

**Republic of Fiji Islands
Forest Carbon Partnership Facility
Emission Reductions Program**

Resettlement Policy Framework (RPF)

October 2019

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Program
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Acronyms and Abbreviation

BAU	Business as Usual (scenario)
BGB	Below Ground Biomass
BSM	Benefit Sharing Mechanism
BSP	Benefit Sharing Plan
COP23	Conference of the Parties 23rd meeting
CSO	Civil Society Organization
DOL	Department of Lands and Mineral Resources
EMP	Environmental Management Plan
ER	Emission Reduction
ER-P	Emission Reduction Program (area)
ER-PD	Emissions Reduction Program Document
ER-PIN	Emissions Reduction Program Identification Note
ERPA	Emission Reduction Payment Agreement
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental Social Management Framework
FCPF	Forest Carbon Partnership Facility
FFIS	Fiji Forest Information System
FGRM	Feedback grievance and reporting mechanism
FHCL	Fiji Hardwood Corporation Limited
FREL	Forest Reference Emission Level
GAP	Gender Action Plan
GIZ	Gesellschaft für Internationale Zusammenarbeit
HHs/hhs	House Holds
iTaukei	The indigenous communities of Fiji
KBA	Key Biodiversity Areas
KP	Kyoto Protocol
IDLUP	Integrated District Land Use Plan
M&E	Monitoring and Evaluation
Mataqali	A mataqali is one clan made up of several Tokatoka (a family unit), several Mataqali will make up the larger tribe or Yavusa
MMR	Measurement, Monitoring and Reporting
MOA	Ministry of Agriculture
MOF	Ministry of Forestry
MOU	Memorandum of Understanding
MRV	Measurement, Reporting and Verification
NGO	Non-Government Organization
NTFP	Non-Timber Forest Products
ODA	Overseas Development Assistance
OP/ BP	Operational Policy / Bank Policy of the World Bank
PA	Protected Area
REDD+ TWG-SG	REDD+ Technical Working Group-Safeguards
RL/REL	(Forest) Reference Level/Reference Emission Level
SD	Standard Deviation
SESA	Strategic Environmental and Social Assessment
SFM	Sustainable Forest Management
tC	Tonne of Carbon
TCCRE	Typology of Climate Change Response Expenditure
tCO _{2e}	Tonne of Carbon dioxide equivalent
<i>Tikina</i>	District
TLTB	iTaukei Land Trust Board
TORs	Terms of Reference

TWG	Technical Working Group
UNFCCC	United Nations Framework Convention on Climate Change
USP	University of the South Pacific
WB	World Bank
YMST	Yaubula Management Support Teams
	Weights and Measures m = meters; ha = hectares; Mha = million hectares MtCO ₂ e = million tonne of carbon dioxide equivalent tCO ₂ e = tonne of carbon dioxide equivalent
	Currency M = million; Currency Unit = US\$ Dollar USD1 = Fiji Dollar FJD 2.08 GW = gigawatt; kWh =Kilowatt-hour; TWH= terawatt -hour

Executive Summary

The Government in common with all international and domestic stakeholders in Fiji's REDD+ Program is seeking to ensure that the ER-P does not result in significant levels of involuntary resettlement. The Government further understands that the WB OP/BP 4.12 has been prepared not simply to address significant impacts associated with large-scale infrastructure projects but also other sectors, including relatively minor land acquisition and projects and programs with less severe impacts. However, it recognizes that some of the proposed key activities may well result in the involuntary restriction of access to legally designated areas (primarily in the context of ER-P protected forests resulting in adverse impacts on the livelihoods of displaced people. It is envisaged that no physical resettlement should occur but in the very unlikely event that this were to occur affected households will need to be compensated.

The Government is also beginning to recognize that where affected persons lose income-generation assets and/or are forced to pursue different livelihood activities they must receive monetary assistance and other forms of livelihood support until they at least restore and preferably improve upon their pre-Program standards of living. Land-based natural resource programs such as this ER-P do not generate immediate benefits that restore affected people's living standards and the Government has agreed that it needs to understand that ER-P will need to be monitored both during and post-implementation to ensure "good actions" based on the RPF materialize. The RPF focuses on affected people experiencing involuntary resettlement impacts and the WB OP/BP 4.12 provides for both iterative monitoring and supervision as systematic processes whereas most other international REDD+ stakeholders focus wholly on all project affected people irrespective as to whether they are subject to involuntary resettlement actions.

Fiji will follow a country approach and develop its own legal framework to meet UNFCCC, the World Bank safeguards and other international stakeholders including the Asian Development Bank, bilateral providers of ODA and NGOs and CSOs. This framework will be prepared based on the harmonization of the World Bank's policy OP/BP 4.12 and Fiji's Laws and Decrees on compensation, assistance and resettlement, with reference to the proposal of program, environmental and social impact assessment and the consultation with stakeholders of the project.

Following this the Ministry of Forests has requested the World Bank and UNREDD to assist the government with the development of a national framework for addressing REDD+ safeguards (i.e. a national safeguards framework for REDD+ safeguards and would be largely based on the World Bank and UNFCCC safeguards) to provide the basis for safeguards that will facilitate the implementation of Fiji's National REDD+ Program. The government would otherwise face significant challenges in implementing the National REDD+ Program, if individual donors each applied their respective safeguard requirements.

It is anticipated that other safeguard policies and principles, especially those associated with UNFCCC, will be included in the Fiji's specific Framework for REDD+ Safeguards. Although their inclusion is subject to the recognition made above that they do not focus on involuntary resettlement impacts. This, as the Government recognizes is because other international REDD+ stakeholders focus more on governance issues alone and assume that WB OP/BP 4.12 is more biased towards large-scale infrastructure projects whereas in reality it is targeted at a range of different sector projects and programs.

The RPF will be applied to all the sub-projects under the ER-P in Fiji if they result in any actions identified as being caused by (i) relocation or loss of shelter; (ii) loss of income sources or means of livelihoods, whether or not affected people are required to move to other locations;

1 Background and introduction

1.1 *Introduction to the Emission Reduction Program Area and REDD+*

Republic of Fiji is an oceanic small island state with a total land area of 18,270km² within Fiji's Exclusive Economic Zone of 194,000 km² and is made up of an archipelago of 332 islands in the South Pacific Ocean of which 100 are inhabited.

The ER program of the Republic of Fiji Islands will focus on the islands of Viti Levu, Vanua Levu and Taveuni an area of land totalling about 1,685,742 ha (about 90% of Fiji) of critical terrestrial biodiversity and has a population of approximately 734,307 people (86% of the total population). The islands are generally hilly and mountainous with over 60% of the land classified as steep-land and population is often concentrated on coastal plains and undulating rolling hills of peri-urban areas. The communities in Fiji are highly vulnerable to the impacts of climate change and these impacts are projected to further intensify under the anticipated global warming trajectory. These impacts threaten Fiji's sustainable growth and places large economic, social and physical stress on local communities and ecosystems.

The proposed Emission Reduction Program (ER-P) has been developed by the Government of The Republic of Fiji Islands (GoF) and the World Bank (WB) in support of the FCPF-REDD+ Program for Fiji. The WB is not financing this ER-P but rather assisting the GoF to secure carbon financial benefits from the Carbon Fund based on a quantitative demonstration that Fiji can reduce carbon emissions to an agreed upon level. Fiji's Ministry of Forestry (MOF) is assigned to be the Program Owner and is responsible for the Program. The ER-P is expected to be implemented from 2019-2024.

REDD+ is an initiative to reduce greenhouse gas emissions and protect global climate system through forest development and protection, utilization and sustainable management of forests in developing countries with technical and financial supports of international community. The COP16 decision No. 1/CP.16 (the Cancun Agreement) of the Conference of Parties of United Nations Framework Convention to Climate Change (UNFCCC) identifies five key activities: i) reducing emissions from deforestation, ii) reducing emissions from forest degradation, iii) conservation of forest carbon stocks; iv) sustainable management of forests and v) enhancement of forest carbon stocks.

In Fiji, REDD+ implementation is fully consistent with Government's policies on responding to climate change, on green growth. It is expected that REDD+ will create new financial resources, contributing to forest development and protection, increase in value of forests and socio-economic development. Furthermore, REDD+ preparation and implementation shows willingness of Fiji to join hands with the international community to protect global climate system.

The overall approach and design of the ER-P to address the drivers and underlying causes of forest loss and barriers to SFM, forest conservation and enhancement to build on and support implementation of the current ambitious national and sub national programs. A summary of the three components follows:

Component 1: Strengthening enabling conditions for emissions reduction

This component focuses on strengthening existing frameworks, rationalises resource allocation and supports setting up of community-based monitoring systems aligned to local governance structures set up by the Ministry of Forestry and the Ministry of iTaukei Affairs.

Over the period of the ER-P, 20 Integrated District Land Use and Management Plans will be developed with the support and commitment of 120 communities over an area of 510,319ha over 5 years.

Component 2: Promoting integrated landscape management

Component 2 aims to formulate and implement integrated land use plan at district level; this component focuses on addressing conventional logging, advocating improved standard of sustainable management of forest to include management of large tracts of forest, and adherence to the FFHCOP over 8,500ha (in 5 years). The component also aims to support restoration of degraded areas through afforestation and reforestation for plantation forest where Fiji Pine Ltd. will plant 2500ha per year and Fiji Hardwood Corp. Ltd. will plant 478ha for 3 years (2020-2022). At the same time community-based afforestation and reforestation in support of the Govt. initiative of 1million tree a year will establish an estimated 5,750ha by the end of 2024. There will also be efforts to set up agroforestry and alternative livelihoods to take the pressure off forest resource/habitats. Agroforestry will focus on restoration of riparian zones (5,000ha in 5 years) and shade grown agriculture by 5,000 in 5 years. A total area of 36,400 ha will be set aside as protected area by 2024 as a result of consultation, community endorsement and gazetting/leasing of the protected area.

Component 3: Program management and emission monitoring

Focusing on project management and administrative support, Component 3 will monitor and evaluate implementation of above activities to enable efficient reporting that will allow response to prevailing conditions at the time of implementation. This component will also ensure timely delivery, reporting and dissemination of key learning from ER-P activities.

