuntary acquisition, etc) and compensation entitlements prior to construction commencing.

**Reporting**

Consultation activities and public meetings will be well-documented and reported on in quarterly or progress reports. This will include the number of attendees and participants (gender disaggregation), topics discussed, feedback and issues raised by stakeholder groups, and outcomes or actions resulting from the consultation. Copies of all consultations undertaken must be forwarded to PMU for the preparation of semi-annual reports.
Attachment 1 COEP 3 - Consultation during EIA Process

Community engagement during the EIA process will follow the procedures laid out in the Samoa Code of Environmental Practice 3 (COEP3)detailed below.

3.1 Objective

The objective of this Code of Environmental Practice (COEP) is to establish the process and protocols for meaningful participation of stakeholders and affected communities in all aspects of development projects. This COEP shall be read in conjunction with COEP 1 – Administrative Procedures.

3.2 Principles

The basic principles of consultation, which should be applied to all development projects, are as follows:

- At the earliest opportunity, a community should be advised of potential projects and how the community can receive information about, and become involved with, such projects.
- The intentions/objectives of the consultation should be clearly and openly stated.
- Stakeholders and affected communities should have timely and meaningful inputs to, and participation in, any phases or aspects of projects that directly affect them and all inputs should be treated equitably and with respect.
- Consultation should be a two-way process, there should be an exchange of information where both the proponent and the affected communities should put forward their points of view and to consider other perspectives.
- Consultation is best undertaken at early stages in and throughout the decision making process or at least on going communication after a decision has been made.
- All parties do not have to agree to a proposal, however as a result of undertaking consultation at least points of difference will become clearer or more specific.

Project proponents must comply with the requirements of the Planning and Urban Management (Environment Impact Assessment) Regulations 2007 as they pertain to consultation during the environmental impact assessment (EIA) process.

3.3 Consultation Procedure and Directives

3.3.1 Identification of Affected Persons or Parties

The project proponent should identify persons or parties involved in, or affected by, the proposed works.

Affected person or parties’ are people who may experience an effect generated by the proposed project which is significantly greater than or different from the effect on the general public.

Those ‘affected persons or parties’ who should be consulted include:

- Owners, occupiers and users of the affected land and adjacent and nearby land;
- Occupiers of land living up or down stream;
- People and/or groups and/or organisations with a specific interest in the site or area; and
- Statutory bodies, infrastructure and utility providers.

3.3.2 Identification of Stakeholders

The project proponent should identify stakeholders or interested persons or parties involved in, or affected by, the proposed works.

The term ‘interested persons or parties’ refers to a broader group than ‘affected persons or parties’. It covers all persons who may have an interest in an application, geographic area or issue. Examples of ‘interested persons or parties’ include village committees and groups, commercial enterprises (shops),

Page40
3.3.3 Consultation Framework

Public participation is one of the key principles underlying the Planning and Urban Management Act 2004. The Agency will generally require people applying for development consent to submit a record of and response to any consultation undertaken. If consultation has not been undertaken, applicants should demonstrate why consultation has not been undertaken or why the circumstances of the application render consultation unnecessary. The process of consulting differs depending on the nature of the proposed development and the implications to the environment and community.

Prior to any consultation, consideration should be given to the nature, extent and size of potential effects which includes the type of effect (e.g. visual, traffic, noise, dust), how far (e.g. adjoining properties, whole neighbourhood, stream catchments) and how large in the context of the environment (e.g. minor, moderate, significant).

When to consult

The best time to engage in consultation is before the submission of a development consent application. Consultation outcomes should be incorporated into the development application before lodging it with the Agency.

The proponent must also consider the relevance of conducting any consultation. In identifying this, the proponent should identify:

- the situation/issue that needs to be addressed by consulting and why;
- outcome as a result of consultation;
- any external aspects of the situation/issue which should be considered;
- significance of the decision to the stakeholders and whether it is contentious; and
- implications of not consulting.

How to consult

The project proponent should prepare consultation materials which must include a brief description of the project and plans of the proposed development. These materials should also state any proposed measures to reduce the extent or impact of possible effects generated from the proposed development.

Consult with identified persons and groups by:

- Letter with an offer of follow-up contact to discuss the proposal.
- Telephone contact (where possible) to confirm that they have received the information sent and to arrange further communication to determine any issues.
- On-site meeting.
- Conducting surveys.

Consultation with customary authority through the village fono. Proponent should generally keep in mind that there may be more than one customary owner for an area.

A written record of consultation undertaken should be kept. This should record:

- What consultation was undertaken, with who and when.
- The information provided.
- The response/comments from consultation parties.
- If the project has been amended to take consultation outcomes into account. If not, an explanation of why not.

Provide feedback to parties consulted. Continue communication as necessary and particularly on decision reached and where decision differs from the input provided.

3.3.4 In a situation where a project proponent declines to undertake consultation
The Planning and Urban Management Agency in processing the development consent may undertake its own consultation with affected persons or parties. In such cases, results from such consultation may be provided to the project proponent or may be a material factor taken into consideration in deciding to approve, reject or approve conditions on any application. In the event that the Planning and Urban Management Agency decides to undertake consultation it may invite the project proponent to first undertake consultation itself, or to be involved in any such consultation meetings undertaken.
Attachment 2  

Consultation Plan

<table>
<thead>
<tr>
<th>Project</th>
<th>Enhanced Road Access Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultation Lead</td>
<td>Anelisa Auelua – Public Relations Officer</td>
</tr>
<tr>
<td>Organisation</td>
<td>Land Transport Authority (LTA)</td>
</tr>
<tr>
<td>Location</td>
<td>Various</td>
</tr>
</tbody>
</table>

Key Objectives

Consultation activities are multi-tiered and have the following objectives:

1. to raise public awareness of the Project and its benefits
2. to identify who may be impacted by the project
3. to ensure residents who are directly affected by the works have been adequately consulted prior to works commencing
4. to formally advise the public and nearby residents of any disruptions they may experience during the construction phase (schedule of works)
5. to address any project-related concerns or grievances that may arise

Relevant Statutory provision

- Code of Environmental Practice (COEP) 3 Consultation
- Planning and Urban Management Act 2004 (public participation)
- Taking of Land Act 1964 (public notification)

When to Consult

Targeted engagement should occur at the following stages:

- when considering project concept, feasibility and alternatives;
- during the design phase to gather feedback on potential options;
- to inform the EIA and social surveys;
- upon finalization of project design;
- to raise awareness of timing of construction activities; and
- project completion.

Who to Consult (Stakeholders)

- Affected property owners and residents (including matai)
- Nearby residents and tenants
- Utility service providers
- Schools and churches along road
- Commercial / Business owners and operators
- Fono o Matai (Village Councils)
- Pulenu’u (Government representative)
- Sui o le nu’u (Village Mayor)
- Media (Radio, TV, newspaper)
- SUNGO – local NGOs and CBOs
- Other ………

II. Grievance Redress Mechanism and Complaints Management

This section provides guidance for complaints management for World Bank-funded projects being implemented by the Land Transport Authority (LTA) in Samoa. The purpose is to provide a centralized ‘grievance redress mechanism’ (GRM) that can be applied to all road projects in Samoa to meet the Bank’s safeguard requirements.

The GRM presented here outlines a process for documenting and addressing project grievances (complaints) that may be raised by affected persons or community members regarding specific project activities, environmental and social performance, the engagement process, and/or unanticipated social impacts resulting from project activities. It describes the scope and procedural
steps and specifies roles and responsibilities of the parties involved. The GRM is subject to revision based on experience and feedback from stakeholders.

I. World Bank Requirements

The grievance process is based upon the premise that stakeholders are free to raise their concerns to relevant representatives at no cost or threat of any negative repercussions; that concerns arising from project implementation are adequately addressed in a timely and respectful manner; and that participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.

LTA will manage the GRM, utilising formal, informal and traditional grievance procedures suitable to the Samoan context. Generally, complaints and disputes will be resolved at the community level as much as possible. Grievances may be firstly referred to customary conflict mediation arrangements where appropriate, so long as they are not directly affiliated with traditional leaders who are party. If the issue cannot be resolved at this level, it will be raised to the next level and so on (Figure 2).

LTA will aim to address all complaints received, regardless of whether they arise from real or perceived issues. Any stakeholder who considers themselves affected by LTA’s activities will have access to this Procedure at no cost or threat of any negative repercussions. The statutory rights of the Complainant to undertake legal proceedings remain unaffected by participation in this process.

Limitations

The GRM does not deal with grievances relating to internal communication or disputes between the project team, Implementing Agency, other agencies; nor intra/inter-community conflicts that are not project-related.

Objectives

The GRM has the following objectives:

1. Establish a prompt, easy to understand, consistent and respectful mechanism appropriate for the Samoan context to support LTA in receiving, investigating and responding to complaints from community stakeholders;
2. Ensure proper documentation of complaints and any corrective actions taken; and
3. Contribute to continuous improvement in performance through the analysis of trends and lessons learned.

II. Institutional Arrangements

The Project Management Division (PMD) at LTA will be responsible for managing grievances including updating the grievance database to track the progress of formal grievances for the duration of projects. This involves coordinating between key agencies such as MNRE PUMA, MNRE LMD and MWCSD on a regular basis (i.e. weekly or fortnightly). The LTA Project Component Manager (PCM) is responsible for final oversight of community consultation and grievance management. The Internal Affairs Division of MWCSD will be briefed on issues and engaged to support convening community meetings as required.
The PMD and Public Relations Officer in LTA will administer the grievance database. Nominated LTA staff will regularly update the grievance database in consultation with key agencies where complaints are raised (i.e. MNRE PUMA, MNRE LMD and Land Board). All project-related grievances should be captured in the database regardless of the agency they were raised with. LTA should be involved in the resolution of all project-related grievances that sit within their key functions, and shall support MNRE and other key agencies with adequate resources and staffing as necessary to ensure grievances are effectively resolved.

**Project Phases**

During the design phase, the LTA, MNRE and Design / Supervision Consultant (or equivalent) will be responsible for the coordination of community consultation and addressing key concerns, and advising community members on how to access the GRM (e.g. phone number, contact details).

During the construction phase, the Contractor’s Site Manager will log complaints using the form (Annex 1) and report these to LTA PMD on a regular basis. Where possible, the Contractor will liaise with affected parties, matai and other relevant parties to resolve any disputes on site. Complaints outside the scope of the contractor’s responsibilities will be referred to LTA or MNRE to resolve as appropriate. The issue should be responded to within 48 hours, and closed out within 30 days.

Upon project completion, LTA and MNRE will continue to work to resolving grievances resulting from the project if necessary.

**Awareness of GRM**

Training on the GRM will be provided to LTA staff, relevant project teams, contractors and key agencies. MWCSD will also be given a copy of this GRM.

LTA (and Contractors) will communicate the GRM in an understandable manner to affected stakeholder groups. Confidentiality will be respected and LTA will take all reasonable steps to protect parties from retaliation. Communities and affected persons should be advised of the GRM in the early stages of engagement, and be made aware of:

- How they can access the GRM (i.e. key people and complaint forms);
- Who to speak to and lodge a formal complaint;
- The timeframes for each stage of the process;
- The GRM being confidential, responsive and transparent; and
- Alternative avenues where conflicts of interest exist.

**Grievance Types**

Grievances related to development consent conditions, public / road safety, public notification periods, environmental mitigation (dust, noise, drainage) or adverse social impacts should involve, or be referred, to MNRE PUMA as appropriate, where these issues are deemed outside of LTA’s responsibilities.

Grievances related to construction activities (e.g. temporary restriction of access, drainage issues), scheduling, damage to private property, access to private property and public / road safety violations are the responsibility of the Contractor and Project Supervising Consultant (PSC), and overseen by LTA PMD.
Grievances related to easements, land access, land boundaries, land acquisition, land occupation (legal and illegal) and compensation should be referred to MNRE LMD on a case-by-case basis.

All other grievance types (e.g. design features such as culverts) shall be the sole responsibility of LTA. The severity of each grievance and subsequent course of action shall be determined by LTA PMD.

III. Grievances Procedure

The grievance resolution process includes four key stages – (i) Receive; (ii) Investigate/Enquire; (iii) Respond and (iv) Follow up/Close Out as illustrated in Figure 1.

Relevant personnel (i.e. contractors, Community Liaison Officers and Partner Agencies) will be required to accept formal grievances and ensure avenues for lodging grievances are accessible to the public and affected persons. This may be in verbal or written form. The grievance should be formally documented on the grievance form, assessed on its level of urgency/severity and assigned to the appropriate person who then acknowledges within two days to the Complainant, that the grievance has been received and is under review. Attachment 1 provides a template for lodging grievances.

The severity of each grievance and subsequent course of action shall be determined by LTA PMD. If the issue is easily resolvable, the responsible party (e.g. Contractor) should endeavor to address the issue directly on site, and record the details for filing into the Grievance database managed by LTA PMD. If the grievance is a more complex issue, it may require additional meetings and further investigation. A formal response should be provided within a two-week timeframe or a timeframe that has been agreed to with the Complainant. If additional time is needed, the Complainant will be advised of this in advance.

Figure 1: Stages in the Grievance Resolution Process
Figure 2 below outlines the levels of traditional and government authority that are involved in grievance resolution, depending on the severity of the grievance.

**Figure 2: Levels of grievance resolution**

Grievances should be closed out within 30 days (Table 1). The response should communicate findings of the investigation and resolution, and seek approval from the Complainant. The Complainant will either accept or appeal the outcome. If the Complainant is satisfied with the
outcome then the grievance is closed out and they provide their signature (or fingerprint) on the grievance form as confirmation.

Table 1 below outlines the timeframes for each stage of the grievance process.

Table 1: Grievance timeframes

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Stage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 day</td>
<td>• Grievance reported and referred to appropriate person (Site Manager, LTA PMD, MNRE)</td>
</tr>
</tbody>
</table>
| 2 days    | • Determine severity of grievance  
            • Acknowledge receipt of grievance to Complainant  
            • Resolve immediately if possible  
            • Grievance report sent to LTA PMD and logged in database |
| 14 days   | • Meeting with relevant parties, matai, etc  
            • Confirm resolution with Complainant and seek their approval. |
| 30 days   | • Grievance closed out  
            • Database updated |

If an agreement is not reached between the Complainant and LTA, the grievance will be escalated to LTA’s CEO or the appropriate authority (e.g. Land Board, MNRE LMD, PM Office) for review and a final decision. If necessary, further action will be taken to resolve the issue. If the Complainant is still dissatisfied with the outcome, they may be referred to the legal process, however, courts should be the last avenue for addressing grievances.

A grievance is closed out when no further action can be or needs to be taken. Closure status will be entered into the Grievance database as follows:

- **Resolved** – resolution has been agreed and implemented and signed documentation is evidence of this.
- **Unresolved** – it has not been possible to reach an agreed resolution and the case has been authorised for close out by LTA CEO.
- **Abandoned** – cases where the attempts to contact the Complainant have not been successful for two months following receipt of formal grievance.

The Grievance Database must be updated and recorded in monthly reports to PMU for compilation in semi-annual reports.

**Legislation**

The grievance procedures defined by the *Taking of Lands Act 1964* are only utilized as a last resort. It is more common for any differences to be settled by negotiation and consensus reached.
between the Government and the village or villagers involved and this is usually the first step in the resolution of any grievances.

**Guidance for Contractors**

The Contractor is responsible for community consultation regarding construction activities and recording complaints as per provisions contracts.

At the inception of the project, all employees of the Contractor should be briefed on the GRM and informed they are required to report any grievance to the Site Manager. The contractor/consultant shall nominate a staff member for the purpose of community consultation who will manage grievances, i.e., the Site Manager. The Site Manager will work in cooperation with LTA PMD and the Public Relations Officer on a regular basis. A phone number will need to be established and be made publically available on project signage and public relations materials readily accessible and visible to the affected persons and communities.

During construction phase, it is recommended a suggestion box and complaint forms are located at the Site Office. The Site Manager will receive grievances on site and respond within 48 hours of the grievance being received. The response should confirm the nature of the grievance and indicative timeframe for resolution. The Site Manager shall record the grievance in a logbook or Complaint Register then provide a copy of the grievance to LTA PMD within two working days of the complaint being made. This logbook will be maintained throughout the construction or contract period.

**IV. Measuring Performance**

Table 2 below outlines performance indicators for grievance management.

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Grievance management</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 2</td>
<td>No grievance redress mechanism established</td>
</tr>
<tr>
<td>3</td>
<td>Low awareness of grievance redress mechanism</td>
</tr>
<tr>
<td>4</td>
<td>Grievances remain unresolved within time period specified in grievance redress mechanism</td>
</tr>
<tr>
<td>5</td>
<td>Moderate awareness of grievance redress mechanism</td>
</tr>
<tr>
<td>6</td>
<td>High awareness of grievance redress mechanism</td>
</tr>
<tr>
<td>7</td>
<td>Good regular communication between local population and implementing agency/contractor to minimise the likelihood of grievances</td>
</tr>
<tr>
<td>8 - 9</td>
<td>Grievances are resolved within time period specified in the grievance redress mechanism</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>10</td>
<td>Effective grievance redress mechanism, grievances are registered and addressed within timeframe</td>
</tr>
</tbody>
</table>
Attachment 1  Grievance Form

GRIEVANCE REPORT FORM

Received by: ____________________  Date Received: __________

Reported by: ____________________  Database ID: __________

Responsible Agency: ____________  Staff Name: ____________

Location: ________________________________________________

<table>
<thead>
<tr>
<th>Village</th>
<th>First Name, Last Name</th>
<th>Contact Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainant(s)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Matai</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Acknowledged by: ____________________  Date Acknowledged: ______

Description of Concern:

........................................................................................................

Category:

Compensation / Land Access / Inadequate Notification/ Disruption to Business or Property / Property Damage / Drainage Issue / Boundary Dispute / Environmental Damage / Construction Activities / Safety Risk /Traffic / Other

Proposed Resolution or Feedback:

........................................................................................................

Complainant satisfied with process?  Yes ☐ No ☐ Why not? .................

Complainant satisfied with outcome? Yes ☐ No ☐ Why not? ......................

Print Name (Complainant): __________________________________________________

Signed (Complainant): ____________________  Date:________

Signed (LTA Officer): ____________________  Date:________

Copied to: ____________________________________________________________
Annex D Indigenous Peoples Planning Framework

A. Introduction

The IPPF describes the policy requirements and planning procedures that the LTA will follow during the preparation of activities plan.

This IPPF has been prepared to ensure that the key elements of the World Bank's Indigenous Peoples policy (OP4.10) are met. The overall objectives of the policy are to avoid adverse impacts on Indigenous Peoples and to provide them with culturally appropriate benefits.

The Indigenous Peoples OP4.10 policy recognizes the distinct circumstances that expose Indigenous Peoples to different types of risks and impacts from development projects. As social groups with identities that are often distinct from dominant groups in their national societies, Indigenous Peoples are frequently among the most marginalized and vulnerable segments of the population. As a result, their economic, social, and legal status often limit their capacity to defend their rights to lands, territories, and other productive resources, and restricts their ability to participate in and benefit from development. Projects affecting Indigenous Peoples, whether adversely or positively, therefore need to be prepared with care and with the participation of affected communities.

The requirements include:

- Social analysis to improve the understanding of the local context and affected communities;
- A process of free, prior, and informed consultation with the affected Indigenous Peoples’ communities in order to fully identify their views and to obtain their broad community support to the project;
- Development of project-specific measures to avoid adverse impacts and enhance culturally appropriate benefits.

B. Project Development Objective

Refer to Section 2 in ESMF.

C. Description of Project

Refer to Section 2 in ESMF.

D. Summary of Potential Issues and Impacts Relating to Indigenous Peoples Communities

Each area and activity will be rapidly screened to determine whether Indigenous Peoples are present.

A number of particular risks are relevant for the type of activities supported by the current project:

- Customary and Indigenous Peoples’ rights: Particular rights of Indigenous Peoples are recognized in international agreements, and for World Bank-supported projects by the Bank's own policy. Such rights may also be recognized in national legislation. Project activities would always need to identify and recognize these rights to ensure that activities are not adversely affecting such rights. This is particularly the case for projects that support the development of management plans and other forms of land and natural resource use planning. Projects that support policy development may also affect Indigenous Peoples’ rights.

- Loss of culture and social cohesion: Given Indigenous Peoples’ distinct cultures and identities and their frequent marginalization from the surrounding society, interventions may run the risk of imposing changes to or disruption of their culture and social organization, whether inadvertently or not. While indigenous communities may welcome and seek change, they can be vulnerable when such change is imposed from external forces and when such change is rushed.
Moreover, since many indigenous communities’ culture and social organization are intertwined with their land and natural resource use practices, changes to these practices may result in unintended and unexpected changes in culture and social organization which may lead to social disruption and conflicts within and between communities and other stakeholders.

Dependency on external support: Interventions supporting alternative livelihoods and new institutional structures may lead to indigenous communities’ dependency on continued support. Indigenous Peoples, for instance, may experience difficulties engaging with the market economy through alternative livelihood activities that they may be unable to sustain, at least on an equitable basis, while foregoing traditional practices. They may also become dependent on new livelihoods that are not sustainable environmentally as well as socially, perhaps because they were developed without due consideration of their social and cultural context. New institutional structures may displace existing structures with both positive and negative impacts typically depending on the level of participation in and control over the process.

Inequitable participation: The costs (e.g. in time and resources) of participating in project activities such as protected area management activities, monitoring and enforcement, even in cases of co-management, may outweigh the benefits to local communities. Participation design may not include appropriate capacity building (when needed) or take into consideration local decision-making structures and processes with the risk of leading to alienation of local communities or even conflicts with and/or between local communities. Participation design may not include appropriate representation of Indigenous Peoples in decision-making bodies.

E. Consultation with Indigenous Peoples

Under OP 4.10, World Bank project support requires that the project borrower undertake a process of free, prior and informed consultation (FPIC) that results in a collective expression by Indigenous Peoples communities of broad community support for the project, as documented in the Project’s Consultation Plan. The modality, methodology and extent of consultations may vary according to the local context. Where the number or dispersion of Indigenous Peoples necessitates consultation on a sample basis, an explicit consultation strategy is devised to ensure appropriate representation. Generally, the consultation process is:

- Conducted in a manner allowing Indigenous Peoples communities to openly express their preferences or concerns without intimidation or trepidation;
- Conducted in a timely manner, such that the preferences or concerns raised by Indigenous Peoples communities may be considered before project design decisions or implementation arrangements are finalized;
- Conducted only after Indigenous Peoples communities have been provided, and have had sufficient opportunity to consider, relevant information about the project;
- Conducted in a manner that is inclusive, with special consultation arrangements included where necessary to obtain the preferences or concerns of women, the elderly, or others who customarily may not be expected or allowed to participate in community meetings.

A summary (including date, location, approximate number and status of persons in attendance, and summary of issues discussed and any agreements reached) is prepared and recorded for each consultation meeting. Consultations may be undertaken as part of the social assessment process or as a separate set of activities.

Indigenous Peoples are often vulnerable because of what they do not know and cannot anticipate in situations where projects or investments are being proposed, especially where change is being rushed. For this reason, the application of free, prior and informed consultation (FPIC) is critical.
Adequate and respectful consideration of the customary decision-making processes and complex governance systems that exist is a key element of FPIC consultation. Early in the process, it will be necessary to identify whether any traditional governance structures exist, and whom may be utilised for information dissemination in the appropriate language. Figure 1 (below) outlines the process for applying FPIC within the project preparation and implementation stages. It also indicates exits points for projects in scenarios whereby broad community support was not established.

F. Legal and Institutional Framework Relating to Indigenous Peoples Communities

The project will be planned and implemented in a manner consistent with relevant laws and regulations of the Borrower and the principles and procedures of World Bank Operational Policy 4.10, Indigenous Peoples.

World Bank OP 4.10 provides the basis for identifying Indigenous Peoples in the project area, for ensuring that Indigenous Peoples communities are adequately consulted in project planning and implementation, that Indigenous Peoples communities are provided equitable opportunities to benefit from the project, that project benefits are culturally appropriate, that any potential adverse impacts on Indigenous Peoples communities are avoided or otherwise mitigated, and that appropriate arrangements are in place for recognizing and considering project-related grievances raised by Indigenous Peoples.

Under OP 4.10, the determination as to whether a group is to be defined as Indigenous Peoples is made by the World Bank, by reference to presence (in varying degrees) of four identifying characteristics:

a) Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;

b) Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources therein;

c) Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and

d) An indigenous language, often different from the official language of the country or region.

Terms used in different countries to refer to these groups include “indigenous ethnic minorities”, “aboriginals”, “hill tribes”, “minority nationalities”, “scheduled tribes”, and “tribal groups”.

In accordance with the Environmental and Social Safeguard Guidelines for the Pacific (ESSIP), it has been determined that it is unlikely for Indigenous Peoples communities to be present in the Project area. Regardless, consultation efforts by key agencies (LTA, MNRE) will work with the principles of FPIC by providing timely information, adequate information and time for consideration, and build broad community support for the Project.

G. Social Assessment

A social assessment (SA) for ERAP was completed in 2015. The Social Beneficiary Survey Report included the following elements:

a) Description of project and potential issues or impacts relating to communities;

b) Identification of relevant Indigenous Peoples communities and other key stakeholders to be consulted;

c) Baseline information on the demographic, social, cultural, economic and governance characteristics of identified communities;

d) A culturally appropriate process for free, prior and informed consultations;
e) Assessment of the potential adverse impacts, key concerns and benefits associated with the project; and

f) Summary of preferences and concerns of Indigenous Peoples communities relating to project objectives, design, benefits, mitigation measures, consultation frequency and grievance redress.

I. Collective Expression of Broad Community Support

Based on results of consultations and the SA process, the Borrower will determine whether there is broad community support for the project among relevant Indigenous Peoples communities. This determination generally is based upon collective and often informal expression of supportive views regarding project purposes, plans, designs, and mitigations actions. This determination does not require unanimity; broad community support may exist even when there is internal disagreement within the community or when there is limited opposition to project purposes or proposed arrangements.

J. Disclosure Arrangements

The Borrower agrees to disclose relevant information regarding project design to communities and the broader public. LTA and MNRE is ultimately responsible for information disclosure. Specifically, documentation should be made available in a manner, location and language accessible to local communities. If a document is subject to subsequent revision, the revised documents also are disclosed in a similar manner.

L. Monitoring Arrangements

The scope and frequency of monitoring activities is commensurate with the complexities and risks of the project. Monitoring information may be collected by communities themselves or by an agent not directly affiliated with the IA. Monitoring information is submitted to the IA and/or PMU, which in turn, provides the World Bank with relevant monitoring information.

M. Grievance Procedure

See Annex C of this ESMF.
Annex E  
Land Acquisition and Resettlement Policy Framework

A. Introduction

The ERAP triggered social safeguards policy OP4.12 Involuntary Resettlement. The objective of this policy is to ensure affected persons living standards are not adversely affected as a result of the Program or its interventions. As such, the Borrower is required to prepare appropriate social safeguard instruments to address all adverse impacts that will be generated as a result of project activities and subprojects. It is envisaged that the majority of land required for project purposes will occur through either formal land donation, land use agreements, leasing, subleasing or purchasing arrangements. However, a preliminary safeguard assessment has identified there is potential for small-scale involuntary land acquisition to occur.

This Land Acquisition and Resettlement Policy Framework (LARPF) has been prepared specially to address impacts cause by involuntary land acquisition, such as economic or physical displacement, or loss of assets or access to assets. It has been developed in accordance with the principles, objectives, procedures and rules set out in the World Bank Operational Policy OP4.12 Involuntary Resettlement. It provides guidance for preparing Abbreviated Resettlement Action Plans (ARAP) and associated documentation. It outlines the procedures and information requirements for ARAPs in accordance with policy requirements and national legislation, as well as Voluntary Land Donation and land use agreements for specific subprojects where applicable. The preparation of documents is the responsibility of LTA, which will be submitted for Bank review.

1. National Context

Samoa comprises two large islands – i.e. Upolu and Savai’i, two smaller inhabited islands, Manono and Apolima, and a number of smaller islands. These islands cover a total area of 2,800 km².

Samoa has an estimated population of 187,820 as of 2011, living in about 362 villages largely found along the coast. Traditional social structures and cultural institutions are very strong in Samoan society which is based on an aigapotopoto (extended family) system. Every aigapotopoto is headed by a head matai or Sa’o (holder of traditional title) who is responsible for family affairs, particularly in relation to land and titles. There are normally several matai in an extended family but there is one (and on the rare occasion two or more) head matai or Sa’o by virtue of the status of the chiefly title he/she holds. The extended family or aigapotopoto comprises several households or aigapatino of nuclear families of couples and their children who are part of the extended family but live in their own house, cultivate their own crops on extended family land and operate independently on a day-to-day basis. The aigapatino have shared responsibilities towards the extended family or aigapotopoto with respect to matters such as funeral, weddings, family gathering and feasts, and in some cases, church obligations. Many extended families make up a village.

Every village has a fono (council) that maintains law and order, provides direction for village development including land use. The Fono usually meets weekly, and consists of all the matai in the village. Every village has a pulemu’u (village mayor) who is the contact person and the conduit of information between the Fono and the Government, and a Sui o le Malo, a women representative.

Of the country’s total land area, 81 percent is held under customary ownership, 15 percent by government and 4 percent by freehold. While customary tenure guarantees ownership rights to all Samoans, it is often very difficult for development purposes to get agreement from all the different parties involved at any one time. Whenever customary land is affected by any form of development, disputes will invariably arise and cause delays to development projects, sometimes extended for certain periods of time. While the knowledge of customary land boundaries are handed down by word of mouth and are known to family members, the pule (authority) is often uncertain or disputed.

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Most aiga have more than one chiefly title holder or matai, but there is always a recognized head chief or Sa’o that is the leader of the extended family usually by virtue of the status of the title he/she holds.
The main feature of land tenure is the significant percentage of communally owned land by villages and aiga. These lands are awarded through historic claims and by family genealogy and connections. Village lands comprises of (i) village controlled customary land which is normally the undeveloped hinterland that is used by all members of the village for hunting, firewood collecting, etc and (ii) extended family land or land allocated to each extended family for their houses, crops etc. Village land is governed by the Village Fono. Extended family land is allocated by the Sa’o in consultation with members of his extended family.

2. **Project Development Objective**

Refer to Section 2 in ESMF.

3. **Project Description**

Refer to Section 2 in ESMF.

B. **Justification for Preparing a Land Acquisition and Resettlement Policy Framework for the Project**

The majority of activities implemented by the ERAP will be located in existing road corridors and bring about significant community benefit through improved road safety and reduced flooding hazards and risks. This LARPF establishes the principles, objectives, procedures and rules to be used in the preparation of resettlement-related safeguard instruments. Some ERAP activities include minor land acquisition for road realignment and drainage easements. Activities involving large-scale or significant involuntary resettlement (i.e. Category A) are not eligible for funding, which negates the need to prepare full-scale Resettlement Action Plans (refer to negative list Annex A of the ESMF). Therefore, only minor unavoidable land acquisition is eligible for subprojects identified as Category B, which require an ARAP.

Given the focus of the project is to enhance an existing road alignment, it is extremely unlikely that there will be any major demand for new land or encroachment outside the designated road reserve. Drainage from the road reserve into natural water-courses (i.e. public land) will be maximized to avoid the issue of securing or placing an easement on freehold, leasehold or customary land. However, there is potential for involuntary resettlement impacts to eventuate as a result of the Project. It is for this reason that the LARPF has been prepared.

Fixed assets (crops, structures, fences, driveways, etc.) may be present on the land and need to be accounted for prior to construction commencing. Fixed assets or access to such assets may be lost as a result of the land purchase or donation and there is potential for adverse socioeconomic impacts to occur if this is not properly managed. The LARPF exists to protect people’s rights and ensure project activities are approached with full consideration of existing assets, with appropriate valuation of assets, and persons affected by economic displacement are duly compensated.

The Government of Samoa (GoS) has developed this Land Acquisition and Resettlement Policy Framework (LARPF) in accordance with principles, objectives, procedures and rules set out in the World Bank Operational Policy OP/BP 4.12 – Involuntary Resettlement. It establishes parameters for the conduct of land acquisition for the ERAP, the preparation of Abbreviated Resettlement Action Plan/s (ARAP), as well as provisions for instances where land is donated to the project by landowners (refer to World Bank’s Voluntary Land Donation Protocol [VLDP], Attachment A).

C. **Objectives, Definitions and Key Principles**

1. **Objectives**

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23 BP/OP4.12 Available at [http://go.worldbank.org/ZDIJXP7TQ0](http://go.worldbank.org/ZDIJXP7TQ0)
The World Bank’s OP4.12 on Involuntary Resettlement outlines the following objectives, which have been adopted in the preparation of this document and will govern the project implementation:

- Avoid or minimize involuntary resettlement where feasible;
- Assist affected persons in improving their former living standards, earning capacity and production levels or at least restoring them;
- Encourage community in planning and implementing resettlement; and
- Provide assistance to affected people regardless of the legality of title of land.

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 affected persons.

Affected 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 livelihood restoration or physical relocation, as necessary in accordance with OP 4.12.

Where the law of the GoS does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by the additional measures set out in this LARPF.

2. Key Definitions

For the purpose of this LARPF, “involuntary resettlement” refers to economic displacement as a result of project activities set out in Section B. In this context, “displaced persons” refers to persons who are affected by the voluntary acquisition of land resulting in:

- relocation or loss of shelter;
- loss of assets;
- loss of access to assets; or
- loss of means of livelihood as a direct result of loss of assets or access to assets.

"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:

- *Agricultural land, produce or established gardens*: it is the pre-project or pre-displacement, whichever is higher, market value of food produce of equal productive potential or use located on the voluntarily acquired land, plus the cost of preparing alternative areas to harvest levels similar to those of the voluntarily acquired land, plus the cost of any registration and transfer taxes.
- *Houses and structures or assets*: it is the market cost of the materials to build a replacement structure or asset with an area and quality similar to or better than those of the existing asset/s, or to relocate the existing asset/s, plus the cost of transporting building materials to the construction site, plus the cost of any labour 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.

- **Land in urban areas**: 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.

Where the laws of participating countries does not meet the standard of compensation at Full Replacement Cost, compensation under domestic law is supplemented by the additional measures set out in this LARPF.

### 3. Key principles

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

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.

- Wherever possible, project design and ARAP should be conceived as sustainable development programs, so that affected persons may benefit from the services and facilities created for, or by, project activities.

- All affected persons are provided prompt and effective compensation at full replacement cost for losses of assets (e.g., land, trees) attributable directly to the project (without depreciation or deduction for tax arrears, licensing or registration fees, or for any other purpose).

- Affected 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).

- 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.

### D. Legal and Regulatory Framework

The LTA agree to carry out the project in accordance with this LARPF and OP4.12 and waive any national legal, regulatory provisions in contradiction to the requirements established in this LARPF, and to take actions necessary to ensure full and effective implementation of ARAPs prepared in accordance with the LARPF.

Legislation and policy relevant to the requirements of OP4.12 includes:

- The Constitution
- Property Law Act 1952
- Taking of Land Act 1964
- Lands, Surveys and Environment Act 1989
- Land Titles Registration Act 2008 and regulations
- Survey Act 2010 and regulations
- Alienation of Customary Land Act 1965
- Land Transport Authority Act 2007
- Land Valuation Act 2010; and
- Samoa Code of Environmental Practice.
The GoS has limited power of eminent domain, which is the power of the government to take private property and convert it for public purpose. The Samoan Constitution states that ‘no property shall be taken possession of compulsorily and no right over interest in any property shall be acquired compulsorily’ (Clause 14). Articles 13 and 14 acknowledge the right to reside, and provide protection from compulsory acquisition, while Articles 101 and 102 state that customary land cannot be alienated. However, the Constitution does allow for compulsory acquisition for public purposes and the following provisions apply:

- Payment within a reasonable time of adequate compensation;
- Right of access to the Supreme Court regarding the amount of compensation; and
- Right of appeal to the Supreme Court.

The key legislation in Samoa relevant to involuntary resettlement and compulsory land acquisition includes the Taking of Land Act 1964, Alienation of Customary Land Act 1965 and the Lands, Surveys and Environment Act 1989 (LSE Act), as well as the Codes of Environmental Practice (COEP).

The Taking of Land Act 1964 establishes the taking of lands for "public purposes". The Act applies to the alienation of freehold and customary land, including land of this type that is currently under leasehold, and provides for the taking of land for public purposes. The Act provides the procedures for land acquisition, sets out the circumstances in which compensation is payable, methods for assessing such compensation and dispute resolution procedures. Section 7 empowers the state to take customary land or freehold land required for any public purpose. Furthermore, Section 3 provides that the state may declare any purpose to be a public purpose within the meaning of this Act. Once land is identified for acquisition reasonable notice is required to be given to the owner or occupier of freehold land or the matai who has the pule over customary land. Public notice of 28 days is allowed for any objections. If no written objection is received, the Minister may then proceed to take the land by Proclamation. This Act briefly refers to easements, where a proclamation is the basis for acquiring an easement. It also provides for compensation entitlements (s11, 25, 37).

The Land Registration Titles Act 2008 (LTRA) regulates the property title registration system and rules for land transactions. Part 9 details easements and deed of restriction due to easements, and Part 13 outlines compensation by government. The terms in the LTRA provide for the rights and responsibilities of the dominant and servient tenements. This Act does not apply to customary land and only deals with private easements on freehold land (and easements in gross are excluded). These involve what type of water is allowed to flow across or under the land, how the infrastructure (such as pits, stormwater pits, open channel drains) can be maintained and accessed, and what responsibility the dominant tenement has to restore the land to its original condition after any service or maintenance (Schedule 1). The terms also describe the responsibility of the landowner (grantee) to minimize disturbance over the land and to restore the land, as nearly as practicable to its original condition. Section s67(3) allows a deed of restriction to be registered. Section 68-69 details rules for the release, modification and extinguishment of easements. Easements must be registered to be considered legally valid.