Outcomes of the activities and above outputs would include (1) improved forest information system to support efficient reporting; (2) enhancing the adoption of sustainable forest management; (3) a vibrant public and private sector collaboration, participation and growth of both native and plantation forest development as well as (4) upgrade and improve emission reporting and verification.

While the ER-P has not been designed to support interventions that will or could possibly lead to significant land acquisition or physical displacement of people living in the ER-P villages activities for strengthening and implementing policies controlling conversion of natural forests and forest governance and law enforcement may have the potential for reduced access to forest and NTFP resources for forest dependent communities through improvements to forest governance. There maybe possible short-term reductions in the volume of NTFPs collected that may result in some food security or less income for NTFPs that are sold, which are more likely to impact upon poor and vulnerable households – and of course this will vary from site-to-site - than other households. Improved governance may not include unfettered or continued access to all forest areas. Additionally, and especially for the non-iTaukei largely Fijian-Indian leaseholds changes or foreclosures on existing leases to meet the objectives of the ER-P would more than likely impact upon their livelihoods. There are also some possible issues related to whether or not – largely iTaukei women – might not receive full entitlements from the payment of carbon benefits because their customary land is in their natal villages. These reasons are why OP4.12 is triggered and the RPF has been prepared.

1.2 Purpose of the Resettlement Policy Framework (RPF)

This Resettlement Policy Framework Resettlement (RPF) outlines the principles and procedures to obtain land and address potential resettlement impacts under the ER-P. The Executing Agency

(EA) and the Implementing Agency (IA) will follow the procedures to comply with GoF applicable laws and regulations and relevant policies of the WB

The basic objectives of the RPF in relation to land acquisition and physical displacement are to: (i) guide the EA/IA in obtaining land, properly identifying impacts, and restoring the livelihoods of affected persons (APs), (ii) serve as a binding document to ensure compensation and assistance to APs, and (iii) provide direction in preparing, updating, implementing and monitoring subproject Resettlement Plans (RPs). The RPF includes measures to ensure that APs are (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible alternatives; and (iii) provided prompt, adequate and effective payment/compensation at full replacement cost for losses of assets attributable directly to the ER-P. The basic objectives of the RPF in relation to restrictions on access to forest resources, whether in the Forest or Nature Reserves under the control of the MOF, plantation forests under the control of companies such as Fiji Pine Limited or Fiji Hardwood Corporation, changes or foreclosures to land leased for ER-P purposes, are to ensure that affected persons or communities are compensated for any loss of access to and use of these resources.

The RPF provides (i) the policy and legal framework of the GoF and relevant policies of the WB; (ii) the compensation guidelines to be applied to all locations affected by the ER-P; (iii) eligibility criteria for being compensated; (iv) provision of grievance redress mechanism; and (v) procedures to be followed during preparation, implementation, and evaluation of RPs. The RPF's process and outline will be used for the RPs for all subprojects requiring land or asset acquisition. RPs for the sub-projects will be prepared/updated after detailed design and submitted to WB for clearance.

The RPF outlines the policies and requirements for resettlement planning for the different scenarios as required by: (i) the State Acquisition of Lands Act (SALA) of Fiji (Chapter 135 of Laws of Fiji); (ii) World Bank Involuntary Resettlement Policy (OP/BP 4.12). It provides guidelines on due diligence, social assessment, and preparation of RPs for subprojects that may involve any form of land acquisition and resettlement impacts. It aims to provide safeguards to potential affected/displaced persons (DPs), and to ensure that the impacts of all subprojects are identified, mitigated and compensated adequately. Alternative design options will be considered during detailed design of the sub-projects to avoid and/or minimize involuntary resettlement

Table 1 Proposed ER-P Activities and Potential Involuntary Resettlement Impacts

ER-P Activities	Potential social impacts/ risks	Mitigation measures
Component 1 Strengthening enabling conditions for emissions reduction		
1.1 Integrated District Land Use Planning (IDLUP) (to promote sustainable long-term integrated landscape management)	Clarification of land and forest boundaries - This activity may result in some risks associated with access restrictions	In such instances OP4.12 will be triggered. The assessment of E&S risks and any necessary consultations on policy reforms will be undertaken. If any households are affected by being forced to desist from using land for other purposes (e.g. traditional swidden agricultural cropping or livestock grazing) they will be compensated for loss of production and OP4.12 will be used to mitigate possible negative impacts
1.1.1 Development of Integrated District Land use plans (IDLUP)	As above	As above
1.1.2 Develop integrated community	As above	As above

ER-P Activities	Potential social impacts/ risks	Mitigation measures
management plan		
1.2 Strengthen forest governance and law enforcement	This activity will unlikely result in any risks of relocation, land acquisition. Access restrictions by local communities to natural forest may happen if the legal framework is strengthened	RPF entitlements are applied in case of access restrictions by community or village or groups and other local communities to natural forest *primarily to the harvesting of NTFPs or “social logging” only when it can be demonstrated that APs livelihoods are negatively impacted. Otherwise the PF deals with access restrictions.
1.2.1. Raise awareness on revised legal and regulatory framework, strengthen forest law enforcement	This activity may result in some risks associated access restrictions	The assessment of E&S risks and any necessary consultations on policy reforms will be undertaken. If any households are affected by being forced to desist from using land for other purposes (e.g. traditional swidden agricultural (or equivalent in rural areas of Fiji) cropping or livestock grazing) they will be compensated for loss of production and OP4.12 will be used to mitigate possible negative impacts
1.2.2 Capacity building on forest laws enforcement and governance at community level	As above	As above
1.2.3. Capacity building on forest laws enforcement at industry and trade level	No impacts expected?	As above
1.3 Forest information system	This activity may result in some risks associated access restrictions	As above
1.3.1. Upgrade Forest information & data base systems	As above	As above
1.3.2 improved monitoring and reporting to feed forest information system	As above	As above
Component 2 Promoting integrated landscape management		
2.1 Sustainable Management of Native Forests	This activity may result in some risks associated access restrictions	The assessment of E&S risks and any necessary consultations on policy reforms will be undertaken. If any households are affected by being forced to desist from using land for other purposes (e.g. traditional swidden agricultural cropping or livestock grazing) they will be compensated for loss of production and OP4.12 will be used to mitigate possible negative impacts
2.1.1 Land tenure clarification and SFM management planning	As above	As above
2.1.3 Implement and monitor logging aligned to FFHCOP	This activity may result in some risks associated access restrictions and changes in levels of income	As above
2.2 Enhancement of carbon stock (plantation establishment)	Possible gender and exclusion, issues; Possible social impacts if land was previously used for agriculture or restrictions placed on accessing forest for	Every attempt will be made to ensure village elites do not capture all the benefits of such activities. This includes recognition of existing “informal” agreements or arrangements that might exist between communities and village

ER-P Activities	Potential social impacts/ risks	Mitigation measures
	NTFP collection	groups or individual households
2.2.1 Investments in reforestation, short and long rotation plantation - pine plantation	As above	As above
2.2.2. Investments in reforestation, short and long rotation plantation investments - mahogany plantation	If the same method to develop the “plantation” is used at present the main impacts will be on biodiversity and environmental i.e. limited to no social possible access restrictions	In such instances OP4.12 will be triggered. The assessment of E&S risks and any necessary consultations on policy reforms will be undertaken.
2.3 Afforestation and reforestation - restoration of ecosystem services	Possible gender and exclusion, issues; Possible social impacts if land was previously used for agriculture or restrictions placed on accessing forest for NTFP collection	Every attempt will be made to ensure village elites do not capture all the benefits of such activities. This includes recognition of existing “informal” agreements or arrangements that might exist between communities and village groups or individual households. If any households are affected by being forced to desist from using land for other purposes (e.g. traditional swidden agricultural cropping or livestock grazing) they will be compensated for loss of production and OP4.12 will be used to mitigate possible negative impacts
2.3.1. Implement land owner engagement through Fiji Pine Trust Extension Scheme	As above	As above
2.3.3. Community based restoration for 4 million Trees	As above	As above
2.4 Promotion of climate-smart agriculture and sustainable livelihoods	As above 2.2 This activity may result in some risks associated access restrictions and changes in levels of income	As above
2.4.1 Implementation of Riparian restoration to mitigate flash floods	As above	Land will not be acquired for this activity as it will be land already being used by forest-dependent households. If any households are affected by being forced to desist from using land for other purposes (e.g. traditional swidden agricultural cropping or livestock grazing) they will be compensated for loss of production and OP4.12 will be used to mitigate possible negative impacts
2.4.2. Afforestation and restoration for ecosystem services	As above	As above
2.4.3 Enhanced alternative livelihood and restoration	As above, could include Incentivized climate-smart agriculture and agroforestry	This type of activity is unlikely to have any negative impact if a consensus can be achieved at the local level and the program is able to assist impacted or targeted households seek financial assistance. Land will not be acquired for this activity as it will be land already being used by forest-dependent households
2.5 Promotion of forest protection to conserve existing natural forest carbon stocks	This activity will unlikely result in any risks of relocation, land acquisition. Access restrictions by local communities to natural forest may happen if the legal	RPF entitlements are applied in case of access restrictions to local communities to natural forest *primarily to the harvesting of NTFPs or “social logging”. If any households are affected by being forced to desist from using land for

ER-P Activities	Potential social impacts/ risks	Mitigation measures
	framework is strengthened and forest turned into conservation area	other purposes (e.g. traditional swidden agricultural cropping or livestock grazing) they will be compensated for loss of production and OP4.12 will be used to mitigate possible negative impacts
2.5.1. Implementation of natural forest conservation agreement (at the deforestation frontier)	As above. This activity may result in some risks associated access restrictions and changes in levels of income	If any households are affected by being forced to desist from using this land for other purposes (e.g. traditional swidden agricultural cropping or livestock grazing) they will be compensated for loss of production and OP4.12 will be used to mitigate possible negative impacts
2.5.2 Formalise protection of forest area under the Forest Decree 1992 and other instruments such as the TLTB Act	As above. This activity may result in some risks associated access restrictions and changes in levels of income	If any households are affected by being forced to desist from using this land for other purposes (e.g. traditional swidden agricultural cropping or livestock grazing) they will be compensated for loss of production and OP4.12 will be used to mitigate possible negative impacts
2.5.3 Develop and Implement community-based Forest Protection Management Plan based on co-management regime between the Forest Management Enterprise and management body of the Protected Area	As above	As above.
2.5.4 Secure sustainable financing to support the long-term maintenance and upkeep of the forest protected area	Possible gender and exclusion issues. This activity may result in some risks associated access restrictions and changes in levels of income	Every attempt will be made to ensure village elites do not capture all the benefits of such activities. If any households are affected by being forced to desist from using this land for other purposes (e.g. traditional swidden agricultural cropping or livestock grazing) they will be compensated for loss of production and OP4.12 will be used to mitigate possible negative impacts
Component 3 Program management, and emission monitoring		
3.1 Program coordination and management	Facilitate institutional setup, coordination mechanisms, program implementation manual; training programs and Financial Management	No impacts expected
3.2 Monitoring and evaluation (M&E) includes monitoring of safeguards	Development of effective M&E system that includes training on data collection and reporting on safeguards information	It is requirement that the RP be monitored and evaluated to ensure all measures to mitigate the negative impacts of involuntary resettlement are adequately documented
3.3 MRV - Management and processing of MRV activities	Development of effective MRV data and forest cover information	No impacts expected

Detailed information on the risks associated with possible access restrictions component and sub-component are outlined in Appendix 1 of the Process Framework and reflect the analysis undertaken for the SESA and included in the ESMF.