Part IX of the Property Law Act 1952 deals with easements and provides for easements in gross (s122); power of the courts to modify or extinguish easements (s127); and permission for the court to impose easement for encroachment (s129).

The Survey Act 2010 (and regulations) requires existing and proposed easements (either easements in gross, or dominant or servient tenement) to be clearly shown on a survey plan (s19, 24).

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24 An Easement in Gross allows the dominant tenement of the easement to be an entity independent of land ownership. Section 65 of the LTRA does not specifically provide for the creation of Easements in Gross, although the rights implied for Easement in Gross are detailed in Schedule One of the Act.

25 s122 Easement in gross permitted – an easement over land may be created without being attached or made appurtenant to other land, and such as easement shall run with and bind the land over which it is created, and all persons claiming title to that land by, through, or under the person creating the easement; and the easement so created shall be to all intents and purposes an incorporeal hereditament, and shall be assignable accordingly.
**Customary Land**

Most of the land in Samoa is held under customary ownership and protected by the Constitution for the "customs and usages" of the people of Samoa. Customary land is held in the name of the matai or head of the family, who has the authority (pule) over the family land that is similar to a trustee. The matai determines the distribution of family land among members of the family for their use. It is believed that every Samoan has rights to land that will provide him with a means to earn a living and support his family. It is uncommon for a Samoan to be without rights to some land as a descendant of Samoan parents. It is also uncommon for a Samoan not to have access to alternative areas of land on which to relocate or to cultivate. However these rights to customary land are dictated by one's blood connections. Consequently, one does not have a choice about the location of customary land to which one is entitled.

Alienation of customary land is possible by only two methods:

i. By lease of the land to a person determined by the matai of the family. The Minister of Lands is appointed by the *Alienation of Customary Land Act 1965* to act for and on behalf of all beneficial owners in signing a lease for registration. The Minister may grant a lease or licence of customary land for authorized purposes (which are defined). The maximum lease in aggregate for a public, commercial, business or religious purpose is 40 years.

ii. By the *Taking of Lands Act 1964* for a "public purpose." The Lands and Titles Court is an independent Court specifically established to deal with customary lands and titles. Lawyers are not permitted to appear before this Court unless they are representing their personal interest in any customary land or title. The records of the Lands and Titles Court are accessible exclusively to the members and descendants or their heirs to the land or title. One can only access the records by providing proof to the Registrar of Lands and Titles that one is an "heir" to the land or a descendant of the family to which the land or title belongs. The register of customary land is not a public record.

There are many instances where the authority or ownership of customary land is uncertain or disputed. Such disputes are referred to the Lands and Titles Court for decision about the pule over the land or title in dispute.

The Minister of Lands is appointed by the *Alienation of Customary Land Act 1965* to act for and on behalf of all beneficial owners in signing a lease for registration. The Minister may grant a lease or licence of customary land for authorized purposes (which are defined). The maximum lease in aggregate for a public, commercial, business or religious purpose is 40 years. The *Alienation of Customary Lands Act 1965* does not permit the creation of easements over customary land, but provides provisions for the granting of leases and licences.

Section 9 of the *Land Titles Registration Act 2008* is very clear that no provision of that Act is to be seen as disposing of any customary land. Under this Act, the Registrar has a duty to include land in the Register that becomes public land or freehold land or customary land leased or licensed under the provisions of the *Alienation of Customary Land Act 1965*. The Land Registrar is empowered by s15 of the *Land Titles Registration Act 2008* to register all public land, freehold land or customary land that is leased or alienated. There is also provision for the Registrar to record and register any customary land where the pule or authority over it has been established.

**Freehold Land**

Freehold land is registered under a deeds registration system established prior to Independence in 1962. The Register of freehold lands is a public record which can be accessed by the payment of a search fee. Freehold land is situated mainly within the Apia urban area and the outskirts of Apia. Freehold land is highly valued and the current market value of the land is determined by the price a willing buyer will pay for it and factors such as comparable land sales and the services and amenities accessible to the area in which the land is located.
Residence on freehold land is not subject to the authority of the chiefs and orators of a village, even if it is located in a village.

**Government Land**

The Land Board established by the *Lands Surveys and Environment Act 1989* administers government land. Records of Government land estimated that the total area of Samoa comprised 725,000 acres with Government land at 85,630 acres. Land within three meters of a natural watercourse is public land over whose property it flows and maintenance of the watercourse is therefore the responsibility of the government.

The LSE Act provides a process for the alienation\(^{26}\) of Government land\(^{27}\), land administration and other matters such as environmental protection, wildlife conservation and coastal zones. Government land is a subclass of public land, which is not set aside for any public purpose and includes land which has become the property of the Government as ownerless property. There are a variety of controls under this Act on both leases and sales of Government land. Applications from the public are called for leases and tenders may be called for sales. The Minister may approve purchase of any land for public purpose (s23) or lease of government land for up 20 years (s37). Leases have to be in the approved form and subject to the covenants and conditions imposed by the Land Board.

1. **Gap Analysis**

A gap analysis between national laws covering involuntary resettlement and the Bank's OP/BP 4.12, and the measures to bridge such gaps is detailed in Table 1, and will be completed when ARAPs are being prepared.

**Table 1. Gap Analysis on National Laws and OP/BP4.12**

<table>
<thead>
<tr>
<th><strong>Samoa Legislation</strong></th>
<th><strong>WB Policy Requirements</strong></th>
<th><strong>Gaps and Consistencies between the GoS and WB Policies</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultation and Negotiation under Land Acquisition</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In Part IIA of the Taking of Land Act 1964 (TLA), <em>Section 24F</em> states that: “In the exercise of the powers conferred by this Part of this Act the Minister or his officers, workmen or others by his direction shall do as little damage as may be…”</td>
<td>Involuntary resettlement should be avoided wherever feasible, or minimized, exploring all viable alternative project designs.</td>
<td>While the Act has stated it differently, the meaning, however, is consistent with the Bank’s policy.</td>
</tr>
<tr>
<td><strong>TLA Part IIA Section 24F:</strong> While there is no provision for livelihood option in the Act, <em>Section 24F</em> of Part IIA, further states that”…and every person having any estate or interest in land entered upon for the purposes of this Act or injuriously affected thereby or suffering any damage from the exercise of any of the said powers</td>
<td>Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.</td>
<td>There is no specific provision in the Act for resettlement activities per se, and for such activities to be conceived and executed as sustainable development programs. The Act however emphasizes every person “…having any estate or interest in land entered upon for the purposes of this Act or injuriously affected thereby or</td>
</tr>
</tbody>
</table>

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26 Defined to include limited disposal by lease.

27 Government land is a subclass of public land which is not set aside for any public purpose and includes land which has become the property of the Government as ownerless property.
shall be entitled to full compensation to be ascertained in the same manner as compensation for land taken under Part III of this Act.” This provision is also consistent with that of the Bank’s policy.

This provision is also consistent with that of the Bank’s policy.

TLA Section 14 stipulates public notification and specifically requires direct notification of each owner, occupier and person having an interest in the land, or the agent of any of them, whose name and address are readily ascertainable, stating the Government’s proposal to take the land, the public purpose for which it is wanted, that the plan thereof may be inspected in the said office in ordinary office hours, and that any person affected may give written notice of objection with reasons to the Chief Executive Officer within 28 days of the first publication of the notice;

The same provision is written in Section 14A covering customary land in which the notice is written in Savali.

Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

The intent of the Act is consistent with WB policy, insofar as compensation is concerned but it falls short of engaging displaced persons in planning and implementation of resettlement programs.

### Compensation standard and eligibility

| TLA Part III Section 25 refers to the right for ‘full and just’ compensation for all affected people as the basis for determining the offered value of the affected land. | Full replacement cost | GoS policy has same intention as that of the WB policy. |
| Displaced persons include only those with formal legal rights to land | Displaced persons: (a) with formal legal rights to land; (b) without formal legal rights but with valid claims to land/assets; and (c) without either (a) or (b) to the land they are occupying. | Include the rights of persons without legal rights to land |
| The legislation allows for compensation but not transitional assistance. | Displaced persons should be assisted in their efforts to improve their livelihoods and standards of life | GoS policy is less specific in its language, but its requirement for full and fair compensation for all |
| Impacts resulting from the taking of lands is widely defined in the TLA under phrases such as - every person having any estate or interest in land entered upon for the purposes of this Part or injuriously affected thereby or suffering any damage from the exercise of such powers. | Relevant impacts are direct economic and social impacts that both result from Bank assisted investment projects and caused by (a) the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihoods, whether or not the affected persons must move to another location; or (iv) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on livelihoods of the displaced persons. | WB and GoS differ in terms of the level of specificity and wording but the intent is the same. The same intent is applicable to involuntary restriction of access to legally designated parks and protected areas even though parks in Samoa did not come into existence until 1974. |
| TLA Section 28 requires full and fair compensation for all displaced people. | Borrower must explore all viable alternative project designs to avoid physical displacement of these groups. | The Act uses the term ‘all people’ and this is all-inclusive of all people affected and displaced. In this regard, it is consistent with WB policy. |
| TLA Section 52, 53 and 54 of the Act make provisions for the exchange of land as compensation in part or full, “…for the land taken and the damage done if compensation for the same were made wholly in money in the usual way.” | When it is not feasible, to avoid such displacement, preference is given to land-based resettlement strategies for these groups that are compatible with their cultural preferences and are prepared in consultation with them. | GoS and WB policy are compatible. |
| N/A | Each involuntary resettlement is conceived and executed as part of a development project or program. | The GoS has no written policy consistent or equivalent with that of the Bank. |
| TLA Section 14 and 14B requires the GoS to “cause a notice to be publicly notified and to be sent to each owner, occupier, or persons having an interest in the land, or the agent of any of them, whose name and address are readily ascertainable, stating the Government’s proposal to take the land, the public purpose for which the DPs are to be identified and recorded as early as possible in order to establish their eligibility through a population record or census that serves as an eligibility cut-off date, preferably at the project identification stage, to prevent a subsequent influx of encroachers or others who wish to | The GoS and WB policies are consistent both in terms of identifying DPs early and in setting a cut-off date for the determination of compensation |
it is wanted, that the plan thereof may be inspected in the said office in ordinary office hours, and that any person affected may give written notice of objection with reasons to the Chief Executive Officer within 28 days of the first publication of the notice.

Section 37 stipulates cut-off date for calculation of compensation.

| N/A | The full cost of resettlement activities necessary to achieve the objectives of the project are included in the total cost of the Project. The cost of resettlement, like the cost of other project activities, are treated as a charge against the economic benefits of the project; and any benefits to displaced persons (as compared to the without-project circumstances) are added to the benefit stream of the project. Resettlement components of free-standing resettlement policies need not be economically viable on their own, The GoS has no equivalent written implementing rules and regulations. This policy requirement needs to be adapted in the ARAPs. |
| TLA Section 28 stipulates the following - By whom claim may be made - (1) A claim for compensation may be made by any person (including an executor or administrator) ceased, possessed of, or entitled to such lands, or to any estate or interest therein, whether such person has or has not the power to sell and convey the same. (2) Any such claim on behalf of beneficiaries, infants or mentally defective persons may be made by their trustees, guardians or committees respectively. (3) Where a beneficiary, infant or mentally defective person does not have a trustee, guardian or committee in Samoa, the Public Trustee shall be deemed to be his or her trustee, guardian or committee, as the case may be, for the purposes of this Act. | Particular attention must be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation. The GoS and WB policies are consistent with respect to ensuring that the rights of vulnerable groups to fair and full compensation, including those without legal title to the land or other assets are upheld. |

The GoS has no equivalent written implementing rules and regulations. This policy requirement needs to be adapted in the ARAPs.
but they should be cost effective.

| N/A | Where loans include subprojects, components or investments prepared only after project approval and loans through financial intermediaries that are likely to cause involuntary resettlement, sufficient contingency allowance must be allocated for resettlement prior to approval of the loan. | The GoS has no equivalent written implementing rules and regulations. This policy requirement needs to be adapted in the ARAPs. |
| N/A | Similarly resettlement plans should also reflect the timeframe for resettlement planning and implementation. | The GoS has no equivalent written implementing rules and regulations. This policy requirement needs to be adapted in the ARAPs. |
| N/A | Eligible cost of compensation, relocation and rehabilitation may be considered for inclusion in WB loan financing for the Project, if requested, to ensure timely availability of the requested resources and to ensure compliance with involuntary resettlement procedures during implementation. | The GoS has no equivalent written implementing rules and regulations. |
| LTA Section 37 2(b) The value of land shall, subject as hereinafter provided, be taken to be the amount, which the land if sold in the open market by a willing seller on the specified date. LTA also stipulates that compensation shall be full and fair. | Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets. | Both the WB and GoS policies are in agreement. |

**E. Valuation**

The *Land Valuation Act 2010* deals with the practice of land valuations and licensing of valuers. Valuations for the same area of freehold or customary land tend to be guided by market value overall. Valuation methodology for compensation packages will be determined in accordance with national legislation and regulations and approved by the Bank.

**Freehold**

The GoS does not undertake valuations of freehold land on an annual basis. Determination of compensation to be paid for freehold land is easily valued because it is regularly sold and conveyed, mortgaged as collateral for loans and its value is determined by the fluctuation of the open market of "willing buyer and seller". Land is valued according to the availability of amenities such as water, electricity and telephones, its proximity to amenities such as schools and hospitals and the comparable sales of land in the same area of similar size.
Customary

Customary land presents many difficulties for valuation because it cannot be sold, mortgaged or alienated other than by lease. Such land has never been subject to any rates or land tax payments (nor has freehold land), therefore, it is difficult to ascertain the "market value" of customary land other than by using the market value of freehold land as a basis. The Taking of Lands Act 1964 states that compensation should be paid at the "market value" and in practice customary land value has been measured in comparison to the market value of freehold land in the same area.

Easements

The Principle Valuer in MNRE has the task, on a case by case basis, to assess the value of the proposed easements based on freehold sales with full use land rights and then making appropriate adjustments (if any) for the restrictions that the landowner will have over the narrow strips required for the drainage.

Asset Valuation

The LTA will be responsible for determining the replacement cost or market cost of structures, assets and items damaged or removed for the Project, and these will be detailed with justification in the Abbreviated Resettlement Action Plan (ARAP).

F. Preparing and Approving Safeguard Instruments

Table 2 lists the safeguard instruments required for subprojects that may involve involuntary resettlement, voluntary land access or donation. Compulsory acquisition of land will only be pursued once all viable alternatives have been considered and no other suitable sites exist.

Table 2 Safeguard instruments required under project scenarios

<table>
<thead>
<tr>
<th>EASA identifies that there will be:</th>
<th>Safeguard instrument applied:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor involuntary resettlement - No Physical Displacement or less than 10% of productive assets are lost</td>
<td>Abbreviated Resettlement Action Plan (ARAP)</td>
</tr>
<tr>
<td>Moderate involuntary resettlement - Physical and/or Economic Displacement of less than 200 affected people or less than 10% of productive assets are lost</td>
<td>Abbreviated Resettlement Action Plan (ARAP)</td>
</tr>
<tr>
<td>Significant involuntary resettlement - Physical and/or Economic Displacement of more than 200 affected people and/or more than 10% of productive assets are lost</td>
<td>Normally a Resettlement Action Plan (RAP) would be required, but subprojects identified to result in significant involuntary resettlement will not be eligible for funding under ERAP (see negative list Annex A in the ESMF)</td>
</tr>
<tr>
<td>Land gifted by private or customary landowner/s for project purposes</td>
<td>Voluntary Land Donation Protocol (VLDP) (Attachment 1)</td>
</tr>
<tr>
<td>Land access required on customary or private land (temporary or permanent)</td>
<td>Land Access or Land Use Agreement (LAA/LUA) (Attachment 2)</td>
</tr>
<tr>
<td>Small-scale involuntary land acquisition of customary or private land (short or long term)</td>
<td>Abbreviated Resettlement Action Plan (ARAP)</td>
</tr>
</tbody>
</table>

Responsibility for preparation, implementation and monitoring of safeguard instruments (including responsibility for meeting all associated costs with their implementation) rests with the LTA in collaboration
with MNRE, who have responsibility for managing the land acquisition and involuntary resettlement process. As necessary, the LTA will exercise its authority to coordinate actions with any other agencies involved to ensure timely and effective ARAP implementation.

Preparation of safeguard instruments will commence as soon as once the specific location of facilities and infrastructure is known and it is determine that involuntary resettlement is required to carry out project activities and shall be finalized prior to implementation or commencement of any works. Safeguard instruments will include an assessment and validation of the impacts of land acquisition, in coordination and full consultation with all stakeholders. Draft safeguard instruments will be provided to the Bank as a condition of subproject approval.

As identified in Table 2 above, an ARAP, VLD or LAA/LUA will be required for activities requiring small-scale involuntary acquisition, voluntary land donation, access to specific sites, or rental or leasing of land.

If land use is changed or involuntarily lost through temporary occupation by the Project activities, rent as agreed between the Project and the leaseholder for an agreed term (time period) will be arranged. Agreement and record of payment will be documented in writing and maintained in the PMU.

For involuntary loss of assets (fences, driveway, kiosks, structures), gardens, trees, crops, hedges, perennials, and/or productive trees/plants, or other elements of livelihoods such as loss of business income due to the Project, compensation will be paid at a scheduled rate (current market value) by the GoS, or based on negotiation/agreements made with the owners.

Voluntary donations of land for project purposes will be made with informed consent, free from any coercion, and will not unduly affect the livelihood of the donor. The purpose and any terms of the donation will be recorded in writing with the signature of the owner (see Attachment 1).

G. Developing an Abbreviated Resettlement Action Plan (ARAP)

Responsibility for preparation, implementation and monitoring of ARAPs (including responsibility for meeting all associated costs with their implementation), in accordance with this LARPF, rests with the GoS. The agency in GoS with direct and overall responsibility for managing the involuntary land acquisition process in this project is MNRE in conjunction with the LTA. As necessary, these government agencies will exercise authority to coordinate actions with any other agencies and contractors involved to ensure timely and effective ARAP implementation.

Table 2 (above) identifies when an Abbreviated Resettlement Action Plans (ARAP) should be prepared. An ARAP(s) is required when impacts are minor, i.e. no persons are physically displaced, and/or less than 10 percent of their productive assets are lost. The OP4.12 states that an ARAP will apply when less than 200 people are displaced, however this is not applicable since the ERAP will not result in physical displacement.

1. When to prepare an ARAP

Preparation of the ARAP begins as soon as it is determined that involuntary resettlement is essential to complete any of the project activities. The GoS will finalise one or more ARAPs upon completion of the final design and impacted sites are known. This will occur prior to the commencement of any works or implementation and shall be finalized prior to the commencement of any works to carry out said project activities.

2. ARAP Stages

Step 1: Project Screening for Involuntary Resettlement

Engineering designs will be screened for involuntary resettlement impacts and where impacts have been identified by LTA and the PMU, the plan will be revisited to avoid, or ‘design out’, such impacts. If this is not possible, an ARAP will be prepared (as outlined below).
**Step 2: Preparation of Abbreviated Resettlement Action Plans (ARAPs)**

The LTA will carry, or cause to be carried, out: (i) a census to identify and enumerate affected persons (i.e., census); and (ii) land and asset survey to identify and inventory residential or productive land and other assets to be affected. The surveys must cover 100 percent of the affected persons, landholdings and include an inventory of assets. The survey should also establish whether any commercial enterprises are affected. A ‘cut off date’ for the survey(s) will be established to avoid ongoing compensation claims and encroachment issues from outsiders. The cut off date will be the date the census begins unless otherwise notified by the LTA. Under OP4.12, any persons encroaching on the area after the cut off date are not entitled to compensation or assistance, however this will be at the discretion of LTA.

The person(s) responsible for developing the ARAP must ensure the process includes:

(i) Adequate consultation on the Project with affected persons;
(ii) Affected persons being informed about their options and rights pertaining to involuntary acquisition and resettlement;
(iii) Consulted and offered choices on technically and economically feasible alternatives;
(iv) Provided prompt and effective compensation, regardless of their legal rights or lack of their land and assets, at full replacement cost for losses of land, building or fixed assets on the land and buildings taken by the Project;
(v) Offered support for a transition period if significantly impacted, based on a reasonable estimate of the time likely to be needed to restore their living standards, income earning capacity and production levels, or at least maintain them at pre-Project levels;
(vi) Provided with assistance in addition to compensation measures described in (vi) above, such as land preparation, credit facilities, training, or job opportunities.

ARAPs will be prepared in consultation with the relevant pulemu ‘u and matai.

**Step 3: ARAP Review**

The Bank will prior review and provide no objection (N.O.) to ARAPs.

**Step 4: Compensation entitlements**

Section 7 sets out the eligibility criteria for compensation. All compensation for land, loss of livelihood/business, crops and/or assets shall be paid at least four weeks prior to the commencement date of civil works. Payments for uncollected land compensation due to lack of clarity of an authorized representative of a landowner shall be put in trust by the Minister of Lands.

**Step 5: ARAP Implementation**

Implementation will be carried out by MNRE’s Land Management Division (LMD) in association with the LTA and any contractor.

3. **ARAP Contents**

An ARAP will be prepared in accordance with the policy, principles, planning and implementation arrangements set forth in this LARPF. The ARAP is based on accurate baseline information and establishes appropriate mitigation measures (e.g., compensation at full replacement cost for loss assets, transitional assistance for relocation/livelihood restoration/commercial enterprises) for all relevant categories of adverse impacts. A template is set out in Attachment Four.

The ARAP specifically addresses the following:
Based on the baseline surveys and in consultation with affected persons and *matai*, a time-bound action plan with budget shall be prepared. All compensation and assistance, must be provided to affected persons *before* construction commences. All recipients have the right to be informed of the method of valuation of their assets.

### I. Eligibility Criteria

“Affected persons” are eligible to receive compensation or assistance under the ERAP. The social assessment (SA) will affected persons entitled to compensation whom are categorized according to land ownership and magnitude of impact as outlined in Table 3.

#### Table 3 Categories of Affected Person

<table>
<thead>
<tr>
<th>Category of Affected Person</th>
<th>Eligibility for Compensation or Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Those who have <em>formal legal rights</em> to land, building or fixed assets on the land and buildings taken by the Project (<em>including customary and traditional rights recognized under the laws of the Borrower</em>)</td>
<td>Eligible for compensation for land or assets they lose, and other assistance at full replacement cost⁴⁸. Where persons are identified as losing more than 10 percent of their productive land area or assets, they receive additional assistance for livelihood restoration.</td>
</tr>
<tr>
<td>II. Those who <em>do not have formal legal rights</em> to land, building or fixed assets on the land and buildings taken by the Project at the time the census begins <em>but have a claim</em> to such land, building or fixed assets on the land and buildings taken by the Project (provided</td>
<td>Eligible for compensation for land or assets they lose, and other assistance at full replacement cost. Where persons are identified as losing more than 10 percent of their productive land area (e.g., land used for cultivation or grazing), they receive additional support.</td>
</tr>
</tbody>
</table>

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⁴⁸ The amount sufficient to replace lost assets and cover transaction costs. Depreciation costs are not taken into account. Agricultural, urban land, houses and structures are eligible for full replacement cost under OP4.12. Ministry of Works may be engaged to assist in the determination of cost of lost assets or structures if damaged or removed by the Project.
that such claims are recognized under the laws of the Borrower or become recognized through a process identified in the ARAP) assistance for livelihood restoration.

III. Those who have no recognizable legal right or claim to the land, building or fixed assets they are occupying

Shall be provided assistance (in lieu of compensation for the land, buildings or other fixed assets being taken by the Project) sufficient to achieve the objectives set forth in this Framework, if they occupy the Project area prior to the census cut-off date.

IV. Those who are subject to involuntarily restriction of access to land or assets, or temporary closure of business

Shall be provided assistance (in lieu of compensation for the land, buildings or other fixed assets being taken by the Project). Where a commercial enterprise (e.g., shop or vendor) is required to close temporarily, the owner or operator is compensated for temporary loss of profits.

V. Persons who voluntarily consent to gifting land as donation for easement or Project purpose provided that it benefits their community

Compensation at replacement value for any asset lost by virtue of donated land (but compensation for loss of land does not apply).

2. Entitlement

The payment of compensation should be negotiated and determined using the following matrix:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Type of Loss</th>
<th>Nature of impact</th>
<th>Compensation measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural or productive land on freehold or customary land</td>
<td>Involuntary acquisition</td>
<td>Permanent</td>
<td>Compensation based on market value</td>
</tr>
<tr>
<td>Damage to, or loss, of assets, fences, driveways, garden hedges, trees, crops, etc</td>
<td>Permanent/ Temporary</td>
<td></td>
<td>Compensation based on Ministry of Agriculture Schedule of Payments for crop damage for the current year. Moving assistance where applicable.</td>
</tr>
<tr>
<td>Restriction of land use (easement)</td>
<td>Permanent</td>
<td></td>
<td>One-off fee to affected household</td>
</tr>
<tr>
<td>Voluntary donation of land</td>
<td>Permanent</td>
<td></td>
<td>Compensation and/or moving assistance for crops, gardens, fences or other assets lost due to donation</td>
</tr>
<tr>
<td>Removal of temporary structure</td>
<td>Temporary</td>
<td></td>
<td>Moving assistance</td>
</tr>
<tr>
<td>Residential or urban land on freehold or customary land</td>
<td>Involuntary acquisition</td>
<td>Permanent</td>
<td>Compensation based on market value</td>
</tr>
<tr>
<td>Damage to, or loss, of assets, fences, driveways, garden hedges, kiosks, trees, crops, etc</td>
<td>Permanent/ Temporary</td>
<td></td>
<td>Reinstatement or full replacement cost of removed assets or plants; Compensation for crops/edible plants based on Ministry of Agriculture Schedule of Payments for crop damage for the current year; Moving assistance where applicable.</td>
</tr>
<tr>
<td>Restriction of land use (easement)</td>
<td>Permanent</td>
<td></td>
<td>One-off fee to affected household</td>
</tr>
<tr>
<td>Voluntary donation of land</td>
<td>Permanent</td>
<td></td>
<td>Compensation and/or moving assistance for crops, gardens, fences or other assets lost due to donation</td>
</tr>
</tbody>
</table>
3. **Compensation**

The GoS bears responsibility for meeting all costs associated with involuntary resettlement. Any ARAPs prepared in accordance with this LARPF require a budget with estimated costs for all aspects of their implementation. All Affected 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 Affected Person** identified as eligible under the criteria presented above. No deductions from compensation will occur for any reason. The ARAP should describe the procedures by which compensation funds will flow from GoS to the displaced persons.

The process for the payment of compensation will be as follows:

**Step 1:**
Establish a ‘cut off date’ for the census and land and asset survey to identify and enumerate affected persons and inventory residential or productive land and other assets to be affected. Compile a list of affected persons and associated assets.

**Step 2:**
LTA and MNRE LMD assess the list of affected persons and property in the ARAP and agree on compensation arrangements based on the extent to which the assets, crops and land affected.

**Step 3:**
Affected person/s, landowners or matai are offered a fair and just sum for compensation by MNRE LMD.

**Step 4:**
If the affected person(s) agree, compensation payment is made in the timeframe agreed to. If the affected person(s) disagree with the amount of compensation or conditions, the outcome will be determined by the Land and Titles Court.

**J. Voluntary Land Donation**

Refer to the Bank’s Voluntary Land Donation Protocol (VLDP) in Attachment 1. This is only to be applied to minor infrastructure (e.g. easements) that are of direct benefit to the landowner and community.

**K. Communal Land Acquisition – Guiding Principles**

If communal land is required for the Project, the resettlement planning process and safeguard instrument/s establishes the following:

- Alternatives to land acquisition are considered. Especially where replacement land is scare or non-existent, or where customary land tenure is deemed inalienable, negotiated agreements for long-term lease, even for infrastructure siting, should be considered.
Where communal land must be acquired, collective compensation may be appropriate. Under such conditions, compensation is used solely for appropriate community purposes, or is distributed equitably among community members. The ARAP describes arrangements for usage of collective compensation.

Individual users and occupants of acquired communal land are identified in the census prepared for the ARAP and the ARAP describes mitigation measures or negotiated agreements providing for restoration of their livelihoods or living standards.

Where replacement land does not exist, it will be impossible to establish a technical valuation for replacement cost. The ARAP describes alternative means used for valuation. This may include negotiated agreement with affected communities.

Where negotiated agreements for land valuation, for long-term lease, or for provision of remedial assistance to users or occupants of acquired communal land, are to be established, the resettlement plan describes the methods by which affected communities are involved in the negotiations, and methods by which terms of negotiated agreements are fully disclosed to them, in a manner accessible to the affected community.

If relevant, the ARAP describes any changes that may occur regarding land use and tenurial arrangements for remaining communal land in project-affected areas.

The ARAP describes a process by which conflicting claims to ownership or use rights will be addressed.

I. Implementation Process

A time-bound implementation schedule of all activities relating to involuntary resettlement shall be included in the ARAP. All compensation shall be paid at least four weeks prior to the commencement of civil works. 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.

Overall responsibility for the implementation of this LARPF will reside with the LTA in Samoa. LTA will be assisted by Ministry of Natural Resources and Environment (MNRE), Ministry of Works, Transport and Infrastructure (MWTI), Ministry of Women, Community and Social Development (MWCSD) and the Ministry of Finance (MoF) in conjunction with the Design and Supervision Contractor.

### Table 4 Responsibilities for involuntary land acquisition

<table>
<thead>
<tr>
<th>Task</th>
<th>Stakeholder Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subproject design</td>
<td>LTA, Consultant</td>
</tr>
<tr>
<td>Public consultation and disclosure</td>
<td>LTA, MWCSD</td>
</tr>
<tr>
<td>Survey and marking of site/s</td>
<td>LTA surveyors</td>
</tr>
<tr>
<td>Inventory of losses</td>
<td>LTA, Consultant</td>
</tr>
<tr>
<td>Establish compensation rate prices</td>
<td>MNRE</td>
</tr>
<tr>
<td>Consultation and agreement on compensation</td>
<td>LTA, MNRE, affected persons</td>
</tr>
<tr>
<td>Prepare ARAP and land acquisition documentation</td>
<td>LTA, Consultant</td>
</tr>
<tr>
<td>Review and approve draft ARAP</td>
<td>WB</td>
</tr>
<tr>
<td>Update ARAP</td>
<td>LTA, Consultant</td>
</tr>
<tr>
<td>Approval and release of funds for compensation</td>
<td>Ministry of Finance</td>
</tr>
<tr>
<td>Verify affected persons</td>
<td>LTA, Pulenu’u</td>
</tr>
<tr>
<td>Land acquisition</td>
<td>MNRE LMD</td>
</tr>
<tr>
<td>Civil works and construction</td>
<td>Contractor</td>
</tr>
<tr>
<td>Grievance redress</td>
<td>LTA PMD</td>
</tr>
<tr>
<td>Monitoring and compliance</td>
<td>LTA PMD, PMU, WB</td>
</tr>
<tr>
<td>Restoration of lands (post-construction)</td>
<td>Contractor</td>
</tr>
</tbody>
</table>
J. Budget and Costs

Compensation will be paid to persons who have suffered temporary or permanent involuntary loss as a result of project activities. The LTA and MNRE bear responsibility for meeting all costs associated with the implementation of this LARP and associated ARAPs. Any ARAPs prepared in accordance with this LARP require a budget with estimated costs for all aspects of their implementation. All affected 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 one month prior to the commencement of works, in full to the affected person/s. No deductions from compensation will occur for any reason. The ARAP should describe the fiscal procedures by which compensation funds will flow from the LTA to the displaced persons.

K. Consultation and Disclosure Arrangements

See Annex C in ESMF.

L. Monitoring Arrangements

Monitoring arrangements will be established in the ARAP to assess the effectiveness of 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 IA or PMU. Any issues or problems associated with ARAP implementation that are observed in the monitoring process will be reported to the IA 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 IA identifies, plans and implements supplemental measures necessary to achieve satisfactory outcomes.

M. Grievance Procedures

See Annex C in ESMF.
Attachment 1  Voluntary Land Donation Protocol

1. Background

This Voluntary Land Donation Protocol (VLDP) has been prepared by the World Bank for the purpose of due diligence. This annex includes a Land Commitment Letter to be used by the implementing agency in cases where land is being donated.

For cases where communities and/or individual landholders have offered to donate their land for the project because it is of benefit to the broader community, the World Bank’s Voluntary Land Donation Protocol (VLDP) should be followed. The project team is to exercise their best judgment where voluntary land is offered, and conduct due diligence to avoid adverse impacts and reputational risks. Donations are usually based on the premise that the project benefit will offset or outweigh the loss of the land donated.

Voluntary donation of land by beneficiary households is acceptable where:

- It has been verified the donation did not result from any form of coercion or manipulation and is offered in good faith;
- The donation does not severely affect the living standards of the community and/or individual landholder responsible for the donation (i.e. impacts are marginal based on percentage of loss and minimum size of remaining assets);
- Alternatives and the viability of other locations or sites have been considered;
- The donation does not result in the displacement of households or cause loss of income or livelihood;
- The landholder/s making the donation will directly benefit from the project;
- Consultation has been conducted in an open and transparent manner and to a degree that the landholder/s can make an informed choice;
- The land is free from disputes regarding ownership; and
- Full and proper documentation of all consultations, meetings, grievances and actions taken to address grievances has been reviewed and made available.

To ensure that any land provided for the siting of subprojects is contributed voluntarily, in accordance with the requirements of the ESMF, two representatives of the land owners (family or clan) are asked to sign a Land Commitment Letter (see below). This certifies that the land is voluntarily donated for the purposes of the subproject and for the benefit of the community. The signature of the Letter is witnessed (as attested by their signature) by a suitable project representative (e.g. Project Manager).

2. Introduction

World Bank-assisted projects frequently require temporary or permanent use of land for siting of infrastructure or facilities. Where land is required, preference should be given to acquiring it on a voluntary basis (the “willing buyer, willing seller” approach). However, where this is not feasible, World Bank OP 4.12, Involuntary Resettlement, establishes the conditions and procedures that must be followed when acquisition of land on an involuntary basis results in the social and economic impacts identified in the policy.

In the PICs, access to land is sometimes achieved through a process of voluntary land donation (VLD). Such a process has been adopted in order to address – in a practical manner – some of the complex features of land ownership, use and administration in the PICs. Nevertheless, many of the risks associated with involuntary resettlement have the potential to affect the voluntary land donation process. Care needs to be taken in ensuring that the process is transparent, based on knowledge and consent and is accurately
documented. This Protocol, which should be followed in all cases of voluntary land donation, aims to address these issues, and assist project teams in minimizing the potential risks.

3. Land in Pacific Island Countries

The land situation in many of the PICs is complex. A number of factors contribute to this:

- Many PICs do not have comprehensive formal procedures for land acquisition and, even where formal procedures exist, legal and institutional processes can be complex and time consuming;
- Different systems of land use and property rights may exist on the same land;
- Complex patterns of customary collective ownership may exist, which are inconsistent with private ownership, use rights, or de-facto possession;
- These different, and sometimes conflicting, land systems can make it difficult to establish with certainty who has a right to own and use a specific parcel of land;
- Such difficulties can make it difficult to reach a clear determination of the extent to which the informed consent of those who actually are affected by a transfer of land has been achieved; and
- Local representation and negotiation processes can increase the risk of informal political or social pressure.

For the reasons identified above, any proposals for land acquisition or use in connection with a project – whether “willing buyer, willing seller,” involuntary acquisition or voluntary donation – needs to be carefully assessed.

A. The Basis for Using A VLD Approach

This section provides guidance to help determine 29:

- Whether VLD is a suitable approach for a specific Bank-financed project.
- Whether the proposed donation is voluntary or not.

In some circumstances, it is proposed that land required by the project be donated by individuals or the community on a voluntary basis. At the outset, two questions need to be answered:

1. Is land donation appropriate in the circumstances of this project?

Land donation is, generally, only suitable for community driven projects where the community (and each member owning or using the land) wishes to provide small amounts of land to support initiatives that will benefit the community. This is an important point to bear in mind in assessing whether voluntary donation is appropriate. The donation of land for medium to large scale infrastructure, particularly in cases where a government agency or entity that has a statutory obligation to provide the infrastructure and/or services for which the land is required, is not appropriate. Voluntary donation should be used only to support small-scale community infrastructure where impacts are minor, in consideration of other sites and whether alternatives have been screened out.

2. Is this donation voluntary?

In practice, determining whether a land transaction is voluntary or involuntary can be difficult. A useful starting point is OP 4.12, which defines “involuntary” as “actions that may be taken without the displaced person’s informed consent or power of choice.” Accordingly, in assessing whether a potential donation is voluntary, it is necessary to focus on whether the owner(s) or user(s) of the land understand:

29 Note: that the social assessment should contain the relevant information to assist teams making these determinations.
- The exact demarcation of land boundary for the project’s use;
- What the land is going to be used for, by whom and for how long;
- That they will be deprived of the ownership or right to use the land, and what this really means;
- That they have a right to refuse to donate the land;
- Whether there are proposals which would allow other land to be used;
- What they will need to do to donate the land, and what costs are involved;
- The intergenerational effect of the donation on their family, what they can do if they (or their family or heirs) want the land back.

The issues above assume that it is straightforward to identify the owners or users of the land, and that there are no competing (or potential) competing claims to that land. Clearly this is not always the case. In many circumstances either: (a) the proposed use of the land means that voluntary donations are not appropriate; or (b) having examined all the relevant facts, it is difficult to determine – with a reasonable degree of certainty – that the donation is being made by the right parties and is truly voluntary. In these circumstances, OP 4.12 should be triggered and a RPF or RAP prepared, following the template set out in these PIC Procedures. In cases where there is any doubt as to whether the donation is truly voluntary, OP 4.12 should be triggered.