1.3 *Legal and Policy Framework*

1.3.1 *Fiji Laws on Land Tenure and Ownership*

Land in Fiji is managed through three complementary systems: (i) native land; (ii) freehold land; and (iii) crown land. Native land, which is owned by iTaukei people, accounts for about 84 percent of all land, with freehold and crown or Government land accounting for around 8 percent each. Native and crown land cannot be bought or sold, but each is available on a leasehold basis, with leases often lasting up to 99 years, while freehold land can be bought and sold on the open market.

Native land is communally owned and administered by mataqalis (clans) and cannot be bought or sold except to the state for public purpose. The iTaukei Land Trust Board (TLTB) is the statutory body with the responsibility to administer, develop and manage this land on behalf of its owners and for their benefit according to the Native Land Trust Board Act. The TLTB identifies the land required for use by traditional Fijian communities and makes the remainder available for leasing. The TLTB, not the actual owners, issues the legally binding leases or agreements, which can be for agricultural, commercial, industrial or other uses.

All farmers of native land are either tenants or landowners farming with the permission of the own landowning clan. Some of these may have formalized their status by leasing the land and so have become tenants. Other tenant farmers will be either iTaukei in the ER-P Accounting Area, or largely Fijian citizens of Indian ethnicity.

The Agricultural Landlord and Tenant Act (ALTA) governs all agricultural leases of more than 1 ha and the relations between landlords and agricultural tenants. Minimum 30-year and maximum 99-year leases are allowed with no right of renewal. In practice, most leases are for 30 years. In the event of non-renewal, the tenant must vacate the land after a grace period.

The maximum annual rental is 6% of the unimproved capital value. In theory, the rental rate is reviewed every five years. The tenant can claim compensation for all development and improvements of the property with claims determined by the Agricultural Tribunal. Tenants can, however, only be compensated for improvements if the TLTB has granted prior approval to these improvements. In practice, there is a fixed schedule of lease rental rates under the ALTA, which has not been updated since 1997. The TLTB has, however, introduced a lump sum payment to induce landowners to lease their land for an additional 30-year period, but this “new lease consideration” has been applied mostly only to Fijian citizens of Indian ethnicity and not very often to iTaukei farmers with leases.

The ALTA has been supplemented by the 2009 Land Use Decree No.36 (2010) because it was recognized that the requirement for tenants to vacate land once the fixed lease and grace period have expired, causes both social and economic hardship. Government therefore amended the land laws to increase the flexibility of leases and to facilitate leasing of lands, which are currently idle or unutilized, under terms and conditions which are meant to be attractive to both the landowners and tenants. The decree provides for longer tenure leases (up to 99 years) for agricultural and commercial development. Reserve land is presently not leased, but reserved by Mataqali/Government for future use.

1.3.2 *Fiji Laws on Land Acquisition and Compensation*

The Constitution of the Republic of Fiji 2013 provides for protection of private property against arbitrary expropriation. The Constitution states that native (iTaukei) land cannot be permanently alienated except for the public purpose. It requires just compensation for all land or rights acquired by the government.

Land acquisition in Fiji is governed under the State Acquisition of Lands Act¹ (SALA). Under the Act, all types of land can be acquired for public purposes. The law provides that in cases of land acquired for public purposes, legal title holders have a right to compensation. The law also provides for the right of land owners to legal proceedings for solving disputes and grievances. The customary rights of indigenous peoples without formal title are also protected.

The SALA guarantees compensation to those with recognized legal rights or interests in land. Compensation is paid at market values effective from the date at which notice of the State's intention to acquire the land is given. Structures are, however, compensated only at book/depreciated values. Compensation includes for land, crops and trees, damage to portions of land not acquired (if any), changes in use and restrictions on use of any unacquired portions – and any reasonable expenses associated with necessary changes of residence or places of business.

In some areas, there may be, however, a substantive difference between local market prices and the prices overseas investors are willing to pay. There is now realization that there needs to be recognition of new values in certain areas. These new values would derive from recent sales prices to overseas investors. However, this is unlikely to be currently applicable to the Sigatoka Valley, a poor rural area where most subprojects are expected to be located.

1.3.3 World Bank Policy Requirements

WB policies on resettlement address both: (i) social and economic impacts, permanent or temporary, caused by acquisition of land and other fixed assets; and (ii) changes in the use of land or restrictions imposed on land as a result of a Bank operation. An affected or displaced person (AP/DP) is one who experiences such impacts. The objectives of the policy are: (i) to avoid involuntary resettlement impacts wherever feasible; (ii) to minimize resettlement impacts by choosing alternative viable project options; and (iii) to ensure that affected people receive compensation, assistance for relocation (including provision of relocation sites with appropriate facilities and services) and assistance for rehabilitation, so that they will be at least as well off as they would have been in the absence of the project.

World Bank Safeguards Policies

The WB's Safeguard Policy on Involuntary Resettlement – OP/ BP 4.12 (December 2001) – seeks to ensure that impoverishment risks due to involuntary resettlement are addressed and minimized.

1) The objectives of the policy are to:

- Avoid resettlement where possible, and otherwise minimize through alternative project designs;
- Resettlement should be conceived and executed as a sustainable development program;
- Affected people should be meaningfully consulted, and be facilitated to participate in planning and implementing resettlement plans; and
- Displaced people should be assisted to improve, or at least restore their livelihoods and standards of living to pre-project levels.

2) The policy includes direct economic and social impacts that result from (a) the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to

¹ Originally the Crown Acquisition of Lands Act, 1940, subsequently amended: by Ordinance numbers 24 of 1940, 11 of 1942, 15 of 1943, 9 of 1955; Orders of Jan 1967 and Oct 1970 and Act of Parliament (Act No 1 of 1998).

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

- 3) Where impacts on the affected population are minor, a short resettlement plan will be prepared. For projects causing significant resettlement (more than 200 people are displaced or will lose 10% of productive/income generating assets), a full resettlement plan is required.
- 4) The policy requires that in the resettlement planning process:
 - Affected people and their communities, as well as host communities, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in resettlement planning, implementing, and monitoring;
 - At new resettlement sites, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder); and
 - Patterns of community organization appropriate to the new circumstances are based on choices made by the affected people, and existing social and cultural institutions of those people are preserved.
- 5) To achieve the objectives of the policy, WB requires that particular attention 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 people, or other displaced persons who may not be protected through national land compensation legislation.
- 6) The policy comprises three important elements: (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and, (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it.
- 7) The policy recognizes as displaced persons as people in one of the following three groups:
 - Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
 - Those who do not have formal legal rights to land at the time the census begins (i.e. affected people are counted and their assets identified through site visits by the project team) but have a claim to such land or assets-provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see Annex A, para. 7(f) of WB policy); and
 - Those who have no recognizable legal right or claim to the land they are occupying.

1.3.4 Comparison of World Bank Requirements and Fiji Laws on Land Acquisition

The following Table 2 provides an analysis of gaps between WB requirements and Fiji Laws and gap filling measures on land acquisition and resettlement.

Table 2 Gaps and Gap-Filling Measures

World Bank Requirements on Involuntary Resettlement	Fiji Laws on Land Acquisition/ Resettlement	Gaps	Gap-filling Measures
Avoid and/or minimize involuntary resettlement wherever possible by exploring project and design alternatives.	The Constitution and the State Acquisition of Land Act (SALA) set out the conditions under which land may be compulsory acquired. The property can only be acquired for the public good, and with the payment of reasonable compensation.	No explicit reference to the need for minimizing resettlement impacts by exploring alternatives.	The RPF includes measures on avoiding/minimizing land acquisition and resettlement impacts. It provides principles on compensation and entitlements.
Enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels. Particular attention to be paid to the needs of vulnerable groups among those displaced who may not be protected through national land compensation legislation.	General principles of compensation for land and assets are set out in the Constitution and SALA.	FIJI Laws do not prescribe measures to restore/improve standard of living.	The RPF and each subproject RP includes measures on compensation at replacement cost for affected land/assets and to minimize and mitigate adverse social and economic impacts. It is recommended for the Government to undertake a social assessment of the impacts, particularly for the poor and vulnerable groups.
Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	SALA sets out the process for land investigation which includes identification of affected landowners and their assets.	No specific requirements for census, cutoff date, impact assessment and scoping of resettlement planning	The RPF includes measures on survey/census, cut-off-date, assessment of impacts and resettlement planning.
Carry out meaningful consultations with APs, host communities, and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement	SALA sets out the process of notification of the land acquisition.	No specific provisions for preparing and implementing RP based on meaningful consultations with DPs, including the poor, the	The RPF includes measures on consultations with DPs, including vulnerable groups, during preparation and implementation of RPs. The concerns of women will be identified based on gender-disaggregated socioeconomic data, separate discussions on women's concerns, and

World Bank Requirements on Involuntary Resettlement	Fiji Laws on Land Acquisition/ Resettlement	Gaps	Gap-filling Measures
programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.		landless, elderly, women, and other vulnerable groups	ensuring adequate measures and budgetary allocations in the resettlement plan to compensate and resettle them in a manner that does not disadvantage them. In this effort the assistance of national NGOs currently engaged in women's welfare will be sought;
Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population.	SALA provides for appeal against a declaration of public purpose for compulsory acquisition and amount of compensation.	No requirements for a project specific grievance redress mechanism.	The RPF includes measures on project-specific grievance redress mechanism.
Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.	SALA sets out the process that any person who claims to be entitled to an interest in compulsory acquired land may make a claim for compensation (within 3 months). SALA also sets out the requirements for payment and the provisions for assessing compensation.	No specific requirement for land-based resettlement, replacement of assets, compensation at replacement cost, and benefit sharing.	The RPF includes measures of on-site relocation, replacement of affected structures, compensation at replacement cost and priority of project employment to DPs.
Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities,	No equivalent provision.	Fiji laws have no specific provisions on relocation, transitional support and civic infrastructure and services.	The RPF includes measures on-site relocation of affected structures, transitional allowances and restoration of civic infrastructure.

World Bank Requirements on Involuntary Resettlement	Fiji Laws on Land Acquisition/ Resettlement	Gaps	Gap-filling Measures
and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.			
Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	DOL has Procedures for Land Acquisition through negotiated settlement or purchase.	No provision of maintaining the same or better income and livelihood status for APs.	The RPF describes measures on maintaining or improving livelihoods of APs through paying compensation at replacement cost and other assistance.
Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets	Customary rights for Fijian people/ Indigenous People stipulate that individuals without formal title are also protected.	There is nothing in the FIJI Laws to address the issue of displaced persons without land title or legal land rights.	The entitlement matrix for the project provides for resettlement assistance and compensation for non-land assets to non-titled DPs as well.
Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule		FIJI Laws have no provision of preparing RP.	The RPF includes measures on preparation of RPs for subprojects involving land acquisition/resettlement impacts.
Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.	SALA sets procedures in notification of landowners at different stages of land acquisition steps.	No requirements on disclosure of an RP.	The RPF includes disclosure measures, including posting of documents on website as well as providing information to DPs.

World Bank Requirements on Involuntary Resettlement	Fiji Laws on Land Acquisition/ Resettlement	Gaps	Gap-filling Measures
Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	No explicit provision	-	Land acquisition/resettlement costs will be included and financed out of the project cost.
Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	SALA sets timing for payment of compensation.	SALA states within 30 days of notification, but does not specifically state before displacement. DOL Procedure provides for 75% before construction and 25% after construction.	The RPF includes measures on full payment of compensation for affected assets before start of civil works on affected land.
Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	No equivalent provision	Gap	The RPF includes monitoring measures, including requirements of semi-annual safeguard monitoring report. Arrangements for monitoring of resettlement activities will be done by implementing agency, supplemented by independent consultant if sub-project is considered high risk.

In terms of major gaps, the Fiji SALA and its regulations do not require compensation payments to affected persons who have no recognized legal right or interest in the land, and only require compensation on a depreciated/book value basis for structures. Informal sharecroppers and squatters (non-titled) are, therefore, not entitled to any kind of compensation for the land they use. However, to comply fully with WB resettlement requirements, any non-titled people affected by the Project at the time of the land survey to determine the cut-off date for eligibility for compensation and rehabilitation assistance will be entitled to compensation for loss of structures, crops, trees, or incomes they derive from land, regardless of whether they have formal title to the land or not. And, all compensation including for structures will be at replacement cost without any deduction of depreciation.

The SALA does not provide relocation sites (in the case of resettlement) and there is no provision for assistance for the rehabilitation of adversely affected people. However, the project seeks to avoid resettlement where possible and otherwise minimize through alternative project designs. In case resettlement cannot be avoided, mitigation measures to restore livelihoods and standards of DPs/APs to pre-project levels are described in the RP, including how resettlement should be conceived and executed with the need for APs/ DPs to be meaningfully consulted and involved in the planning and implementation of any sub-project resettlement plan

The Fijian law does not provide for any special assistance for vulnerable groups or the poorest section of those adversely affected, but it does not prevent Government from providing assistance to adversely project affected people including vulnerable groups. The RP includes provisions to ensure that affected people particularly vulnerable and disadvantaged people are assisted to improve their living standards; and, all compensation including for structures will be at full replacement cost without any deduction of depreciation.

1.4 *Program Principles, Entitlements and Procedures*

1.4.1 *Program's Policy Principles*

The program's RPF has adopted a set of resettlement policy principles for the ER-P which apply to all subprojects, as relevant. The principles are:

- Land acquisition will be avoided or minimized through careful engineering design during detailed design. There will be no or minimum physical displacement of people. The Program will avoid subprojects involving resettlement impacts of significant nature.
- Land acquisition and resettlement impacts will be assessed on time and RP prepared based on social assessment. Draft RP will be disclosed to affected persons before the subproject appraisal.
- The MOF and TLTB will be responsible for public consultation and public information. Consultations and public participation will be carried out as an ongoing process throughout program planning, design and implementation stages.
- Preparation of appropriate documents, planning and implementation for the acquisition of land and other assets will be carried out for each subproject and in consultation with the PAPs/ DPS. PAPs/ DPs will receive prior information of the compensation, relocation and other assistance available to them. The information to be provided in broadly described in Section E of the document. For each subproject, a RP will be prepared to describe the specific involvement of re-settlers in the sub-project communities and the related institutional arrangements for their participation and for establishing the forms of compensation and assistance as well as a grievance mechanism based on cultural practices and agreeable to APs/DPs.
- DPs will receive compensation at replacement cost from MOF for their loss of land and assets (houses, other fixed structures), crops and trees and this should ensure they will be as well off or better off as without the Program. Compensation for vulnerable households will aim to restore or improve their livelihood and will be carried out with respect for their cultural values and specific needs.
- Additional compensation and assistance will be provided, as required, to restore or improve living standards of all APs (as per WB requirements), including: (i) compensation to non-title holders such as squatters and sharecroppers recorded as of

the cut-off date; (ii) compensation for any loss of livelihoods or income; (iii) compensation at full replacement cost for structures without deduction of depreciation, inclusive of transaction costs; (iv) compensation for transaction costs such as administrative charges, taxation and registration and titling costs; and (v) income restoration measures; and (vi) if necessary replacement land of at least equal productivity

- All compensation will be fully paid to DPs prior to the commencement of site clearance at each subproject site. Where restrictions on access to forest resources or land to be used for the ER-P come into effect where compensation is to be paid it must either be paid in full for the agreed cost or arrangements made to be paid on a biannual, annual basis or whatever other basis is agreed upon.
- Absence of formal title or to a leasing agreement is not a bar to compensation and assistance, and particular attention will be paid to women and other vulnerable groups, as well as to sharecroppers or tenants without legal rights.
- Land acquisition is not conceived as part of the ER-P and costs related to the land acquisition/resettlement will be not be included in the ER-P budget and the GoF will be expected as its partial contribution to the cost of the ER-P to provide compensation and other allowances.
- The impacts of the subprojects, including unforeseen losses and damages that may occur during either construction or operation, will be carefully monitored and remedial steps taken as required.

1.4.2 Eligibility for Entitlements and Types of Displaced Persons

The date of land survey will be the “cut-off-date” for eligibility of compensation and rehabilitation assistance. Landowners and/or users that have documented claims to affected land, crops, and trees as of the cut-off date will be eligible for compensation and/or rehabilitation assistance as per the program policy.

The main categories of displaced persons eligible for compensation include:

- 1) DPs with formal legal rights (Type 1). These are generally the customary owners of *iTaukei* lands or those with individual freehold titles recorded in the title registry and cadastral records in Fiji. This category also includes leaseholders with formal legal rights as tenants.
- 2) Persons whose rights are not formal or legal, but whose claims on land or assets are recognized under national laws, such as those having informal leases on *iTaukei* land. (Type 2). Customary land tenure systems in Fiji are based on usufruct rights to land, and although no titles may exist, in practice some *mataqali* or individual households are granted use of land by owners, without formal title or leases. Where land records cannot be legalized, documentation and testimony from village chiefs and community leaders may be proposed to determine eligibility for compensation, replacement land, or other resettlement assistance.
- 3) Persons with no legal rights to land or assets at the time of assessment or census. (Type 3). This may include sharecroppers, squatters, or wage laborers who depend upon the land acquired. They have neither legal rights nor recognizable ownership claims, but if the program land acquisition destroys their livelihoods, they are considered displaced persons and are entitled to receive resettlement assistance.

1.4.3 Entitlement Matrix

Table 3 Entitlement Matrix

Impact/Type of Loss	Application	Entitled DPs	Entitlement
Temporary occupation including any damages within land used temporarily Loss of access during construction causing inconvenience to DPs or impacting livelihoods	Customary land required	Landowners/users of customary land	Rent as negotiated with landowners. All temporary use of land will be through written agreement with the landowner/lease-holder and land will be returned to the landowners after rehabilitation to original or better condition. Compensation at replacement cost for any damages within land used for program.
	Alienated land required	Owners, Leaseholders, users	The ER-P will ensure that DPs have uninterrupted access to their land and livelihood sources. In case of any unavoidable loss of access, DPs will be provided compensation for their losses at replacement cost. For PAPs/ DPs whose business income is temporarily lost due to the program, a disruption allowance will be given in case on the temporary projected business income is lost.
Permanent loss of land	Customary land required for the program construction	Landowners/users of customary land	Cash compensation at replacement cost.
	Alienated land to be acquired for the program construction	Owners/Leaseholders/Users	Cash compensation at replacement cost; OR New lease for alternative land, with no cost to DPs for relinquishing original lease and processing alternative lease.
Changes Or Foreclosure on Land Leased from iTaukei Landowners	If such land is required for afforestation or reforestation activities	Leaseholders/Sub-Leaseholders	New lease for alternative land, with no cost to DPs for relinquishing original lease and processing alternative lease.
Restricted Access to Forest and Nature Reserves	If MOF decides this is necessary for conservation purposes	Any person who habitually has been accessing Forest and Nature Reserves for Livelihood Purposes	Either such persons to be permitted agreed access at no cost to themselves or cash compensation, irrespective as to whether the user has been accessing these reserves legally or illegally.
Complete Prohibition on Access to Plantation Forest Land to harvest NTFPs and collect	Fiji Pine Limited has unilaterally decided that as from November 2018 there is a complete prohibition on access to the land it leases	Persons, both iTaukei and non-iTaukei that hitherto used to access the Plantation Forests of Fiji Pine Limited.	Either this prohibition be rescinded because Fiji Pine Limited is 100% owned by the GoF or users be able to enter into negotiations with this company to ensure access at no expense to themselves.