B. Limiting Potential Harm

This section provides good practice guidance to limit any potential harm associated with a proposed VLD. Examples of such good practice include, for example, the requirement that the donation of land will not cause any household relocation.

Over the years, a number of practices have developed in the Bank which seek to limit any potential harm associated with a proposed voluntary donation. These include that: (a) the proportion of land donated by any individual cannot exceed 10 percent of the potential donor’s land holding; and (b) the donation of land will not cause any household relocation. As discussed previously, voluntary donation should be used only to support small-scale community infrastructure, where the impacts are minor.

It is important to consider whether there are alternatives to land donation which would adequately support the project, such as the granting of rights of way or use for a specific period of time.

It is good practice to ensure that the documentation establishes a deadline to initiate project use of donated land. Any donated land that is not used for its agreed purpose by the agreed deadline is returned to the donor. However, where the land has already been legally transferred, this will frequently require further administrative processes, fees and taxes to return the land.

A further complication is that, in some cases of VLD, the donor of the land may request compensation or other benefits to be paid as a condition of the land transfer not in connection to the transfer of the land itself, but in relation to structures or other fixed assets on the land. This can lead to conflict with other individuals also donating land, and has the potential to undermine the VLD process. A donor may also agree to transfer only part of the land required. Such requests need to be carefully evaluated at the outset and, if agreed, documented appropriately.

Due diligence and consultation, discussed in more detail below, is important. It is often not possible to implement the VLD unless adequate information is gathered regarding owners, users, legal requirements and community practices, and is available at the outset. Such information is important to ensure that the voluntary land donation is sustainable, and occurs without causing conflict in the community. In some circumstances, disputes can arise between the owner of the land, who wishes to donate, and the user(s), who do not; such issues need to be resolved in a transparent and equitable manner.
4. Process for Voluntary Donation

This section provides guidance on the process for VLD, namely on how to:

- Determine and document the appropriateness of VLD in the project context;
- Verify the requirements of the donation and the formalization of the donation;
- Carry out due diligence on the owners and users of land donated;
- Ensure appropriate consultation and disclosure;
- Establish informed consent of the person donating the land;
- Document the legal transfer of land donated; and
- Establish grievance redress mechanism.

This section outlines the process that should be followed once the threshold considerations set out in Section 1 have been considered, and it has been determined that it is appropriate for the land to be provided to the project by voluntary donation.

It is necessary to follow a clear process for the donation, and to prepare and maintain documents that demonstrate such process. Each step set out below should be addressed in the context of the specific project, and fully documented.

(i) Determine and document that VLD is appropriate in the circumstances of the project.

The team should record the reasons why it thinks that the donation of land is appropriate for the project. In certain cases, only some of the land the project requires will be donated or alternatives to land donation exist. The project team should identify (in as much detail as possible):

- What the land will be used for;
- How much land the project will require on both a permanent and temporary basis;
- How much of the land will be donated;
- What alternatives to donation exist (e.g., right of use, right of way);
- The terms of the donation;
- The identities of the parties who intend to donate;
- The beneficiary of the donation; and
- Any details that are relevant to why donation may be appropriate.

(ii) Verify the requirements to transfer, and formalise the transfer of, the land

It is important to understand the process that should be followed to transfer the land, and appropriate ways to formalize the transfer so as to achieve certainty for both the transferee of the land and the project. In many countries this will require consideration of the legal and administrative requirements but also, particularly in the case of customary land, local and community processes. In some cases these will constitute two different but parallel (and overlapping) systems and a process will have to be established to ensure that the requirements of each system are satisfied. An important consideration will be how transparent the process and the decision making process actually is, and what can be done to enhance the process.

(iii) Conduct due diligence on who owns and uses the land

Given the specific issues surrounding land ownership and use in the PICs, it is important that the project team carries out careful due diligence to understand the type of land rights that exist in the project area, and to identify any particular issues relating to land ownership and use. Thereafter, a more specific due diligence must be conducted on each parcel of land proposed for donation to identify:
• The owner or owners of the land;
• The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land);
• Any competing claims of ownership or use;
• Structures and assets on the land;
• Any encumbrances on the land.

It is important to: (a) identify the right that is being transferred (an ownership right, a use right, a right of way, etc.); and (ii) check whether the transferee actually has the right s/he claims to have. In many circumstances where careful due diligence has not been carried out, significant conflict has arisen at a later stage when another party claims that they have the same or a competing right. In some circumstances – but not all – the transferee will have documentary evidence of such right. Where no such evidence exists, the due diligence can establish rights by speaking with local community officials and neighbours.

(iv) Disclosure and Consultation

The decision to donate must be taken on the basis of a full understanding of the project and the consequences of agreeing to donate the land. Accordingly, the parties that will be affected by the donation (the owners and users of the land) must be provided with accurate and accessible information regarding what the land will be used for, for how long, and the impact the donation will have on them and their families. It is important that prior written notification indicating the location and amount of land that is sought be provided and that its intended use for the project is disclosed.

Where the intention is to deprive the parties affected by the donation of the land permanently, or for a significant length of time, this must be made clear. It should be noted that in many communities the concept of alienation of land is uncommon and difficult to understand, and care needs to be taken to ensure that the implications of this are fully understood. It is also important to decide who else should be consulted about the proposed donation; for example, spouses and older children.

There should be a clear agreement as to which party will pay the costs associated with the donated land. This could include measurement costs, documentation and notarial fees, transfer taxes, registration fees. It should also include the costs of re-measuring/re-titling the transferee’s remaining land and any new documentation relating to it.

(v) Establishing Informed Consent

It is crucial that the project team is confident that the decision to donate was taken in circumstances of informed consent or power of choice. As discussed earlier, this means being confident that the owner(s) or user(s) of the land understand:

• What the land is going to be used for, by whom and for how long;
• That they will be deprived of the ownership or right to use the land, and what this really means;
• That they have a right to refuse to donate the land;
• Whether there are alternatives to using this land;
• What they will need to do to donate the land (e.g., execute documents, get spousal consents, pay taxes);
• The effect of the donation on their family, and what they can do if they (or their family or heirs) want the land back.

The right to refuse must be a legitimate right, unconditional, and the potential transferee must be capable of exercising it in the local community and political context. For this reason, it is important to be sure that the decision to donate is undertaken without coercion, manipulation, or any form of pressure on the part of
public or traditional authorities. For collective or communal land, donation must be based upon the informed consent of all individuals using or occupying the land.

(vi) Documentation

It is necessary to distinguish between: (a) the agreement to donate the land; and (b) the document that carries out and evidences the legal transfer of the land. While it is important to have evidence of an intention and agreement to donate the land, it is equally important to ensure, where required and appropriate, that the land is legally transferred. While the process relating to the legal transfer of the land is frequently complicated and time consuming, it must be addressed. [In specific circumstances, for example where the land is being transferred to the community, it may not be necessary to legally transfer the land. However, experience indicates that lack of formal transfer can create significant uncertainty in the future, which impacts on the sustainability of the infrastructure and services, and can have a negative effect on community relations.]

The project team should:

- Identify the appropriate documentation, including the agreement to make the transfer and any legal documentation that may be required;
- Ensure that the agreement:
  - Refers to the consultation has taken place;
  - Sets out the terms of the transfer;
  - Confirms that the decision to transfer was freely made, and was not subject to coercion, manipulation, or any form of pressure;
  - Attaches an accurate map of the land being transferred (boundaries, coordinates);
  - Sets out who will bear the costs of the transfer (e.g., notarial fees, taxes, title issues) and documenting the residual land rights.
- Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children over a certain age;
- Ensure that the transfer and title is registered or recorded; and
- Ensure that the land remaining after the donated land is excised is properly titled, registered or recorded.

It is also important to maintain a record of the process that has been followed. Such documents could include the following:

- The notification indicating the location and amount of land that is sought and its intended use for the project, with a record of when and where this was made public;
- Records of the consultations that were held and what was discussed;
- A copy of the due diligence that was conducted;
- Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner or user involved;
- Copies of all documents, registrations or records evidencing the legal transfer of the land; and
- A map, showing each parcel of land.

The project implementing agency should maintain a record with documentation for each parcel of land donated. Such documentation must be available for World Bank review, and for review in relation to any grievances that may arise.
(vii) Grievance Arrangements

Grievances may be referred to customary conflict mediation arrangements where they are not directly affiliated with traditional leaders who are a party to the donation process. Refer to Grievance Redress Mechanism (GRM) in Annex C.
Dear Sir/Madam,

**Re: LAND AVAILABILITY FOR THE PROJECT**

This letter serves to confirm our commitment that land is available for the project. This land is given for the use of the _________________.

The owners of the land in our community are Mr/Ms. __________________________ who with a second family/tribal member confirm our commitment by putting their hand hereto;

This piece of land (______________________) is confirmed to be free from dispute and the Project Representative and subsequent committees appointed by the village to administrate the infrastructure are free to use the said land to provide/improve/expand the provision of the services directly provided by the infrastructure. The landowners fully agree that this commitment is irrevocable.

I / we hereby sign confirming that the above is true and correct:

<table>
<thead>
<tr>
<th>Party</th>
<th>Name</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landowner</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landowner Representative</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Representative (verification)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Attachment 2  Land Use Agreement

A Land Use Agreement (LUA) may be required where (i) subprojects or activities require access on a permanent or temporary basis to certain sites on customary land; (ii) no suitable alternative sites exist; (iii) customary landowners have agreed for the land to be used for a specific purpose for the benefit of the whole community; and/or (iv) any other situation where it may be deemed the most appropriate instrument for the local context.

The LUA does not apply when state- or privately-owned land will be utilized or needs to be acquired or leased (ARAP or national process to be followed in these circumstances). However, where formal land use or leasing agreement are being delayed due to circumstances outside the LTA’s control, the LUA may provide a ‘stop-gap’ or temporary safeguard instrument, subject to approval by the Bank.

It is important that absentee landowners are engaged, and that a suitable witness (non-clan member) signs the agreement.

The process used to enter into the LUA is as follows:

- Share the rationale for the subproject and its proposed siting, and seek the granting of access of the necessary land by the landowning clan or household;
- Village representatives of the community, organize a meeting with the representatives of the specific clan/s who have customary ownership of the proposed land or access-way;
- Any persons with fixed physical assets on the land/proposed site, but not considered a landowner, is involved in meetings and their rights are taken into consideration;
- The meeting would discuss the proposed subproject with the landowning clan or household to reach an understanding that the subproject is for the benefit of the whole community and access of land (either permanent or temporarily) is required;
- The payment of access fees should be discussed and agreed in writing (if applicable);
- The landowners would be clearly notified that the agreement to allow land access should be completely voluntary and the specific timeframe should be mutually agreed too;
- If agreement to proceed is reached, then a LUA will be entered into between the clan, the other clans and the leader of the community;
- The LUA should be endorsed by the Village Mayor or equivalent;
- The signed LUA will be submitted as part of the subproject proposal.
- The LUA is submitted to the local magistrate (Commissioner of Oaths) or equivalent for certification.

Exit Strategy and Grievances

If all landowner parties are in disagreement about the land or conditions of LUA, or if landowners are excluded from initial discussions then the subproject will not proceed and the grievance process must be followed where relevant.
Dear Sir/Madam,

1) We, the undersigned being the representatives of the ………………………... hereby acknowledge that…………………… have the right under the native law and custom to make decisions on the land known as …………………….. for the purpose of …………………….. with the rights to receive the proceeds of any development or other conducted on the said land. We certify that all members of the village agree to the truth of this certificate and that we are the persons authorized to sign it.

………………………….                …………………………           …………………..
Signature of Witness                   Full Name                     Signature

………………………….                …………………………           …………………..
Signature of Witness                   Full Name                     Signature

………………………….                …………………………           …………………..
Signature of Witness                   Full Name                     Signature

2) We, the undersigned being the representatives of …………………………… clan of ……………………………….. Village, ……………………………………………..

District, ………………………………………………….hereby declare that;

(1) We have the right under customary law to allow access or use of the land ………………………………… for the purpose of ……………………… (project name) and agree to allow access to ……………. to support this project (entity);

(2) That we undertake not to interfere in any manner on any activities or developments undertaken by our ………………………on the said parcel of land;

(3) That we understand the use of natural resources located on the said land (edible or non edible plants/shrubs, sand, gravel, rocks, timber, water sources, bush materials and other organic matters) will not be used or will be removed for the purpose of the said project (circle one);

(4) That we understand rental payment of …………… will be made by …………… for right of access to the said parcel of land (put nil if no rent is expected);
(5) We commit ourselves in upholding the contents and the spirit of this agreement for so long as it remains in force;

(6) We will undertake efforts to convey the contents of this agreement to members of the …………………………. village/s or clan/s and to ensure that they so honour it.

3) SIGNATORIES

<table>
<thead>
<tr>
<th>Name</th>
<th>Signature / Date</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LTA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Village Mayor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Village Representative</td>
</tr>
</tbody>
</table>

4) WITNESSES

We, the undersigned being representatives of ………………………….. clan (who share the land boundary with …………….. clan) hereby declare that by Customary Law, we are rightful owners of the land known as “……………………..” located at ……………………. Village …………………. District and that it has the right by customary law to transfer/ lease the said parcel of land.

<table>
<thead>
<tr>
<th>NAME</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Made under our hands these agreements:

This _______________ day of _________________ 201_ at ________________  

village ________________ District ________________ in ________________.

Submitted to:

Pulenu’u at this location __________________
Attachment 3  Land Access Agreement

LAND ACCESS AGREEMENT

ERAP PROJECT

A Land Access Agreement is required between landowners and affected parties and the government for the purpose of formalizing or establishing easements related to road developments.

Location

Land Parcel  .............................................................................................

Land Title Reference or GPS Coordinates

..............................................................................................................

Purpose  .....................................................................................................

Sketch of servient tenement on land parcel (including assets, structures, crops, etc):


Duration....................................................................................................

Type of Restrictions ................................................................................

Conditions

I/We, the undersigned, are the true representatives of the land parcel specified above, and have consulted all relevant parties with an interest in the land (whether they reside there or not, hold a formal lease or occupy the land);

I/We understand that easements located on the said land parcel are necessary to reduce flooding risk and hazard events;

I/We have agreed to the installation and/or formalization of easements and associated infrastructure on our land, in the agreed location;

I/We agree to keep easements clear and unobstructed at all times to ensure flood risk is minimized in the event of a tsunami, flood or other extreme weather event;

I/We will undertake routine maintenance of the easement and will allow access for the periodic and/or emergency maintenance on the said parcel of land provided that adequate notice has been given;
I/We will not interfere with or intentionally damage the infrastructure installed (as detailed below) on the said parcel of land;

I/We understand that any additional infrastructure beyond what is listed below is our responsibility and that the Government will not fund or maintain it; and

I/We commit ourselves, willingly and voluntarily, to upholding this agreement, without expectation of compensation now or in the future, because we understand this is a gift of direct benefit to our families, communities and local area with the purpose of reduced risk of flooding.

Conditions of access to servient tenement:

..........................................................................................................................

Infrastructure

Details of infrastructure funded by Govt:

..........................................................................................................................

..........................................................................................................................

Ongoing Maintenance

Responsibility of landowner (detail of specific infrastructure)

..........................................................................................................................

..........................................................................................................................

Responsibility of LTA (detail of specific infrastructure)

..........................................................................................................................

..........................................................................................................................

Timeframe / scheduling arrangements

..........................................................................................................................

..........................................................................................................................

Photographic Evidence at completion

Infrastructure funded by GoS:

Existing or additional infrastructure added by landowner (outside of Govt or contractor’s scope):

Date of photographs ................................................../2015

<table>
<thead>
<tr>
<th>Party</th>
<th>Name</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupier of Land (if different from landowner)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Role</td>
<td>Name</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landowner</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landowner Representative (Matai)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pulenu’u</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LTA Representative</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Representative or Witness</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Attachment 4  Abbreviated Resettlement Action Plan Template

This template provides the Implementing Agency and consultant involved in resettlement planning with guidance as to the content required for an ARAP.

The ERAP will not result in the physical displacement of any persons, therefore the scope and level of resettlement planning should be commensurate to the scale and complexity of those impacts in accordance with OP4.12 Involuntary Resettlement (para 19).

Key elements for all abbreviated plans include:

(a) A census survey of affected persons and valuation of assets;
(b) Description of compensation and other resettlement assistance to be provided;
(c) Consultations with displaced people about acceptable alternatives;
(d) Institutional responsibility for implementation and procedures for grievance redress;
(e) Arrangements for monitoring and implementation; and
(f) A timetable and budget

Census Survey and Asset Inventory

The process for conducting a census or land and asset survey/inventory is outlined in this section.

A census survey is conducted early in project preparation, as soon as all siting requirements are known. The primary purposes of the census survey are to identify and enumerate affected persons, and to establish an inventory of land and other fixed assets to be affected by the project. The census survey also provides the bulk of the information necessary for most other aspects of resettlement planning, including determination of categories of affected persons; categories of impact and corresponding forms of assistance; eligibility criteria for assistance; and baseline data for monitoring and evaluation (and often for addressing grievances), for estimating costs and budgeting, for identifying persons with particular vulnerabilities, and for determining the significance of impacts (as described above). Census survey results are necessary before determining whether preparation of an abbreviated plan is appropriate.

The assistance of traditional leaders or community associations may be very useful in conducting the census survey. Since coverage of 100 percent of potentially affected households is required, it cannot be conducted on a sample basis. This is necessary to achieve full identification and enumeration of affected persons, and to identify, measure and categorize affected land and other fixed assets. In practice, reaching all potentially affected households often means that the census survey team must make repeated visits to project areas. Leaders or residents may be helpful in identifying and contacting absentee landowners or others not present at the time of the census. The census also requires direct household contact; it cannot be based solely on land registry or other records that may be out of date or that would provide an incomplete basis for identifying persons in actual occupancy of affected lands, or who own or use fixed assets.

Census survey data may be presented in varying ways in the abbreviated plan, depending on project context:

(a) One or more tables may be prepared to enumerate and categorize affected persons.
(b) One or more tables may be prepared to enumerate and categorize affected land and other fixed assets.
(c) In most resettlement plans, an Entitlements Matrix summarizing categories of impact, eligibility criteria, and compensation and other assistance measures is included.
To discourage opportunistic land speculation for compensation, the first day of the census survey normally is taken to be (and is publicized as) the cut-off date in determining eligibility for compensation or other assistance. It is important to emphasize, however, that the census can be amended if required; for example, persons able to demonstrate that they were mistakenly excluded from the census, or for whom the scope or scale of impacts was not properly registered, remain eligible for assistance.

Because local economic and social conditions can change, census survey data can become outdated. The census survey may need to be repeated if there is a prolonged delay (e.g., more than 1-2 years) between completion of the survey and actual taking of land and assets.

Identification of all affected persons and assets is also necessary to determine whether land or other fixed assets may be, or have been, contributed voluntarily by owners or users for project purposes.

Valuation of Assets

World Bank policy requires that compensation for land and other fixed assets be calculated and provided at full replacement cost. The replacement cost criterion is intended to incorporate both the actual value of the land or asset and any associated transaction costs borne by the affected person in adapting to involuntarily imposed changes.