Impact/Type of Loss	Application	Entitled DPs	Entitlement
firewood	for the purposes of harvesting NTFPs and collecting firewood.		
Proprietary Rights to the Payment of Carbon Benefits	If Carbon Benefits are only paid based on customary land owners in specific villages	Women who because of typical post-marital residential patterns not being able to receive carbon benefits from pre-marital residential village	Women in this category will either be entitled to receive a portion of the carbon benefit from their pre-marital residential village or based on their entitlement in that village be included in calculations for carbon benefits in their existing residential village.
Loss of gardens, trees, crops, perennials, and/or productive trees/plants	Standing crops, trees in the ROW	Owner(s) of crops or trees irrespective of legal status	Compensation at replacement cost as determined by the Ministry of Forestry for timber trees and the Ministry of Agriculture for crops or productive plants/trees.
Partial or total removal of structure (house or commercial structure)	Structures in ROW	Owner of structure irrespective of legal status	Compensation at replacement cost without deductions for depreciation or salvaged materials; and assistance in locating suitable alternative housing or commercial building. Shifting allowance ² for relocating household or business goods.
Affected vulnerable households	Vulnerable households losing assets to the program	Vulnerable households identified through consultation with community leaders. In the ER-P context vulnerable groups include households headed by women, elderly, disabled, poor households, and physically relocating households.	Access to training programs developed under the ER-P; Employment during construction and maintenance for two household members (one male and one female). Vulnerable groups will get priority in these activities. Additional cash assistance depending on extent of disruption to vulnerable AP's livelihood mechanism. Amount to be specified in the RP.
Displacement of community structure	Community structure or resources within ROW if removed for program interest	Community representatives as identified by the social impact assessment	Replacement as agreed with community or cash compensation replacement cost without deductions for any materials salvaged. Assistance with dismantling and reconstructing structure or property.
Unforeseen or unintended impacts	Any impact identified during implementation	Concerned affected people	Determined as per the substantive intent of this RPF..

² The shifting/relocation allowance will be agreed between the MOF and the household/DP on a case-by case basis. The shifting allowance will be adequate to cover: (i) dismantling of the structure; (ii) transport of structure/housing materials salvaged and all household effects/commercial goods; and (iii) costs of alternative accommodation, if required, while the structure is being re-built.

1.4.4 *Process for Valuation of Compensation*

MOF prepares initial valuations using local market prices, and data in this regard is obtained from the Valuation Division of the MLMR. Nonetheless prices that are finally determined come about through negotiation with affected persons, because often market conditions for the replacement of land and assets are absent.

The current practice is to undertake valuation by government valuers and provide a private valuer to affected landowners in case of any disagreements. The MOF will provide the private valuer under the program, as a regular practice. It will inform the affected landowners at the beginning of the negotiation process about the availability of a private valuer and pay the valuer's fee if landowners decided to use this service.

The compensation to be offered will be at replacement cost based on actual market price of affected land and asset. If the government policy does not provide for full replacement costs (e.g. for transaction costs), the program's compensation (e.g. similarly an example being transaction costs) it will include top-up payments or assistance to cover the full replacement cost.

Full replacement cost is the cost of replacing an expropriated asset of the same or better quality in the current land and/or asset. Full replacement cost includes the following elements:

- 1) **Fair market value:** Where markets function, fair market value can be assessed by examining land sales records in the last 3 or 4 years for similar properties. In parts of Fiji, land values differ widely because of factors such as proximity to the coast (for tourist developments), or fertility and flatness of agricultural land (for market gardening). In such cases, the market value is the going price of an asset in the open market, but where markets do not exist (as in much of rural Fiji), field investigations are needed to collect baseline data to value assets, and to ensure that the valuation is realistic.
- 2) **Transaction costs:** These may include the legal and documentation expenses associated with updating land records to reflect sales, transfers, inheritances and leases, as well as the legal expenses associated with registering property titles for replacement lands and houses. Transport costs may also be included. These costs will be paid by the program and are counted as part of the replacement cost.
- 3) **Interest accrued:** When there is a gap of time between the agreed schedule and the actual payment of compensation, the interest that accrues over that period must be included in the replacement costs.
- 4) **Transitional and restoration costs:** Transitional cost involves a short-term subsistence allowance to support the displaced persons through a period of income loss due to the program. Restoration cost refers to necessary improvements on land or to housing to achieve the objectives of enhancing or at least restoring, livelihoods, compared with pre-program levels.
- 5) **Depreciation** will not be considered when valuing compensation for affected structures.

1.4.5 *Procedures for Land Acquisition and Compensation*

Where *iTaukei* lands are involved a meeting will be convened with members of the identified *mataqali*, arranged by the MOF (usually a Forest Liaison Officer via the Forestry Beat Office at the District Level), assisted by the Provincial Council, to undertake negotiations to come to agreed values. The MOF will send the proposal to the TLTB, which will negotiate on behalf of the landowners. The *mataqali* owning the land will, however, have a final say whether to accept or reject the TLTB recommendations.

A Sale and Purchase Agreement is then entered into between the TLTB on behalf of the *mataqali*, and DOL. The Sale and Purchase Agreement is forwarded to the TLTB for its Board's consent, accompanied by the relevant fees. Cheques are then processed and paid to the TLTB Board, based on estimated area, to be adjusted after the final survey and completion of works.

Leasehold native land follows a similar process, where a field inspection is carried out, a Valuation Report prepared and a Price Agreement executed. The Agreement is sent to the TLTB with relevant consent fees for the Board to approve. If the lease is a registered one, then a caveat is lodged in the Titles Office (as an interim arrangement to prevent changes before the Sale and Purchase agreement can be finalized). The price paid for land will sometimes need to be divided between lessees and owners. Crown or state leases follow a similar process but do not require the Director of Lands consent.

In the case of freehold lands, after discussion with the DOL, the Valuation Division will prepare a Sale and Purchase Agreement and negotiate the purchase.

When compensation has been paid, a Certificate of Transfer is prepared and sent for execution. The MOF is then able to begin construction.

Following completion of the construction work, a final survey plan is done and once approved, this is viewed against the original acquisition diagrams. If the land used is found more than the original estimate then compensation will be adjusted to the exact size of the land used. In the case of leasehold land, after final surveys have been approved, compensation is adjusted in case of any excess land and surrender documents are prepared. The lessee is asked to provide lease documents for registration of the surrender at the Titles Office. The surrender documents are then forwarded to the TLTB prior to registration. The caveat is then withdrawn and title is returned to the owners.

MOF's Social Safeguard Management Specialist will work closely with the TLTB to ensure safeguards are implemented as set out in the RPF.

1.5 Assessment of Impacts and Preparation of RP

1.5.1 Subproject Screening

The ER-P's screening process will identify potential impacts of land acquisition and adopt necessary measures to avoid or minimize such impacts. MOF will screen impacts by completing the Subproject Screening Form as found in Annex 1. On the basis of the screening, MOF will adopt one of the following approaches:

- 1) Further redesign of the subproject to avoid/minimize land acquisition/resettlement; and
- 2) Preparation of the RP if there are unavoidable land acquisition/resettlement impacts.

In the event of no land acquisition/resettlement, this will be reported in the subproject report along with a due diligence report confirming that there is no need to prepare the RP. The Due Diligence Report will include:

- 1) A brief description of the site including a location map and pictures;
- 2) A description of proposed works and type of activities;
- 3) Confirmation of land status, ownership, and usage (supported by land records);
- 4) Findings of the field visit and observations on the subproject site;
- 5) Process and outcome of consultations with stakeholders. Records of meetings (attendance, minutes, etc.); and
- 6) Confirmation that there are no land issues and a RP is not needed.

The subproject report, including the Subproject Screening Form and all other relevant information about land acquisition/resettlement, will be submitted to WB together with the feasibility study report.

Initial Social Assessment

If resettlement is anticipated for any sub-project, the ER-P authorities will carry out an initial social assessment to determine potential social issues and likely adverse impacts at the sub-project identification stage. Based on the initial social assessment decision can be taken on the types of detailed studies and field investigations required and necessary documentation.

Preparation of RP for Subprojects

The RP will be prepared for subprojects involving land acquisition/resettlement impacts. The Annex 2 provides the outline of the RP. The MOF will prepare the RP with assistance from DOL, TLTB and other relevant authorities in the subproject area, and with close consultation with village leaders and DPs. The RP must be submitted to and approved by WB prior to awarding a contract for civil works for subprojects involving resettlement impacts.

The preparation of the RP will include the following steps and activities:

- a. The MOF will organize consultations with DPs. The purpose of the consultations is to inform the DPs about the scope of works; and, the land acquisition/resettlement requirements. In the presence of village leaders, landowners/DPs and other stakeholders, MOF will identify the affected land and assets on the ground.
- b. The MOF will conduct a detailed measurement survey (DMS) based on detailed engineering design and demarcation of land to be acquired. The DMS will include a) a census and socio-economic survey of APs, and b) measurement and inventory of affected land and other assets. The census and inventory of losses survey will count all DPs and a detailed list of affected land and other assets will be prepared. It will be conducted in a participatory manner to estimate impacts and losses. The socio-economic survey may cover all DPs if their number is small, but it will cover at least 10% of DPs and 20% of severely affected DPs. The surveys will document existing socio-economic conditions of DPs, including (a) demographic, education, and occupational profiles; (b) livelihoods and income; (c) type of land, use of land and other resources; and, (d) other relevant social aspects. The data will be disaggregated by gender and other relevant aspects such as number of DPs belonging to vulnerable groups.