Replacement cost criterion is based on widely varying valuation methods. Where active markets exist, real estate prices usually provide a sound basis for valuation. Where markets do not function well, replacement cost can be established for land by reference to its output value in agricultural areas, and by reference to the cost of necessary material and labor inputs for structures and other fixed assets. In some instances, government procurement prices for materials are accepted as a basis for initiating negotiations on compensation amounts with affected persons. Negotiated compensation may be appropriate, providing that affected persons are made aware of their rights under the project, including the right to refuse settlement offers, and have access to a grievance redress mechanism.

Projects may face an additional issue in areas in which land is viewed as inalienable communal property. Under such circumstances, the resettlement plan describes means by which the replacement cost criterion has been employed, establishes how compensation or other assistance is to be allocated among community members, and reviews the process by which owners, users and other community members have been consulted.

Where formal land acquisition processes are particularly onerous or contentious, proponents should consider obtaining rights to land through long-term leasing arrangements.

Compensation and Assistance

Normally, the resettlement plan includes unit compensation rates for various categories of land (e.g., type of agricultural use, residential, commercial, unutilized, or other) and for various categories of fixed assets (e.g., houses, shops or other commercial structures, livestock enclosures or other ancillary structures, fences, wells, irrigation channels, tombs, others). Unit rates, combined with reference to census survey results, provide the basis for determining how much compensation is due to each affected person.

Arrangements for distribution of compensation should ensure that compensation is paid (directly or through established bank accounts) to the head of the affected household, in full, without deduction for any purpose. Because compensation at replacement cost is intended to allow affected persons to replace lost assets, deductions from compensation because of tax arrears or other debts is not acceptable.

Where inalienable communal property exists, it is appropriate to provide compensation for land to the community as a whole, though the resettlement plan should include provisions for ensuring adequate transitional support for households directly occupying or using the land to be acquired. Compensation for structures or other
fixed assets should be paid to individual owners or users, unless improvements have been made by the community as a whole.

The resettlement plan also clearly establishes the basis for which all other forms of assistance are to be calculated for each household. This may include any transaction costs such as moving expenses, interim living expenses, or payment of fees or taxes that result from the project. It may also include any special measures intended to assist vulnerable persons (e.g., the disabled, elderly, single-parent households or others) that may have particular difficulties in adapting to changes imposed by the project. For projects with abbreviated plans, the scope of impacts is relatively minor so the need for supplemental assistance measures may be slight or non-existent.

**Consultation Strategy**

Affected persons adapt better and more quickly to land acquisition and other associated impacts when plans are based on their preferences and concerns. The resettlement plan is based, in part, on consultations with affected persons, and the results of consultations are briefly summarized in the resettlement plan.

The resettlement plan also briefly summarizes methods used in consultations, including special measures that have been taken to solicit the views of women, minorities, or others who may not be likely to make themselves heard in community-level consultations. Refer to Annex C Consultation Framework.

**Implementation Arrangements**

To promote effective implementation, the resettlement plan should clearly establish which agency or agencies are responsible for undertaking required actions. The plan should also establish that overall management responsibility is vested in an individual or group with the authority to ensure that necessary actions are undertaken in a timely and effective manner. Where more than one agency or one jurisdiction will be involved in implementation, the plan should describe means by which coordination among agencies or jurisdictions will be assured and any conflicts between or among them will be resolved.

Plans sometimes cannot be fully or effectively implemented because of unanticipated issues or changes in project circumstances. The plan should indicate who is responsible for making adaptive planning changes, and should indicate what form of planning change requires the prior approval of the World Bank. Normally, reductions in compensation or other forms of assistance, or restrictions on existing eligibility criteria, require prior Bank approval.

**Monitoring Arrangements**

The plan should specify the range of activities, key indicators and/or issues to be monitored. The resettlement plan also should indicate how (methods) and when (timeframe) monitoring is to be conducted, by whom, then provided to the implementing agency for review.

Project authorities must monitor performance as the project progresses. The primary purposes of resettlement monitoring is to determine whether compensation and other assistance is flowing in the right amounts (prior to construction commencing on the property) to all those eligible to receive it, and whether provision of assistance is satisfactorily mitigating economic and social impacts.

**Timetable**

Effective resettlement implementation requires timely actions undertaken in an appropriate sequence. A flowchart linking resettlement implementation to the overall project schedule should be detailed in the plan. This should include a cut off date (census date) and that taking of land and other assets cannot commence prior to payment of compensation (unless agreed with the Bank).
Budget and Financial Arrangements

The resettlement plan includes a budget with a categorical estimation of costs for compensation and all other forms of assistance. The budget also includes administrative and other costs associated with implementation of the resettlement plan. The budget includes an amount for contingencies (usually 10 percent of all other costs), and the resettlement plan establishes responsibility for meeting all resettlement-related costs, including contingencies.

Appendix 1: Land Acquisition Assessment Recording Sheet

The templates below are samples that can be modified to suit the project requirements and local context.

a. Likely land requirement for the sub-project (Ha):
   (i) Government: \( \text{ha} \)
   (ii) Customary: \( \text{ha} \)
   (iii) Private: \( \text{ha} \)

b. Method of land acquisition (compulsory acquisition, negotiated settlement or voluntary donation):

c. Locations:

d. No\# of land owners to be affected:

e. No\# of structures affected:

f. Current uses of the affected lands:

g. Users:
   i. Number of Customary Claimants:
   ii. Number of Squatters:
   iii. Number of Encroachers:
   iv. Number of Owners:
   v. Number of Tenants:
   vi. Others (specify): \( \text{Number} \)

   vii. Common facilities affected (describe):

h. Details of standing crops to be affected:
   i. Any other properties such as wells or trees, etc. to be affected:

Location: 

District: 

Village: 

Validity Date: 

Table A. Summary of Affected Properties and Assets

<table>
<thead>
<tr>
<th>District / Village</th>
<th>Land Acquisition</th>
<th>Significantly Affected by Land Acquisition</th>
<th>Housing Affected</th>
<th>Business Affected</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Require Relocation Owner HH: People: Tenant HH: People:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Require Relocation Owner HH: People: Tenant HH: People:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Require Relocation Owner HH: People: Tenant HH: People:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Require Relocation Owner HH: People: Tenant HH: People:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Require Relocation Owner HH: People: Tenant HH: People:</td>
</tr>
</tbody>
</table>

Total

Appendix 2: Asset Inventory Recording Sheet

Checklist:

Name of HH or Person w/Pule
No# Person

Total Land Held by HH

Land to be acquired by type of use

Loss as % of total

Loss of Assets

Loss of Crops

Loss of Other Assets

Other Losses

Temporary Losses (Specify)

No. and Type of lost structures
Permanent Structures (in Sq. Meters)

Temp. Structure (in Sq. Meter)

Total Land Lost in Sq. Meters

Fruit trees/Other by type and number

Specify type and number of asset

Residence (Rented)

Business Lost

Income Lost
### Table B. Asset Inventory

<table>
<thead>
<tr>
<th>Category</th>
<th>Subcategory</th>
<th>Volume/Unit</th>
<th>Unit Cost</th>
<th>Local Currency</th>
<th>USD</th>
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<tbody>
<tr>
<td>Land Compensation</td>
<td>Private land – residential - acquisition</td>
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<tr>
<td></td>
<td>Private land – residential - easement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Private land – agricultural - acquisition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Private land – agricultural - easement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Private land – commercial - acquisition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Private land – commercial - easement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Private land – other - acquisition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Private land – other - acquisition</td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>Community land - acquisition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community land – easement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Productive Assets</td>
<td>Crop (Specify)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compensation</td>
<td>Crop (Specify)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Crop (Specify)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Crop (Specify)</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tree – fruit</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tree – nut</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tree – other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other productive assets</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Residential Structures</td>
<td>Private housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compensation</td>
<td>Community housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Water facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ancillary structures</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Walls, fences</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Structures</td>
<td>Shops, food services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compensation</td>
<td>Other services</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td>Other businesses</td>
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### Appendix 3: Budget

Allowances and Support to Affected Persons.

<table>
<thead>
<tr>
<th>Type of Support</th>
<th>Unit Rate</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moving allowance, residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary living allowance, residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moving allowance, commercial</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Temporary income support, commercial
Assistance to squatters, illegal occupants
Assistance to shareholders, renters, employees
Assistance to vulnerable persons
Disruption to business (per day/week)
Other

<table>
<thead>
<tr>
<th>SUBTOTAL</th>
</tr>
</thead>
</table>

**Administrative and Monitoring Costs**

<table>
<thead>
<tr>
<th>Category</th>
<th>Unit/Basis</th>
<th>WST</th>
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<tbody>
<tr>
<td>Administrative costs</td>
<td>Typically 5% of subtotals 1 and 2</td>
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<tr>
<td>External monitoring</td>
<td>Negotiated contract (estimate)</td>
<td></td>
</tr>
<tr>
<td>Contingency</td>
<td>Typically 10% of subtotals 1 and 2</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBTOTAL</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>ARAP TOTAL COSTS</th>
</tr>
</thead>
</table>

**Appendix 4: Compensation Agreement**

Sample Consent Form - Agreement for Compensation

Date: ______________________

I/We, ______________________ male household head ______________________ female household head,

AND/OR Person exercising Pule over the Affected Land

________________________________________________________

Resident/s of ______________________ Village in ______________________ District

declare that I/We/the group are consenting to the use of (specify land, assets, location, type etc)

_______________________________________________

For the purpose of: (specify activity)

_______________________________________________

For the duration of: (specify commencement date and duration)

_______________________________________________

For the following agreed compensation arrangements:

_______________________________________________

_______________________________________________

_______________________________________________
Signed:

Male household head______________________ Female household head____________________

Person Exercising Pule___________________
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5.2 Key Findings of Consultation to Date  
5.3 Future Consultation Schedule  
5.4 Information Disclosed  

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*This should provide an outline of EIA legislation and regulations, development applications, land acquisition process and community and landowner consultation requirements.

*This should capture vulnerable groups, persons, gender aspects and community decision-making processes.

*This section should capture both public consultation and awareness raising, as well as consultation and negotiations with directly affected persons.
6.0 Environmental and Social Impact
6.1 Overview of Impacts
6.2 Environmental Impact
   6.2.1 Solid Waste
   6.2.2 Water Resources
   6.2.3 Biological Resources
   6.2.4 Hazardous Substances and Materials
   6.2.5 Noise and Vibration
   6.2.6 Erosion and Sediment control
   6.2.7 Air Emissions and Odours
   6.2.8 Transport
   6.2.9 Wastewater Discharges
   6.2.10 Quarry and Aggregate Supply
   6.2.11 Biosecurity
   6.2.12 Secondary and Cumulative Impacts
   6.2.14 Coastal and Marine Environment Impacts
6.3 Social Impact
   6.3.1 Worker’s Construction Camp
   6.3.2 Public Safety and Disruption to Traffic
   6.3.3 Potential Disruption to Utilities, Services, Property and Business
   6.3.4 Land Acquisition and Property Access
   6.3.5 Cultural Heritage and Sensitive Sites
7.0 Mitigation Measures
7.1 Aggregate, Materials and Equipment Importation
7.2 Hazardous Substance Use, Storage and Disposal
7.3 Safety and Traffic Management
7.4 Stormwater and Water Management
7.5 Bitumen, Asphalt and Concrete Plant
7.6 Construction Camp
7.7 Erosion and Sediment Control
7.8 Waste Water Management
7.9 Solid Waste Management
7.10 Socio-Economic Measures
8.0 Roles and Responsibilities
8.1 Institutional Capacity
8.2 Grievance Redress Mechanism
9.0 Compliance and Monitoring Plan
9.1 Monitoring Plan
9.2 Reporting
10.0 Contingency Planning

Appendix A   ESMP Monitoring Plan Inspection Checklist
Appendix B   Consultation Plan and Report
Appendix C   Abbreviated Resettlement Action Plan (incl. list of affected properties, affected persons, negotiations and compensation agreements in place)

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33Alternatively this may include in-migration or population influx depending on the nature of the project.
Annex G  Codes of Environmental Practice

I. Mitigation Checklist

Mitigation measures are required to minimize environmental and social risks and impacts related to subproject activities. Table 1 provides a list of standard mitigation measures that may be developed as part of the EMP, and modified or applied as appropriate.

Selected mitigation measures are to be included in contract documentation for civil works (and storage of emergency supplies), and these measures will form the minimum performance requirements. Depending on the nature of the subproject, additional protection measures may be necessary to prevent or further mitigate negative impacts. It is the duty of the PMU to ensure that these additional protection measures are included in contract documentation.

Table 1  Potential Mitigation Measures

<table>
<thead>
<tr>
<th>Environmental and Social Issues</th>
<th>Action Code</th>
<th>Mitigation actions to prevent negative impacts</th>
<th>Applicable? (Y/N)</th>
<th>Completed at Audit? (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>01. Site clearance and land disturbance</td>
<td>0101</td>
<td>Minimise the removal of trees and plants.</td>
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<tr>
<td></td>
<td>0102</td>
<td>Community consensus is reached on site selection with whole community to ensure subproject activity does not conflict with or remove a person's livelihood and sensitive / disputed / taboo sites are avoided</td>
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<tr>
<td></td>
<td>0103</td>
<td>Site is away from steep slopes, rainforest, wetland, rivers, sensitive ecosystems and other critical habitats such as animal feeding and nesting grounds</td>
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<tr>
<td></td>
<td>0104</td>
<td>Use of heavy machinery conducted by trained persons only</td>
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<tr>
<td></td>
<td>0105</td>
<td>No disturbance of land until confirmation that land is able to be used for subproject by completing Land Use Agreement (LUA), and that it is less than 10% of landholdings</td>
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<tr>
<td></td>
<td>0106</td>
<td>Stop any activity if ecologically sensitive areas are disturbed</td>
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<tr>
<td>Environmental and Social Issues</td>
<td>Action Code</td>
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<tr>
<td>01. Environmental and Social Issues</td>
<td>0107</td>
<td>Replant any plants, fruits trees or medical herbs that were cut during site clearance.</td>
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<tr>
<td></td>
<td>0108</td>
<td>Stop any activity if cultural heritage sites are uncovered, follow Chance Find Procedures and contact relevant authorities</td>
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<tr>
<td>02. Noise disturbance</td>
<td>0201</td>
<td>Consult community regarding appropriate timing of noisy activities and avoid noisy activities at night</td>
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<tr>
<td></td>
<td>0202</td>
<td>Use noise-control methods (barriers/shelter/muffling devices) and maintain a buffer zone if possible</td>
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<tr>
<td></td>
<td>0203</td>
<td>Minimise project transportation, particularly heavy vehicles, through residential areas</td>
<td></td>
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<tr>
<td>03. Air quality</td>
<td>0301</td>
<td>Do not burning of debris or waste materials in proximity to village or site</td>
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<td></td>
<td>0302</td>
<td>Reduce dust generation through application of water where practical</td>
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<td></td>
<td>0303</td>
<td>Cover stockpiled materials and secure debris with tarpaulins</td>
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<td></td>
<td>0304</td>
<td>Limit heavy vehicle movements and idling</td>
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<td></td>
<td>0305</td>
<td>Identify asbestos risk and hazardous materials to be handle only by qualified or appropriately trained persons</td>
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<tr>
<td>04. Soil erosion and contamination</td>
<td>0401</td>
<td>Limit ground disturbance to small areas and minimize removal of trees and plants.</td>
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<td></td>
<td>0402</td>
<td>Complete construction works during dry season and avoid wet season</td>
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<td></td>
<td>0403</td>
<td>Construct temporary/permanent structures/barriers to control erosion</td>
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<td>Environmental and Social Issues</td>
<td>Action Code</td>
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<tr>
<td>0404 Stabilize sloping or cleared area before construction with gabions (walls / stones), ditches and/or terraces as appropriate</td>
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<tr>
<td>0405 Construct retaining walls to hold back loose sediments and use mulch, grasses or compacted soil to stabilize exposed area</td>
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<tr>
<td>0406 Avoid construction on unstable soils, steep slopes and near riverbanks</td>
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<td>0407 Minimize length and steepness of slopes for bridges</td>
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<tr>
<td>0408 Re-plant trees and re-vegetate cleared areas immediately after construction</td>
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<tr>
<td>0409 Confine construction site with trench or bund (mound) to avoid surface runoffs from entering surrounding environments.</td>
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<td>0410 Do not discharge water in areas that are steep and unstable.</td>
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<tr>
<td>0411 Construct proper drainage systems to divert water away from activity site and other sensitive environment including ditches for water flows to carry surfaces run-off away from erodible areas and slopes, and line steep channels/slopes with palm fronds, mulch, rocks etc to reduce run-off.</td>
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<tr>
<td>0412 Drain storm-water through a single filtered outlet by passing the water over gravel/sand sieve, then over vegetated surface to remove organic pollutants before discharging on to any drainage system.</td>
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<td>0413 Stop any activity that is causing excessive erosion and turbidity</td>
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<tr>
<td>05. Water (groundwater, surface water run-off, turbidity, contamination)</td>
<td>0501 Select sites away from riverbanks and creeks, with a buffer of approximately 20m</td>
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<td>Action Code</td>
<td>Mitigation actions to prevent negative impacts</td>
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<tr>
<td>0502</td>
<td>Natural water flows should not be altered or changed</td>
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<tr>
<td>0503</td>
<td>Construct proper drainage systems</td>
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<tr>
<td>0504</td>
<td>Keep waste and hazardous materials away from water bodies and do not dispose of waste in creeks or rivers</td>
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<tr>
<td>0505</td>
<td>Manage site safety to avoid contamination of drinking water from waste materials and pollutants</td>
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<tr>
<td>0506</td>
<td>Wells should always be located upstream of any septic tank soak-away. Minimum 15 m distance from septic tank is recommended to avoid contamination</td>
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<tr>
<td>0507</td>
<td>Do not discharge solid or liquid wastes in waterways or on coastal environment</td>
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<tr>
<td>0508</td>
<td>Avoid sedimentation of waterways and coastal areas through erosion control methods</td>
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<tr>
<td>0509</td>
<td>Protect water sources from overuse and salt intrusion through the use of buffer zones and barriers where necessary</td>
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<tr>
<td>0510</td>
<td>Dispose of waste water in soak pits</td>
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<tr>
<td>0511</td>
<td>Construct culvert around well and cover well with lid</td>
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<tr>
<td>0512</td>
<td>Avoid logging, large-scale animal farming/aquaculture and major construction activities in the water catchment area</td>
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<tr>
<td>0601</td>
<td>Collect and transport construction waste to appropriately designated/controlled dump sites, far from villages</td>
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</tbody>
</table>

### Action Codes
- **0502**: Natural water flows should not be altered or changed
- **0503**: Construct proper drainage systems
- **0504**: Keep waste and hazardous materials away from water bodies and do not dispose of waste in creeks or rivers
- **0505**: Manage site safety to avoid contamination of drinking water from waste materials and pollutants
- **0506**: Wells should always be located upstream of any septic tank soak-away. Minimum 15 m distance from septic tank is recommended to avoid contamination
- **0507**: Do not discharge solid or liquid wastes in waterways or on coastal environment
- **0508**: Avoid sedimentation of waterways and coastal areas through erosion control methods
- **0509**: Protect water sources from overuse and salt intrusion through the use of buffer zones and barriers where necessary
- **0510**: Dispose of waste water in soak pits
- **0511**: Construct culvert around well and cover well with lid
- **0512**: Avoid logging, large-scale animal farming/aquaculture and major construction activities in the water catchment area
- **0601**: Collect and transport construction waste to appropriately designated/controlled dump sites, far from villages

### Waste (solid and hazardous)
- **0601**: Collect and transport construction waste to appropriately designated/controlled dump sites, far from villages
<table>
<thead>
<tr>
<th>Environmental and Social Issues</th>
<th>Action Code</th>
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<th>Completed at Audit? (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0602</td>
<td>Keep waste sites at least 300 meters away from water bodies and wetlands</td>
<td></td>
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<tr>
<td>0603</td>
<td>Hazardous materials handled with protective equipment by trained persons only (including asbestos), and securely stored</td>
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<tr>
<td>0604</td>
<td>Proper disposal of contaminated waste materials in designated/approved sites by license contractors</td>
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<tr>
<td>0605</td>
<td>Protocol of accidental spills is in place (emergency response)</td>
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<tr>
<td>0606</td>
<td>Indicate hazards through signs, pictures and labels</td>
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<tr>
<td>0607</td>
<td>Do not use or store chemicals, pesticides or fertilizers</td>
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</tbody>
</table>

| 07. Visual | 0701 Avoid construction works that will significantly alter the landscape |                  |                  |
|           | 0702 Revegetation areas as soon as possible |                  |                  |

| 08. Extraction of materials | 0801 Seek permission of environmental authority for permitting and approval of material use (sand, gravel, etc). |                  |                  |
|                            | 0802 Limit extraction of sand or gravel |                  |                  |
|                            | 0803 Source sand, rocks and gravel from approved quarry |                  |                  |

<p>| 09. Natural Hazards | 0901 Build appropriately-designed infrastructure to relevant specifications |                  |                  |
|                    | 0902 Avoid areas prone to natural hazard events (flooding, spring tides etc), steep slopes and vulnerable to erosion, landslides, etc. |                  |                  |
|                    | 0903 Consider long-term climatic affects and seasonal extremes on location and materials |                  |                  |</p>
<table>
<thead>
<tr>
<th>Environmental and Social Issues</th>
<th>Action Code</th>
<th>Mitigation actions to prevent negative impacts</th>
<th>Applicable? (Y/N)</th>
<th>Completed at Audit? (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Community and worker safety</td>
<td>1001</td>
<td>Limit use of heavy machinery by trained persons only</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>1002</td>
<td>Proper management of hazardous materials and waste, and disposal in designated areas</td>
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<td></td>
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<tr>
<td></td>
<td>1003</td>
<td>Awareness of dangers on site and occupational, health &amp; safety requirements</td>
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<td></td>
<td>1004</td>
<td>Storage of medicines consistent with Ministry of Health standards</td>
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<td></td>
<td>1005</td>
<td>Facilities upgraded in consultation with Ministry of Health</td>
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<tr>
<td></td>
<td>1006</td>
<td>Locked storage of fuels, paints and chemicals (cool, dry shed)</td>
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<tr>
<td></td>
<td>1007</td>
<td>Contain mixing area for concrete / bitumen to avoid spillage and contamination of surrounding environment.</td>
<td></td>
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<tr>
<td></td>
<td>1008</td>
<td>Encourage skilled villagers to participate in and supervise construction works</td>
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<tr>
<td></td>
<td>1009</td>
<td>Keep extra materials stockpiled in a safe place undercover, away from walkways</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Social Impact</td>
<td>1101</td>
<td>Ensure outside workers respect the code of conduct of construction activities in the community through briefing session</td>
<td></td>
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<tr>
<td></td>
<td>1102</td>
<td>Subproject activity does not conflict with or remove a persons livelihood (e.g. purchase of solar panels does not remove a persons phone-recharging enterprise)</td>
<td></td>
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<tr>
<td></td>
<td>1103</td>
<td>Identify community members with key responsibilities for project implementation</td>
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<tr>
<td>Environmental and Social Issues</td>
<td>Action Code</td>
<td>Mitigation actions to prevent negative impacts</td>
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<tr>
<td></td>
<td>1104</td>
<td>Grievances resolved using the grievance redress mechanism</td>
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<td></td>
<td>1105</td>
<td>Discontinuation of project if conflict arises and exit strategy followed</td>
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<td></td>
<td>1202</td>
<td>Develop environmental management plan specific to farming activities and techniques, detailing monitoring frequency, in consultation with the Department of Primary Industries</td>
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<tr>
<td></td>
<td>1203</td>
<td>Ensure a buffer zone of at least 20m between gardens/plots and waterways</td>
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<tr>
<td></td>
<td>1204</td>
<td>Minimize application of pesticides and fertilizer use by using organic options where viable, and store pesticides and fertilizer in a dry place away from water ways or wet areas that is not accessible to children</td>
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<td></td>
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<tr>
<td></td>
<td>1205</td>
<td>Conduct soil testing or trial plots in different areas to ensure best site with most fertile soil for food production is selected</td>
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</tbody>
</table>
II. Chance Finds Procedure

There is a possibility that project activities may result in damage to physical cultural resources (PCR) unless identified early. A Chance Finds Procedure (CFP) will be detailed in EMPs. Activities that may occur in areas with possible PCR will specify procedures for identifying and avoiding impacts on this, including:

- Consultation with the appropriate authorities and local residents and communities to identify known or possible sites during the design of project activities;
- Siting of proposed activities to avoid identified sites (including protected areas and zones);
- The cessation of work until the significance until the significance of a ‘find’ has been determined by authorities or relevant experts; and
- Mitigation and management measures (e.g. buffer zones) for CFP in contracts.

Cultural property include monuments, structures, works of art, or sites of significance points of view, and are defined as sites and structures having archaeological, historical, architectural, or religious significance, and natural sites with cultural values. This includes cemeteries, graveyards and graves.

The list of negative subproject attributes which would make a subproject ineligible for support includes any activity that would adversely impact cultural property. In the event that during reconstruction or construction sites of cultural value are found, the following procedures for identification, protection from theft, and treatment of discovered artifacts should be followed and included in standard bidding documents.

Chance find procedures will be used as follows:

(a) Stop the construction activities in the area of the chance find;
(b) Delineate the discovered site or area;
(c) Secure the site to prevent any damage or loss of removable objects.
(d) Notify the supervisory Engineer who in turn will notify the responsible local authorities;
(e) Responsible local authorities and the relevant Ministry would be in charge of protecting and preserving the site before deciding on subsequent appropriate procedures.
(f) Decisions on how to handle the finding shall be taken by the responsible authorities and the relevant Ministry. This could include changes in the layout (such as when finding an irremovable remain of cultural or archeological importance) conservation, preservation, restoration and salvage.
(g) Implementation for the authority decision concerning the management of the finding shall be communicated in writing by the relevant Ministry.
(h) Construction work could resume only after permission is given from the responsible local authorities and the relevant Ministry concerning safeguard of the heritage.

These procedures must be referred to as standard provisions in construction contracts.

During project supervision, the Site Engineer shall monitor the above regulations relating to the treatment of any chance find encountered are observed. Relevant findings will be recorded in World Bank Supervision Reports and Implementation Completion Reports will assess the overall effectiveness of the project’s cultural property mitigation, management, and activities, as appropriate.
III. Samoa Codes of Environmental Practice

COEP 2 – Road Planning, Design and Construction

COEP 6 – Road Construction Erosion Control

COEP 12 – Traffic Control During Construction

COEP 2 – Road Planning, Design and Construction

2.1 Objective

The objective of this Code of Environmental Practice (COEP) is to establish general guidelines for managing and minimising potential environmental (including social) impacts of roading projects by outlining principles and minimum standards which shall be taken into account in the planning, design, and construction of roads. This COEP shall be read in conjunction with COEP 1 – Administrative Procedures.

2.2 Principles

In general road rehabilitation or upgrading works for existing roads, and the road alignment planning, design, and associated earthworks for new roads shall:

- Avoid as far as is practicable the disturbance, and or the resettlement of, villages, or individual buildings including houses;
- Avoid areas of land, foreshore, wetlands, waterways or other areas of habitat which have been set aside for the conservation of flora and fauna, and biodiversity;
- Avoid sites of archaeological, heritage, historical, traditional, and cultural importance;
- Avoid wherever possible National Parks, eco-tourism areas, foreshore reserves, forest reserves, nature reserves, riverbank reserves, traditional reserves, water catchment reserves, wetlands, and heritage and archaeological sites;
- If road user safety is not compromised, relax specified design standards in areas of steep and heavily vegetated slopes, sensitive coastal areas, and roads which could be part of a Scenic Roads Programme;
- Incorporate design features for the general improvement of environmental quality;
- Incorporate design features for the protection and enhancement of coastal margins and other areas that require particular sensitivity; and
- Incorporate measures and design features for the mitigation of adverse environmental effects.

2.3 Sustainable Development

To maximise the goals of sustainable development, during the planning and design phase for road construction, the designer shall:

- Take into account the issues and concerns of affected communities and stakeholders; Decide, in consultation with stakeholders, the values which should be given priority;
- Decide, in consultation with stakeholders, the values which should be given priority;
- Identify and discuss any mitigation measures which could have a major cost implication;
- Consider in the design, construction methods which will minimise environmental risk while taking into account the goals of sustainable development. The most practicable methods for minimising the release of sediment and other pollutants into the environment shall be selected;
- Specify that construction phases are sequenced, timed, and managed to minimise disturbance to the environment. This includes the minimisation of the extent of the area to be worked, and any areas of bare earth exposed at any one time;
• Specify that the programme of construction shall be prepared to show that areas to be revegetated are completed progressively as sections of the work are completed;
• Identify and set out the relevant clauses of the contract requirements and construction details that ensure environmental standards and guidelines are implemented;
• Provide in the contract documentation the operational and maintenance procedures to preserve the mitigation measures in good condition and effective operation.

2.4 Road Design and Construction

For the planning and design phases of roading projects, the designer shall follow the general guidelines as set out below:

Environmental Management Plans

The consultant shall prepare the basis of an Environmental Management Plan (EMP), to be completed by the contractor. The EMP shall set out the management, mitigation measures, and monitoring requirements that will be put into place during the project. The EMP shall:

• Identify the personnel who have clearly defined roles and responsibilities in the implementation of the EMP.
• Establish the chain of responsibility for managing the environmental aspects of the project.
• Identify the records to be maintained which demonstrate compliance with the EMP.
• Establish the mitigation and contingency measures for at least the following:
  - oil spills;
  - material loss;
  - erosion control
  - failure of protection works or earthworks;
  - litter control;
  - dust control;
  - water collection management;
  - noise control;
  - traffic management.
• Specify the temporary stormwater treatment devices, their locations, and the maintenance programme for all such devices.
• Specify and detail sedimentation control measures to be implemented.
• Specify control methods to be used, and identify how these will minimise the amount of sediment released into the environment.
• Specify compliance with COEP 12 with regard to construction and road safety training programmes for personnel.

Survey

• Follow the process for consultation and land access for survey and investigation as set out in COEP 3 - Consultation and COEP 4 - Land Acquisition and Compensation.
• Minimise branch trimming, tree felling, or other environmental disturbance to that necessary to establish line of sight.

Cuts and Fills

• In addition to any requirements to alter the alignment for ecological or social impact reasons, the road design and alignment should determine the best practicable option for:
  - minimising the extent of cuts and fills;
  - minimising the transportation of spoil through or over ecologically sensitive areas (refer to
COEP 6);
- minimising excess cut requiring disposal;
- minimising the impact of sediment generation in the design of and protection systems for cut and fill batters;
- establish appropriate factors of safety against failure of battered slopes while maximising batter slopes (refer to COEP 7).

Disposal of Excess Material

- In consultation with the affected community, identify and implement the best practicable option for the disposal of excess cut and unsuitable materials. In this context materials means non toxic materials. Any toxic materials shall be disposed of by a method or methods that comply in all respects with the laws of Samoa.
- Specify that all excess cut disposal areas shall be subject to the same environmental controls and guidelines as the overall project, as set out in the relevant COEP.
- Specify that all excess cut disposal areas are designed to maximise embankment stability, minimise erosion, are shaped to conform with the general topography, and are vegetated appropriately.

Water Crossings

- Design water crossings to use low impact structures intended to minimise disturbance to the stream/river/estuarine environment, and shall:
  - incorporate any design features required to protect particular ecologically sensitive areas;
  - permit the passage of fish;
  - permit/retain existing navigational requirements;
  - encourage minimal construction time;
  - incorporate construction sediment control;
  - minimise clearance of vegetation.

Drainage

Refer to COEP 6 and 11. In general the design of drainage systems and devices shall:

- Where practicable reduce channel flows through the use of cross drains and turn outs;
- Encourage minimum construction times;
- Minimise the clearance of vegetation;
- Ensure that design details and specifications minimise the discharge of water borne soil particles to natural water courses.

Temporary Stormwater Treatment

- Design and specifications for stormwater treatment shall comply with COEP 6 and 11.

2.4.1 Road Design

The general guidelines listed above and the following directives shall apply to the design of new or upgrading/rehabilitation road works. For all other aspects of roading projects the directives and standards set out in the COEP shall apply.

General Environmental Management Contract Clause

MNRE and/or MWTI shall ensure that a clause is included in all contract documentation related to its roading projects, which sets out the premise for environmental management as envisaged in these COEP.
The Contractor shall be instructed to enter into the spirit of the project regarding the environment, namely, wherever possible to act in such a way that the environmental resources of the site or area are protected, conserved, and sustained at all times.

**Design Standards**

The standards to be used by designers will have been stipulated in the terms of reference issued by the Client. If on analysis of all relevant factors including data on topography, rainfall, soils, tourism potential, traffic volumes, environmental considerations (such as the sensitivity of the adjacent environment), and social factors (such as the location of villages or groups of households), it is considered by the designer that a variation to the design standards should be sought, the designer shall advise the Client accordingly.

A variation in design standards should be considered where a reduction in adverse environmental and social impacts can be achieved without compromising road function or safety.

If, as a result of detailed consideration of all design and environmental factors, the designer considers that there should be a revision of specified standards then the designer shall seek approval to vary the design standards.

**Road Alignment Selection**

If on analysis of all relevant factors including topography, land use, tourism potential, environmental considerations (such as the sensitivity of the adjacent environment), and social factors (such as the location of villages or groups of households), it is considered by the designer that a variation in road alignment should be sought, the designer shall advise the Client accordingly.

If as a result of detailed consideration of all design and environmental factors the designer considers that there should be a variation to the road alignment then the designer shall seek approval to such variation. A variation in road alignment should be considered where such a variation would result in minimising environmental and social impacts.

**Visual Aspects**

Road designs shall incorporate landscape aspects to fit the road shape into surrounding topography. Cut batters should be shaped or rounded to conform with adjacent landform. Horizontal and vertical geometry shall coincide to avoid the development of ‘broken back’ alignments.

**Rest Areas**

In the design of roading projects through scenic areas, and particularly in locations offering a view of broad vistas, designers shall give consideration to the development of roadside rest areas. Such rest areas shall be developed with the minimum disturbance to vegetation and shall incorporate all environmental protection measures defined in the relevant COEP. They shall be located such that they are in full view of the adjacent road and shall be of such size as to provide for the parking of vehicles of a nature likely to use the road.

The design of such rest areas shall be discussed with MNRE and/or MWTI.

2.4.2 **Road Construction**

For the construction phase, the contractor or constructor shall follow the general guidelines set out below:

**General**

- All reasonable steps shall be taken to ensure minimum nuisance to adjacent land during construction.
- At all times reasonable and useable access be maintained to private land and villages not directly
affected by construction.
  • Plants, seedlings, and cutting used for revegetation and landscaping should wherever possible be taken from the immediate area, and from as close as possible to the restoration site.
  • Management and mitigation plans shall be prepared for project activities that are considered to create adverse impacts.

Environmental Management Plans

No equipment shall be moved onto a site, or works undertaken, prior to the completion of the EMP established by the contract documents.

Haul Roads

Refer to COEP 8.

  • Construction and establishment of haul roads shall be kept to a minimum.
  • Minimise the extent of traffic and construction impacts on adjacent villages and other residential areas.
  • Wherever possible avoid water crossings. General noise control measures set out in the EMP shall apply to haul roads.
  • Shall be constructed with cut off drains and runoff passed through stormwater treatment devices.
  • Haul roads and associated temporary structures shall be removed upon completion of the works and the area reinstated.
  • Revegetate the area as soon as possible in line with this guideline.

Dust Control

  • Dust control measures by dampening shall be detailed in the EMP, and shall include where the water shall be collected from (i.e. whether from rain storage tanks or local watercourses), and the number of watering trucks required. All care shall be taken to ensure excess water does not find its way to waterways.
  • Hydrocarbons shall not be used as a method of dust control.

Cut Disposal and Management

Shall be as set out in COEP 6 and shall include:

  • Temporary stockpiles shall be restricted to within the actual alignment wherever possible.
  • Cut disposal shall be designed to ensure embankment stability and to minimise erosion.
  • Cut off drains and temporary silt ponds to remove sediment shall be installed prior to the disposal site receiving material.
  • Cut disposal areas shall only receive clean fill.

Stockpiles

  • Ensure that stockpiles of top soil, humus, mulch, clean-fill, waste materials, and roading aggregates are not located within 10m of a watercourse, or in ecologically sensitive areas.
  • Stockpiles of materials shall not be permitted to generate dust. Ensure that any stockpile is equipped with cut off drains or similar
  • Ensure that runoff from stockpiles is directed through a stormwater treatment device. Ensure that all stormwater treatment devices are adequately maintained.

Refuelling and Maintenance Areas

Refer to COEP 5.
• Ensure that refuelling and maintenance facilities are not located, or activities do not take place, within 30 m of a watercourse, or in ecologically sensitive areas wherever practicable. If a 30 m limit is impracticable then a lesser limit may be adopted provided approval is obtained. On no account shall the limit be less than 10 m.

• Ensure that vehicles and plant are not stored within 30 m of a watercourse, or in ecologically sensitive areas, overnight or when not in use.

**Site Facilities**

Site facilities shall be established as set out in COEP 5. Site facilities include offices, ablutions, and areas designated for workers, and as such are activities that have the potential to generate litter and other waste material. These facilities shall not be located within 30 m of a watercourse, or in an ecologically sensitive area. Site facilities include:

- Site offices, buildings, and facilities as necessary;
- Covered rubbish bins; and
- Regular disposal of rubbish off site at an appropriate location.

**Water Crossings**

Refer to COEP 11.

- Minimise disturbance of watercourses; excavations or disturbance of the bed of any waterway shall not occur unless required as part of construction.
- Exposed surfaces shall be minimised and revegetated or sealed as soon as practicable.
- Weather conditions should be taken into account in programming earthworks.