- c. A draft RP will document the types and amounts of land that will be required. It will also summarize numbers of DPs; how they are affected by the losses; compensation and other assistance to which they are entitled to; and, amounts of compensation. The details will vary depending on the magnitude of land acquisition/resettlement. The RP will also identify gender concerns and special measures for vulnerable DPs (if any) through consultations with affected communities. The RP will include sufficient budget and specify source of funds, and confirm that compensation is at replacement costs based on market prices. There will be a cut-off date for the eligibility of compensation and/or rehabilitation assistance. The RP will include an implementation schedule ensuring that civil works will not commence until compensation and/or assistance has been paid to DPs.
- d. The draft RP will be presented to DPs and other stakeholders in a public meeting. DPs will be encouraged to express any concerns or suggestions. Copies of the draft RP and/or summary brochures will be available during these consultations. The subproject RP will be finalized, incorporating comments and suggestions of DPs.
- e. The RP will be submitted for approval to MOF and WB. It will be disclosed to DPs and posted on WB's website.
- f. The RP will be coordinated with the government's land acquisition procedure.

1.6 *Consultation, Participation and Disclosure*

Information dissemination, meaningful consultation, and participation of DPs and key local agencies will be undertaken to maintain transparency, raise awareness, reduce potential conflicts and delays, and achieve the objective of the RP. The actions that will be undertaken for participation in the various stages of land acquisition and resettlement planning are:

- 1) Identification of stakeholders, who will be involved in planning and implementation: DPs, local officials (Rural Local Authority, Provincial Administration, Provincial Council, District Office), local communities at subproject sites, program authorities, implementing agencies, and NGOs.
- 2) Dissemination of information (including ER-P entitlements), and appropriate mechanisms for feedback and facilitation of the consultation process.
- 3) Setting of a grievance redress mechanism and procedures.
- 4) Community participation in monitoring the RP.

1.6.1 *Mechanisms for Consultation*

A variety of mechanisms will be utilized to consult with stakeholders and DPs during preparation and implementation of RP including: (a) village meetings involving both women and men from communities - to consult them and to disseminate information about the subproject; (b) specific facilitated meetings with DPs including mataqali leaders, land owners, and users affected directly by the ER-P; (c) separate meetings with women DPs and vulnerable households; (d) key informant interviews with relevant government staff, *mataqali* leaders, *Turaga-ni-Koro*, chiefs, women, religious and youth leaders (d) one-to-one socio-economic household survey of DPs and affected communities; (e) participatory compilation of the

Inventory of Losses, and (f) informal conversations with passers-by and forest users near the subproject sites. Consultations will be undertaken in the Fijian vernacular where possible, or translated from English into the local Fijian dialect. Household interviews or focus group discussions with Fijian citizens of Indian ethnicity should, where possible, be conducted in Hindi or English.

An important incentive to greater participation is to ensure consultations are undertaken at venues and times that do not disadvantage women. Where it is impossible or inconvenient for women to attend community meetings or DP consultations because of child care responsibilities, caring for the sick and elderly, or because of traditional norms, women will be consulted in their own homes.

1.7 *Responsibilities for Consultation and Participation*

The key organizations involved in facilitating and managing the participation, consultation and disclosure for the land acquisition, resettlement, and compensation process are:

- 1) The MOF will have overall responsibility for consultation and participation of stakeholders. One of the MOF staff will facilitate community liaison activities.
- 2) The safeguards specialists at MOF will ensure that consultation occurs as planned, and that information is disclosed in a timely way. They will be responsible for preparing information brochure and disseminating it widely to affected communities and local authorities.
- 3) The DOL Valuation Division in the MLMR will work with/assist MOF Forest Officers in (a) village consultation meetings; (b) all initial valuations; (c) identification of owners and leaseholders and (d) negotiations with land owners for purchase of land. Their role is an important one in terms of informing DPs of the value of their assets.
- 4) The TLTB (through the various Provincial Councils) which represents and negotiates on behalf of the *mataqali* land owners, will sign agreements on their behalf and is responsible for securing the consent of *mataqali* members prior to making such agreements.
- 5) The Provincial Council will facilitate discussions around land acquisition, between the program's safeguard specialists and communities.

1.8 *Disclosure Arrangements*

Stakeholders and DPs will be provided with relevant, timely information about the program, its land acquisition requirements, and policies on compensation and entitlements, and established grievance redress mechanism (as described under section H) during preparation of the RPs. The RP will be disclosed to DPs and stakeholders, and an information brochure will be available in English and Fijian (while there may be Hindi-speaking DPs in Fiji very few Fijian citizens of Indian ethnicity living in rural areas are literate in Hindi and are more likely to be literate in either English or Fijian), summarizing the entitlements and other relevant information.

This will be disseminated at meetings, and available at local authority offices in affected districts. The RP will also be uploaded to the WB website upon submission by MOF. The MOF the Provincial Council and the TLTB will continue to consult and engage with DPs, landowners, tenants, prior to and throughout program implementation. Formal consultation with DPs will take place again after detailed design work is completed, and prior to commencement of any program works, to enable compilation of a full census and inventory of losses. Community

leaders and representatives from the DOL and TLTB will inform the affected parties and will respond to all compensation related inquiries.

1.9 Compensation Payment, Income Restoration, and Relocation

1.9.1 Disbursement and Payment of Compensation

MOF will coordinate with DOL, TLTB, Provincial Councils and District Administrations to disburse and pay compensation to DPs in accordance with the Entitlement Matrix as described in preceding sections. Compensation will be paid and affected structures, if any, will be relocated before taking possession of land/properties and prior to the start of civil works. Local authorities, particularly, the village leaders (*Turaga-ni-Koro*) in iTaukei villages and village elected leaders in non-iTaukei villages, will assist in identifying entitled persons and delivering the compensation amounts.

1.9.2 Income Restoration Measures

Apart from direct compensation, implementation of other measures to restore incomes for DPs will be adopted, such as employment in program construction, skills training, community development, or assistance to vulnerable groups, to be specified in the subproject RP. Income restoration measures will focus on the poor and vulnerable people whose daily income and livelihood sources are at risk.

At this stage because no specific subprojects have been identified it is very difficult to determine how long they would take to implement but any waged labor opportunities should be made as a priority to DPs, both women and men. DPs who will be offered employment on the Program, will be provided with on-the-job training by the contractors where this is realistically possible. Such training will include skills required by subproject activities.

1.9.3 Measures for Replacement Land

DPs losing land are expected to find replacement land of equal or better productive potential at nearby places. Because land is owned communally by the *mataqali* unit, in many parts of Fiji it is a relatively simple procedure for clan leaders to reallocate land among their members to ensure no one is disadvantaged by the program. However, in some districts there are land shortages, and replacement land may not be easily available. In this case, alternative income restoration methods will need to be undertaken for DPs losing significant portion of their productive land. This could include such as alternative employment and skills training that may include non-land based income restoration methods such as training in Fiji's tourism sector especially in the coastal mangrove villages but not exclusively so as inland and upland eco-tourism becomes more pronounced.

However, this is more of a serious issue for any non-iTaukei DPs who are leasing land. Legally they have the unfettered right to this leased land until at least the term of the lease expires. Thus, if the subproject is seeking to expropriate all or part of this leased land for the subproject then land of equal or better productive potential must be allocated at nearby places and if necessary, the lease extended if non-extension of the lease would disadvantage these DPs.

1.10 Grievance Redress Mechanism

In order to receive and facilitate the resolution of DPs' any concerns, complaints, or grievances about the program's safeguards performance, a Grievance Redress Mechanism (GRM) will be developed for the ER-P including at each subproject site. When and where the need arises, this mechanism will be used for addressing any complaints that may arise during the implementation and operation of the subproject. The GRM will address APs' concerns and complaints promptly and transparently. The GRM will be gender responsive and readily accessible to all DPs at no costs. The GRM will use traditional systems for conflict and dispute resolution and, as far as possible, problems, concerns or grievances will be resolved at the program level. The GRM will not however impede DPs access to the Fiji's judicial or administrative remedies. MOF in coordination with relevant agencies will inform DPs about the GRM.

The key functions of the GRM will be to (i) record, categorize and prioritize the grievances; (ii) settle the grievances in consultation with complainant(s) and other stakeholders; (iii) inform the aggrieved parties about the solutions; and (iv) forward the unresolved cases to higher authorities.

The subproject manager supported by MOF's social impact manager and consultants will be the grievance focal point to receive, review and address program related concerns and to resolve land related disputes in coordination with the government authorities. DPs will be made fully aware of their rights during consultations about land requirements. No costs will be charged for anybody making a complaint. DPs will be exempted from any fees associated with resolving the grievance pursuant to the program's grievance redress procedure.

Complaints will be recorded and investigated by MOF's social impact manager working with relevant staff of the individual subproject. The MOF will be immediately informed/updated of any complaints from DPs by MOF's social impact manager. A complaints register will be maintained which will show the details and nature of the complaint, the complainant, the date and actions taken as a result of the investigation. It will also cross-reference any safeguard compliance report or other relevant documentation.

When subproject implementation starts, a sign will be erected at all sites providing the public with updated program information and summarizing the grievance redress mechanism process including contact details of MOF's social impact manager. All corrective actions and complaints responses carried out on site will be reported back to MOF. MOF will include information from the complaints register and corrective actions/responses in its progress reports to the WB.

In the whole process, relevant Fiji agencies (DOL, TLTB, etc.) will be always available to review public complaints and advice on the MOF's performance for grievance redress.

1.10.1 Steps of Grievance Redress Process

Any APs or village head/chief can take a grievance to the MOF or the site office. On receipt of a complaint in any form (in person, telephone, written), MOF's social impact manager for respective site/subproject will log the details in a complaint register. The register will record complaints by date, name, contact address and/or phone number if available, and reason for the complaint. If the complainant desires, their identity may be kept anonymous but the nature of their concern should still be recorded. A duplicate copy of the entry is given to the person making the complaint for their record at the time of registering the complaint. The duplicate copy given to the complainant will also show the procedure that will be followed in assessing the concern or complaint. For straightforward grievances, the program engineer can make an on-the-spot determination to resolve the issue.

MOF's social impact manager will review and find a solution to the problem within two weeks in consultation with village or traditional chief and relevant local agencies. MOF's social impact manager will report back the outcome of the review to the village/traditional chief and affected persons within a week's time. If the complainant is dissatisfied with the, or have received no advice in the allotted time period, he or she can take grievance to the CEO of MOF. The MOF CEO in coordination with relevant national agency reviews and reports back to the DPs or chief about outcome. If unresolved, or at any time complainant is not satisfied, he or she can take the matter to appropriate court. Both successfully addressed complaints and non-responsive issues will be reported to the WB by MOF.