**Temporary Silt Control**

Refer to COEP 6.

- Temporary stormwater devices and associated cut off drains/bunds shall be installed prior to any earthworks commencing on site.
- Construction of temporary treatment devices shall minimise environmental disturbance.
- All temporary treatment devices shall be removed and appropriately reinstated upon completion of the associated earthworks.
- All temporary treatment devices shall be maintained to ensure optimum operating efficiencies.

**Planting and Revegetation**

Grassing and replanting of trees and shrubs progressively throughout construction of roads is the most effective means of preventing or minimising erosion. Consequently contractors shall programme and execute their work such that:

- Revegetation of all exposed surfaces shall be specified and shall be undertaken as soon as practicable after completion of earthworks.
- Stockpiles of top soil and mulch comply with the requirements for stockpiles (refer to COEP 6).
- Erosion protection measures shall be specified as COEP 6. Maintenance of vegetation and erosion control measures shall be specified.
2.5 Consent

2.5.1 Consent Required

In accordance with Part V of the Planning and Urban Management Act 2004 and any other relevant legislation, any person who engages in road construction shall first obtain a Development Consent (consent) from PUMA for the proposed activity.

2.5.2 Application for Consent

Consent applications shall be on a form approved by PUMA and shall be submitted by the person undertaking the road construction. In the case of land development, the land developer rather than the contractor or agent shall submit the application.

Applications shall be made no later than one month before the proposed construction is scheduled to begin.

Applications shall be accompanied by such other documents as PUMA may require.

2.5.3 Public Hearing

At any time during the consent process, PUMA may convene a public hearing or hearings for the purpose of determining the facts on which to base a decision. Adequate notice of the hearing or hearings, adequate opportunity to appear and be heard, and adequate opportunity to provide written comment, shall be given to all interested persons.

2.5.4 Special Conditions

PUMA may, upon issuance of a consent, impose any conditions or special requirements on the road construction as it sees fit. All such conditions and requirements shall be listed in writing by PUMA and attached to the consent.

2.5.5 Consent Expiration and Renewal

A road construction consent issued by PUMA shall expire two years from the date of issuance. If the construction activity is ongoing at the time of consent expiration, a new consent application shall be submitted to PUMA one month before expiration of the consent.

COEP 6 - Road Construction Erosion Control

6. Objective

The objective of this Code of Environmental Practice (COEP) is to define measures for the prevention of erosion of exposed earth surfaces as a result of road construction activities, including post construction period, and to prescribe measures to be taken to avoid erosion of channels and drainage outlets. It also prescribes measures to be taken to mitigate significant adverse effects of the discharge of water containing suspended soil particles into natural watercourses or onto land adjacent to road works. This COEP shall be read in conjunction with COEP 1 – Administrative Procedures.
6.2 Planning and Design

6.2.1 Road Alignment

The planning and design of the alignment of any roading project is to be undertaken to avoid, so far as is possible, the disturbance of existing vegetation and as a consequence minimise the implementation of erosion control measures defined in this COEP.

Planners and designers of road upgrading and reconstruction projects shall, wherever possible, avoid the removal of vegetation from existing road batters by careful selection of the road alignment and vertical profile. If, by minor adjustment to the design standards contained in the terms of reference, significant reduction in adverse environmental effects can result then the planner/designer shall discuss such adjustment with the client. Provided the resulting road project will be “fit for its purpose” then the client may approve adjustment to such design standards.

6.2.2 Catch Drains

Catch drains shall be installed above cut batters where it is necessary to intercept overland flow of water to prevent it causing scour of batters or triggering instability of such batters. They shall be constructed a minimum of 2 metres beyond the top of any cut batter and shall be of adequate dimension to discharge the assessed flow of water, calculated from the contributing catchment and design rainfall, without overtopping. They shall be appropriately lined to prevent scour of the drain and shall be accessible for maintenance purposes.

They will normally discharge to road side drains but wherever the discharge location it shall be effectively protected against scour preferably by dispersion across a grassed area having a relatively flat gradient.

The Designer shall detail and specify the construction of catch drains where required to provide erosion control. Depending on flow velocities in such drains they shall be lined with appropriate vegetation (refer Annexure 1) or, where necessary to prevent scour, cemented rock lined or concrete lined channels or equal alternative lining materials shall be used.

6.2.3 Bench Drains

Where cut batters or fill batters include intermediate benches, each bench shall be drained to prevent the collection or ponding of surface water on the bench. Benches in cut batters shall slope away from the road at a minimum slope of 1 in 6 while benches in fill batters shall slope towards the road at a minimum slope of 1 in 6.

Bench drains shall be located on the low side of each bench and shall be of sufficient dimension and longitudinal slope to adequately discharge the design flow. Bench drains shall be protected against scour by appropriate lining and the discharge location shall be protected against scour as for Catch Drains.

The designer shall detail and specify the construction of bench drains to provide erosion control. Depending on flow velocities in such drains they shall be lined with appropriate vegetation (refer Annexure 1) or where necessary to prevent scour cemented rock lined or concrete lined or equal alternative lining material shall be used.

In the event of excessively long benches, water from bench drains may be discharged to road side drains by way of adequately designed concrete lined cascade drains. The discharge location of cascade drains to road side drains shall be protected against scour.

6.2.4 Toe Drains

In order to minimise the risk of water ponding adjacent to the toe of fill batters with the consequent risk of saturating fill materials with resulting batter failures it is often necessary to construct toe drains.
Where toe drains are to be installed adjacent the toe of fill batters to prevent ponding of water against fill batters they shall be designed with adequate capacity to fulfil their function and shall be lined with appropriate vegetation (refer Annexure 1). Prior to the discharge to natural water the drains shall be shaped to disperse the flow across a grassed area.

6.2.5 Road Side Drains

Wherever they are installed road side drains shall be designed for their purpose and shall be protected against the effects of scour. The minimum protection shall be the establishment of suitable grasses (refer Annexure 1). Where flow velocities are anticipated to be high, scour protection shall be afforded by rip rap, concreted stone pitching, concrete dished channels or equally effective protection.

Frequent turn outs of road side drains shall be provided to discharge flow across grassed areas where ever practicable prior to entering natural water courses. In steep country and elsewhere as necessary flumes shall be constructed to discharge water from road side drains to undisturbed vegetated ground beyond the road formation. Effective scour protection shall be provided at flume discharge locations. The maximum distance between turn outs shall be 100 metres unless this limitation is demonstrated to be impracticable.

If necessary and practicable, to provide the maximum distance between turnouts of 100 metres, appropriately sized culverts shall be installed to transfer flow from one side drain to the opposite side drain. Inlets and outlets to such culverts shall be protected from the effects of scour.

6.2.6 Batter Protection

All batters in soil, both cut and fill, shall be protected from the effects of scour by water flow. Batter protection shall be installed as soon as practicable after the completion of any batter or in the case of benched batters the completion of any one bench.

6.2.7 Silt Traps and Silt Ponds

Throughout the construction period and if necessary the maintenance period it is intended that the discharge of silt-laden water from construction sites to natural water courses is minimised. In ecologically sensitive areas and along any foreshore, untreated discharge must be prevented.

Where discharge from catch, bench, toe and road side drains is relatively low in volume and discharge over a grassed area is impracticable silt fences, shall be utilised to prevent or minimise the discharge of silt laden water to natural water courses.

For high volumes of discharge silt retention ponds shall be used to prevent or minimise the discharge of silt laden water.

Silt traps and ponds shall be utilised throughout the construction period and if necessary silt ponds shall be operational throughout the contract maintenance period. At the completion of construction works or the maintenance period as applicable, silt traps and ponds shall be cleaned out and ponds filled to suit surrounding topography and levels.

The designer shall detail and specify the construction and maintenance of silt traps. The designer shall specify the design of silt retention ponds having regard to the desired retention period and the method of operation. The disposal of material that is periodically cleaned from traps or ponds shall also be carefully specified to ensure that it does not re-enter any natural watercourse. During the design of the works, the need for silt retention ponds shall be assessed and sufficient land allocated within the site of the works for their construction.
6.2.8 Shoulder Protection

In order to protect the surface of road shoulders against erosion from surface water flows it is necessary to surface the shoulder with non-erodible material. Such surfacing has the secondary benefit of minimising the occurrence of edge break of adjacent sealed pavements.

All shoulders should be grassed integral with the selected road side drain erosion protection system. Suitable grass species are identified in Annexure 1. To assist the establishment of grasses the road shoulder may be surfaced with a mixture of sub-basecourse and humus (3:1).

On heavily trafficked roads where severe attrition of grassed shoulders is likely to occur, consideration should be given to surfacing the road shoulder with at least a single bituminous surface treatment.

6.3 Construction

6.3.1 General

All project work shall be undertaken with a conscious approach to the need for preventing or minimising erosion of any exposed earth surface. In addition to permanent drainage or erosion control systems that are required to be constructed, temporary measures to prevent erosion are to be implemented whenever these are clearly necessary to mitigate against the erosion of exposed surfaces.

A suggested specification is:

*The contractor is required to enter into the spirit of environmental protection and conservation and to construct works in terms of agreed programmes, methods and sequences that will prevent or mitigate against erosion. The contractor shall employ such temporary measures as are necessary to prevent or mitigate against erosion or siltation of any natural water course in addition to permanent drainage or erosion control systems that are detailed in the contract documents.*

6.3.2 Programme of Works

The programming of works shall demonstrate that the sequence of operations shall be such as to minimise the amount of time over which exposed surfaces are subject to potential erosion. It shall clearly demonstrate the sequential operations of drainage installation, erosion protection measures, earthworks, drainage facilities, pavement construction and revegetation to minimise the exposure of erodible surfaces.

A suggested specification is:

*The contractor shall programme the works to demonstrate that the sequence of operations involving drainage installation, earthworks, drainage facilities, erosion protection measures, pavement construction and revegetation are implemented to minimise the period over which earth surfaces are exposed to the potential for erosion.*

*On no account will the contractor be permitted to extend earthworks including vegetation clearing and topsoil stripping 500 metres beyond concurrent pavement construction and revegetation works without the approval of the engineer.*

6.3.3 Clearing Vegetation

Vegetation is nature’s way of preventing soil erosion and existing vegetation clear of project works should always be protected.

Consequently only vegetation that is within the site of the works, construction camp, borrow area or waste
material disposal areas shall be cleared. Cleared vegetation shall be mulched and stockpiled with topsoil for use in revegetating batters and other exposed surfaces.

Large logs and branches that cannot be mulched shall be stockpiled for use in erosion prevention or control.

Stormwater run off from areas stripped of vegetation shall be collected in temporary or permanent drains which shall be fitted with silt retention devices prior to discharge to natural waters.

On no account shall cleared vegetation be burned.

A suggested specification is:

The contractor shall only clear vegetation from between the batter limit lines shown in the drawings, the net agreed area for the construction camp and the agreed area of proposed waste material disposal areas or borrow area. On no account is the contractor to damage vegetation outside the above areas or borrow area. Should such damage occur the contractor shall forthwith take such steps as are necessary to prevent erosion and to re-establish vegetation. On no account is cleared vegetation to be burned. Such vegetation shall be mulched and stockpiled with stripped topsoil for use in revegetating batters and other exposed surfaces. Large logs and branches that cannot be mulched shall be stockpiled for use in erosion prevention or control.

The contractor shall install such temporary or permanent drainage systems as are required to collect stormwater run off from stripped areas. Silt traps or silt retention ponds as detailed or specified shall be constructed at appropriate locations in such temporary or permanent drains which traps or ponds shall be maintained in efficient operation throughout the contract period.

6.3.4 Topsoil Stockpiles

Topsoil stockpiles shall be sited such that stormwater run off from such stockpile areas can be collected, controlled and discharged through devices to remove suspended solids prior to discharge to natural water courses.

A suggested specification is:

The contractor shall locate topsoil stockpiles clear of future works in locations agreed with the engineer. They shall be located on terrain which is suited for the construction of toe drains around the topsoil stockpile in order to minimise topsoil laden water discharging directly into natural water courses or onto adjacent land. After each day’s work and before rain the stockpiles shall be smoothed off and rolled with suitable rubber tyred equipment to minimise the amount of loose material on the stockpile at any time.

The topsoil stockpiles shall be surrounded by a toe drain of sufficient dimension to be able to trap water discharged from the stockpile and such water shall be conducted to silt traps located at the appropriate location in the toe drain. Silt traps shall be discharged through grass swales prior to water entering natural water courses wherever this is possible. Alternatively erosion protection measures such as rip rap shall be installed at the discharge end of the toe drains prior to their discharge to natural water courses.

6.3.5 Waste Excavation Disposal

The disposal of waste excavated materials from construction sites must be undertaken in such a way as to minimise adverse effects on the environment and to avoid the possibility of waste materials being disguised as competent materials such as occurs when waste material is side cast. There are many examples of road failures where roads have been unwittingly widened over side cast materials.

Consequently, all waste excavated soil, which is unsuitable for incorporation into embankment construction as a result of organic content, moisture content, and the like, shall be disposed of in areas specifically designated for
such purpose. On no account shall excavation to waste be disposed of by side tipping or the widening of fill batters.

Disposal sites shall not be located within environmentally sensitive areas, within the flood plain of any watercourse, within 30 m of the bank of any watercourse with a flood hazard, coastal erosion hazard or landslip hazard area. Such disposal sites shall be stripped and the stripped material stockpiled as in 6.3.4. Excavated waste material shall be placed and compacted by track rolling in the waste disposal area. Waste excavation disposal areas shall be shaped to conform with the adjacent topography. At the completion of the disposal of such material waste excavation disposal areas shall be covered with topsoil and vegetated. Such vegetation shall be similar in nature to the material originally cleared from the site.

Throughout the period of use of such disposal areas perimeter drains, silt traps and or silt retention ponds shall be installed in a specifically designed drainage system to prevent silt laden water discharging into natural watercourses.

A suggested specification is:

*The contractor shall locate waste excavation disposal areas as agreed with the engineer. All excavated material which by virtue of its organic content, moisture content, or other characteristics, which is unsuitable for incorporation into embankment construction shall be transported and placed in such waste excavation disposal areas. On no account shall waste excavated material be disposed of by side tipping or flattening of fill batters unless specifically directed by the engineer.*

*After agreement with the engineer on the location of waste excavated disposal areas the contractor shall strip the topsoil from such sites and stockpile this material for later restoration work. Material excavated to waste shall be placed in such areas and compacted by track rolling, and shaped to conform with the adjacent topography.*

*Surface water discharged from such areas shall be collected into perimeter drains which shall discharge through silt traps and or silt retention ponds in order to minimise the discharge of silt laden water to natural water courses. At the completion of use of waste excavation disposal areas they shall be resurfaced with topsoil previously stripped from the area and revegetated as specified.*

6.3.6 Batter Protection

The establishment and maintenance of vegetation on cut and fill batters at the earliest possible time in the sequence of construction events is the most positive step that can be taken to minimise surface erosion. This fact must be recognised in the development of construction programmes.

All batters in cut areas and all embankment batters shall be revegetated and protected against the effects of scour from surface water run off. A table of suitable grasses and shrubs for establishment on batters is presented in Annexure 1.

A suggested specification is:

*The contractor shall establish vegetation and erosion protection measures on all cut and fill batters as soon as possible during the construction period. In benched cut batters the establishment of vegetation and erosion protection measures shall be undertaken on the bench and upper batter as soon as it is completed. Such work shall not wait until the completion of the total excavation. The contractor shall maintain the vegetation and erosion control measures throughout the construction and maintenance period.*

6.3.7 Traps, Bench, Toe, and Road Side Drains

All such drains shall be established as soon as practicable during the construction of the works and in terms of
the programme as in 6.3.2. Vegetation and the installation of erosion protection measures shall be as detailed and specified and shall be established in the minimum possible time to mitigate against erosion from surface water run off. Outlets shall be discharged through silt traps or to silt retention ponds prior to the discharge of run off to natural water courses.

The discharge from silt traps or silt retention ponds shall flow over grass swales wherever possible prior to the discharge to natural water courses. Alternatively such water courses shall be protected against erosion at the discharge location by the installation of rip rap, drop structures, flumes, and the like.

A suggested specification is:

The contractor shall establish all such drains as soon as practicable during the construction of the works and in terms of the programme which has been agreed by the engineer. Erosion protection and sediment control measures as detailed and specified shall be established as soon as possible to minimise erosion. Outlets to all drains shall be passed through silt traps and or silt ponds prior to their discharge to natural water courses all as detailed and specified.

6.3.8 Silt Fences

Silt fences shall be located in all temporary or permanent drains. They shall be maintained in sufficient operating condition throughout the construction and maintenance of the works. Material periodically cleaned from silt fences shall be deposited in waste disposal areas as in 3.5.

A suggested specification is:

Throughout the construction of the works the contractor shall install silt fences in all temporary and permanent drains. Silt fences shall be constructed of appropriate materials as detailed and or specified.

Silt fences shall be maintained in sufficient operating condition throughout the construction and maintenance of the works. Material periodically cleaned from such drains shall be transported and disposed of in waste disposal areas established as detailed and specified.

6.3.9 Silt Retention Ponds

Wherever necessary and practicable, silt retention ponds shall be installed at the outlets to drainage systems constructed as a result of the works. They shall be designed to have a retention volume of at least 1% of the contributing catchment area multiplied by a depth of 2 metres. The length to width ratio shall be 2:1. Ponds shall be cleaned out each time retained sediment reaches a depth of 1 metre.

Discharges from silt retention ponds shall be preferably across grass swales and in any case shall be designed to avoid erosion of natural watercourses.

A suggested specification is:

The contractor shall construct silt retention ponds wherever necessary and practicable to minimise the discharge of silt-laden water to any natural watercourse. Ponds shall be constructed to the details presented in the drawings and shall have the minimum volume ascribed to them by the contract documents. They shall be maintained in efficient operation throughout the construction and maintenance period of the works. Material periodically cleaned from the pond shall be disposed of to the waste disposal areas that have been established in terms of the contract.

6.3.10 Borrow Areas

Approval to develop borrow areas shall be obtained as COEP 4.
COEP 12 - Traffic Control During Construction

12.1 Objective

The objective of this Code of Environmental Practice (COEP) is to prescribe the methods that are to be used for the safety and control of traffic during the upgrading, reconstruction or maintenance activities on any road. This COEP shall be read in conjunction with COEP 1 - Administrative Procedures.

12.2 Clothing

All personnel engaged in upgrading, reconstruction or maintenance activities on any road shall wear reflectorised and high visibility jackets while on the works site.

12.3 Signs

All traffic signs used for the warning or direction of traffic at road works sites shall comply with the requirements of MWTI and appropriate traffic regulations. Homemade signs shall not be used.

12.4 One Way Traffic

Unless otherwise provided for in the form of temporary deviations and the like, all roads shall have at least one lane open for the passage of traffic at all times. Personnel shall be positioned at each end of any one lane section of road equipped with stop/go paddles to facilitate providing instructions to passing vehicles.

Where personnel directing the traffic cannot see each other, they shall be equipped with radio/telephones in good working order.