Table 4 below sets out the process to resolve any program related grievances.

Table 4 Grievance Redress Process

Stage	Process	Duration
1	DP/village head or traditional chief takes grievance to MOF's social impact manager	Any time
2	MOF's social impact manager reviews and finds solution to the problem in consultation with village head or traditional chief and relevant agencies	2 weeks
3	MOF's social impact manager reports back an outcome to village/traditional chief/DP	1 week
If unresolved or not satisfied with the outcome by MOF's social impact manager		
4	DP/village head or traditional chief take grievance MOF CEO.	Within 2 weeks of receipt of decision in step 3
5	MOF CEO reviews and find a solution in coordination with relevant agencies	4 weeks
6	MOF CEO reports back the solution/decision to DP/village head or traditional chief	1 week
If unresolved or at any stage if DP is not satisfied		
	DP/village head or chief can take the matter to appropriate court	As per judicial system

1.11 Institutional Arrangements and Implementation

1.11.1 Institutional Responsibilities

The following are key agencies responsible for the program's land acquisition, resettlement and compensation activities:

- 1) The Ministry of Finance will be the Executing Agency. The Ministry of Forests as the Implementing Agency will have overall responsibility of the program including safeguards. The MOF responsibilities are (a) identification of affected areas; (b) all community liaison; (c) budgetary provision; (d) manage their social impact manager;
- 2) MOF will ensure that compensation is paid as required under the RPF. If needed, a top-up resettlement budget will be made available to the safeguards staff to provide the additional compensation/assistance (if any). MOF's social impact manager will also be

responsible for identifying capacity gaps and providing training and capacity building to Fijian agencies involved in land acquisition.

- 3) The DOL and MOF land and valuation officers will be responsible for (a) all initial valuations; (b) identification of owners and leaseholders and (c) negotiations with land owners.
- 4) The TLTB, which represents and negotiates on behalf of the *mataqali* land owners, will sign agreements on their behalf and will be responsible for securing the consent of *mataqali* members prior to making such agreements.

Ministry of Forestry

MOF will be responsible for overseeing and managing program execution including compliance with program requirements including safeguards. MOF will recruit a social impact manager for the program. MOF's social impact manager will ensure that the procedures and processes established in this RPF are followed for the program. However, preparation of the RP for individual subprojects will be the responsibility of the safeguards specialists with the REDD+ Unit.

Safeguards specialist

The REDD+ Unit will include international and national specialists to implement the safeguard tasks as required by the RPF. This will include: (i) social safeguard/resettlement specialist (international); and (ii) safeguards specialist (national).

Safeguards responsibilities include:

- 1) Ensuring that safeguards are implemented as set out in the RPF and other safeguard documents so as to meet intended requirements.
- 2) Undertaking safeguards assessments during the feasibility study, ensuring that the RPs are prepared.
- 3) Supervising the safeguards implementation, including implementation of relevant RP activities.

Within the MOF, safeguard specialists will have specific responsibilities for implementation of the RPF and RP. Their TOR is in the Annex 3.

Department of Lands

The DOL will be responsible for (a) attending village consultation meetings; (b) initial valuations; (c) identification of owners and leaseholders (d) negotiations with land owners; (e) preparation of Sale and Purchase Agreements and sending to the TLTB for Board endorsement; (f) approval of final land surveys on completion of Program, and adjustment of land compensation required; (g) preparation of land transfer, lease surrender, or freehold dedication documents; and (h) registration of titles.

iTaukei Land Trust Board (TLTB)

The TLTB, which represents and negotiates on behalf of the *mataqali* land owners, signs agreements on their behalf and is responsible for securing the consent of *mataqali* members prior to making such agreements. The TLTB Board must endorse and approve the Sales and Purchase Agreements, and transfer documents.

1.11.2 *Institutional Capacity Support*

The capacity of MOF and government agencies involved in land acquisition is still weak in the areas of safeguards and will be strengthened under the program.³ MOF's social impact manager will provide training to staff of MOF and relevant government agencies such as DOL and TLTB, mainly in the form of on-the-job training, but also through special workshops to enhance their institutional capacity and continue to improve safeguard practice in Fiji. Based on the experience of training together, working groups can be established to ensure interdepartmental coordination. An initial workshop will be held for all staff involved in land acquisition in the early stages of the program, following by mentoring and on-the-job training. Further workshops on specific topics will be organized, as needed, once implementation is underway, particularly to ensure that monitoring activities are undertaken according to the RPF.

1.11.3 *Role of other Organizations: Civil Society and Women's Groups*

There are few local NGOs or women's groups involved in the planning and management of any land acquisition or resettlement activities, except for groups of the landowning *mataqali*. Local groups and leaders will be consulted when identifying any particularly vulnerable people. Other NGOs, if available, will be consulted about land and livelihoods issues. They will also be consulted during monitoring of the RP and its outcomes, as required.

1.12 *Implementation Schedule*

An indicative implementation schedule for the ER-P land acquisition and resettlement activities is provided in the Table 5 below. This include activities to (i) prepare/update the RP; (ii) implement the RP; and (iii) monitor activities. A more detailed schedule with specific target dates will be provided in the RP for each subproject during implementation.

Table 5 Indicative Implementation Schedule

	Activities	Responsible Agency	Timing
	Prepare/Update RP		
1	Confirm land requirements based on proposed activity. Determine areas of land, which will fall outside the existing subproject impact area.	Design Consultants	Month 1
2	Provide plans identifying areas to be acquired to DOL and TLBT	MOF	Month 1
3	Determine type of affected land tenure (iTaukei, leased, freehold or leasehold)	DOL and TLTB	Month 1
4	Determine numbers in <i>mataqali</i> group, land owners and users affected (DPs), and identify any vulnerable households through social assessment or DPs in the non-iTaukei villages.	DOL, TLTB, and MOF	Month 2

³ MOF does not have staff trained in the use of WB Safeguards but other GoF organizations are familiar at both the central and provincial level with legislation to acquire land and pay compensation and to some extent WB Safeguards.

	Activities	Responsible Agency	Timing
5	Conduct consultations with affected communities and agree on land acquisition	DOL, TLTB, and MOF	Month 2; Ongoing
6	Obtain written consents from each landowning unit during consultation meeting	DOL & TLTB	Month 3-4
7	Cadastral survey of land if not previously done, and submission for land registration	DOL and MOF	Month 2
8	Conduct titles/leases search in Government titles registration office for affected land ownership	DOL and MOF	Month 2
9	Determine and mark areas for each land unit required	DOL and MOF	Month 2
10	Conduct inventory of losses – land, trees, crops and provide valuation for compensation	MOL Valuation Division DOL and MOA, MOF	Month 4 & 5
12	Negotiate compensation with land owners (<i>mataqali</i>) or holders of Native Leases or freehold landowners	MOF, DOL and TLTB	Month 5
13	MOF submits the updated RP for approval and uploading on the WB/ InfoShop website	MOF and WB	Month 6
	RP Implementation		
14	Execution of Sale and Purchase Agreement. Endorsed by TLTB.	MOF, DOL and TLTB	Month 5
15	Payment of compensation and allowances	DOL, MOF and TLTB	Month 6
16	DOL completes land transfers & registration	DOL	Month 7
17	MOF submits the Land Acquisition Completion Report to WB	MOF	Month 7
18	Award of civil works contract, clearance of land, and briefing of contractor on safeguards	MOF	Month 8
19	Commencement of civil works (contingent on compensation and allowances being paid)	MOF	Month 9
20	Final survey plan on completion of work; payment of adjusted compensation as required	MOF and DOL	Month 15
	Monitoring		
21	MOF starts AP socio-economic monitoring	MOF	Month 12
22	MOF submits progress report to WB on implementation of the RP	MOF	Six monthly
23	MOF conducts post-project survey and final monitoring report	MOF	Month 16

The above is the proposed Implementation schedule for land acquisition activities generated as a result of the ER-P. For restriction on access to forest resources, resolving issues associated with carbon title, and those possibly associated with changes or foreclosures on leases, the implementation schedule does not *ipso facto* follow the above proposed implementation schedule but as a “rule-of-thumb” need to be based on how particular activities will proceed. For instance, if exiting users of Forest and Nature Reserves are to be required by the ER-P to desist from accessing these forest resources either a reasonable time period dependent on a range of factors including the existing livelihood status of those APs to be excluded or compensation is to be paid or alternative arrangements made consistent with OP4,12 will be the deciding factor. For

women whose claim to carbon title and payment of the carbon benefit thereof is problematic because of their post-marital residential status this also has to be resolved although given the three-year hiatus between ER-P implementation and payment of carbon credits there is a reasonable lead in period. For leaseholders who maybe subject to changes to their leases or foreclosures on their leases either they be permitted to harvest perennial food crops and continue to graze livestock or alternative land of equivalent size and productivity be found prior to displacement. How long this will take is likely to vary from village-to-village, district-to-district and province-to-province. It needs to be remembered that such actions that trigger OP4.12 are generally more complex than those requiring the acquisition of land for civil works.

1.13 *Budget and Financing*

All land acquisition, compensation, and income restoration costs for the program will be financed by the government using counterpart funds. The budget for such activities will be estimated during feasibility based on interviews with affected communities. This will be updated after the detailed survey and valuation, and further consultations with DPs. The government will release sufficient budget for implementation of compensation, resettlement and rehabilitation activities in an appropriate and timely manner.

MOF will prepare the necessary arrangement for disbursement of compensation in coordination with the DOL and TLTB. MOF's annual budgets will show the cost of the land acquisition / resettlement according to program activities. As there are no subprojects yet to be identified it is impossible to refer to budgets in this RPF. The types of costs for compensation of land and other assets, some of the anticipated institutional costs (for implementation, M&E, costs of staff, and capacity building). The costs of the land survey and resettlement /safeguards specialists will be included in the program management and administration costs.

1.14 *Monitoring and Reporting*

The MOF will monitor all activities associated with land acquisition and payment of compensation to DPs. The scope of monitoring includes: (i) compliance with the agreed policies and procedures for land acquisition; (ii) prompt approval, allocation and disbursement of compensation payments to DPs, including if necessary, supplemental compensation for additional and/or unforeseen losses; and, (iii) remedial actions, as required. The monitoring will also cover the social impacts of the program and whether DPs are able to restore and preferably improve, their pre-program living standards, incomes, and productive capacity. A set of monitoring and evaluation indicators are in Annex 4. Specific subproject level indicators will be included in the RP.

The MOF will prepare and submit semi-annual progress reports to WB as part of program performance monitoring. MOF will also submit subproject completion reports to WB for each site when compensation has been paid.

MOF will coordinate with DOL and TLTB as well as Provincial and District administrators in monitoring activities associated with land acquisition.

2 Annexes

2.1 Annex 1: Screening Form

<i>Program Title:</i> _____		<i>Loan No:</i> _____ Subproject: _____		
Date: _____				
Location and impact area: _____				
Probable Land Acquisition/Resettlement Effects	Yes	No	Not Known	Remarks
Acquisition of Land				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing Right of Way (ROW)?				
5. Will there be loss of shelter or residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, or fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
Restrictions on land use or on access				
10. Will people lose access to natural resources, communal facilities or services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Program? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how many? _____				
Category for resettlement impacts: ⁴ A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/>				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes				
Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes				

⁴ Impacts are classified as Category A when 200 or more persons experience major resettlement impacts either through being physically displaced from housing, or losing 10% or more of their productive (income generating) assets. Not significant impacts (i.e. other than Category A) will be classified as Category B. No impacts will be classified as Category C.

2.2 *Annex 2: Outline of Land Acquisition and Resettlement Plan*

Executive Summary: It provides a concise scope, entitlements and activities.

Sub Project Description: It introduces the program, and program's components with land acquisition or [SEP]resettlement. It also describes the alternatives considered to avoid or minimize impacts.

Scope of Land Acquisition and Resettlement: This section discusses the program's [SEP]potential impacts; describes the scope of land acquisition and explains why it is necessary; [SEP]and summarizes the key effects

Socio economic Information and Profile: The section outlines the results of the [SEP]assessment of social impacts:

- a. defines, identifies, and enumerates the people to be affected;
- b. describes the likely impacts of the land and asset acquisition;
- c. discusses the program's impacts on the poor, and other vulnerable groups; identifies gender and resettlement impacts.

Information Disclosure, Consultations, and Participation. This section:

- a. identifies program stakeholders, especially primary stakeholders;
- b. describes the consultation and participation mechanisms;
- c. describes the activities undertaken to disseminate information;
- d. summarizes the results of consultations;
- e. confirms disclosure of the draft RP to affected persons; and
- f. describes the planned information disclosure and consultation measures

Grievance Redress Mechanisms. This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

Legal Framework. This section:

- a. describes national laws and WB's policy requirement; and gap-filing measures.
- b. describes the legal and policy for all types of displaced person;
- c. outlines the principles and methodologies used for determining valuations and compensation rates; and set out the compensation and assistance eligibility criteria

H. Entitlements, Assistance and Benefits. This section:

- a. Defines DPs entitlements and eligibility, (includes an entitlement matrix);
- b. Specifies all assistance to vulnerable groups; and.
- c. Outlines opportunities for DPs to derive appropriate benefits from program.

I. Relocation of Housing and Settlement. This section, if relevant:

- a. Describes options for relocating housing and other structures;
- b. Describes alternative relocation sites considered; community consultations;
- c. Provides timetables for site preparation and transfer;
- d. Describes the legal arrangements to regularize tenure;
- e. Outlines measures to assist DPs with their transfer and establishment at new sites;
- f. Describes plans to provide civic infrastructure; and
- g. Explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation. This section, (as relevant):

- a. Identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- b. describes income restoration programs, including multiple options from restoring all types of livelihoods;
- c. outlines measures to provide social safety net;
- d. describes special measures to support vulnerable groups;
- e. describes training programs.

Resettlement Budget and Financial Plan. This section:

- a. Provides an itemized budget for all resettlement activities.
- b. Describes the flow of funds.
- c. Includes a justification for all assumptions made in calculating compensation rates.
- d. Includes information about the source of funding for the resettlement plan budget.

Institutional Arrangements. This section:

- a. Describes institutional arrangement responsibilities and mechanisms.
- b. Includes institutional capacity building program.
- c. Describes roles of NGO's, if involved, and organizations of affected persons.
- d. Describes how women's groups will be involved.

Implementation Schedule: This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities.^[1]_[SEP]

Monitoring and Reporting: This section describes the mechanisms and indicators appropriate to the program for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

Social Safeguards/Resettlement Specialists

Specialists will have a graduate degree in social science or similar fields and experience (10 years for international and 5 years for national) in conducting social assessments and preparing Resettlement Plans (RP) in developing countries, preferably in the Pacific that conform to the requirements of WB Policy OP/BP4:12 on Involuntary Resettlement or similar such as the ADB 2009 Safeguard Policy Statement relating to Involuntary Resettlement. This experience preferably should be in areas associated with natural resource management. A specific knowledge of land issues as they apply to Fiji would be particularly advantageous. The international specialist will take the lead and the national specialist will assist the international specialist in undertaking all relevant tasks.

MOF's Social Impact Manager

- 5) Review the program documents, including the ERP, carbon benefit documents, Resettlement Policy Framework (RPF), RP, and other relevant reports (available at MOF and/or WB websites) and visit the program sites to familiarize with the ER-P's safeguard requirements and the implementation status.
- 6) Facilitate preparation and updating of RPs. Review draft RPs submitted, arrange MOF's endorsement and submit these to WB for clearance.
- 7) Develop and maintain the ER-P's information management system/database on social safeguard aspects, including a system to track the ER-P's relevant documents and records. Maintain an up-to-date collection/library of relevant safeguard documents.
- 8) Develop and maintain the system for effective management and implementation of land acquisition and resettlement activities, and other relevant activities. Assist MOF in implementation and reporting on these activities in compliance with the ER-P's requirements on social safeguards.
- 9) Undertake monitoring of the resettlement and relevant activities on social safeguards. Monitor the livelihoods and living standards of the APs by conducting field visits and consultations with the APs and stakeholders. Develop remedial actions in case any gaps are identified to meet the ER-P's safeguard objectives.
- 10) Prepare semi-annual monitoring reports with adequate information meeting WB requirements for submission by MOF to WB. Coordinate with WB's safeguard specialist to review and clear the report. Assist in conducting any field review by WB on the social safeguard compliance.
- 11) Assist MOF in mobilization of the third-party experts, if needed, and assist them in conducting their activities by providing relevant information, etc.
- 12) Undertake periodic consultations with APs and stakeholders and assist MOF for disclosure of relevant information to comply with the program's relevant requirements. Maintain proper documentation of consultation and disclosure activities.

- 13) Facilitate implementation of the program's grievance redress mechanism (GRM). Monitor status of grievances, facilitate their resolution, maintain documentation, and report the progress through monitoring reports.
- 14) Conduct necessary capacity building for MOF staff, government agencies and other stakeholders on ER-P related WB's requirements on safeguards.
- 15) Coordinate with the environment manager and other MOF specialists, government counterparts, and other relevant stakeholders for implementation and monitoring on safeguards. In coordination with the environment specialist, monitor compliance on social aspects of contracts. Prepare a social management plan in case significant social impacts are identified that cannot be addressed by the environment assessment or existing plans.
- 16) Perform relevant tasks assigned by MOF, independently or in coordination with other specialists, to meet the program's requirements on social safeguards.

Social Safeguards/Resettlement Specialist

(International 18 pm; national 36 pm)

- 6) Review the scope and activities of the proposed subprojects and screen their potential impacts on land acquisition/involuntary resettlement (IR) and indigenous peoples (IPs).
- 7) Conduct surveys, interviews and focus-group discussions to collect data for assessment of social impacts and preparation of safeguard planning documents.
- 8) Coordinate with relevant government agencies for necessary information on affected land and land-based assets, and for coordination with the government's formal land acquisition procedures in accordance with relevant laws on land acquisition.
- 9) Prepare Resettlement Plans (RP) for subprojects involving physical or economic displacements due to land acquisition or restriction on land use or access. The RP must be based on the census of affected persons (APs), inventory of losses, and socio-economic survey of APs. The RP must meet the requirements of the World Bank's Operational Policy (OP) 4.12 on Involuntary Resettlement as well as relevant country laws as stipulated in the Resettlement Policy Framework (RPF), and should include gap-filling measures in case of any gaps between the RPF and country laws. The contents of the RP should follow the outline of the (OP) 4.12 as provided in the RPF.
- 10) Undertake due diligence on IPs, undertake adequate consultation with local communities and prepare a summary document confirming broad community support of local communities of the subproject. Include such report in the feasibility report to be submitted to the WB.
- 11) In coordination with the MOF and relevant government agencies, undertake consultations with APs and other stakeholders and disclose relevant information including the draft safeguard documents in accordance with the country's laws and WB's OP 4.12. Develop a grievance redress mechanism for relevant subprojects.

- 12) Develop schedule to implement and monitor the RP at subproject level.
- 13) Conduct workshops and meetings, and provide guidance to MOF's social impact manager on ER-P related resettlement issues and WB's policy and procedural requirements on social safeguards.
- 14) Submit draft safeguard documents to WB through MOF and finalize these incorporating comments from WB and MOF.
- 15) Provide inputs to the Team Leader on social safeguards required for other ER-P documents.

2.4 *Annex 4: Indicators*

The following Table 6 shows the suggested indicators and variables that could be used.

Table 6 Indicative Indicators

Type of Indicator	Indicator	Examples of Variables
Process indicators	Staffing	Recruitment of MOF's Social Impact Manager. Engagement of safeguards staff and training No. of other agency officials available for tasks
	Consultation, participation, and grievance resolution	No. of consultation and participation programs held with various stakeholders No. of field visits by social safeguards management specialist impact manager.
	Procedures in operation	Effectiveness of compensation/assistance delivery system Coordination between MOF and other GoF agencies and civil society groups
Output indicators	Households Structures	No. of households affected No. of community structures, if any, moved
	Land, Economic trees and crops	No. of households receiving agreed compensation for land, trees and crops
	Assistance to APs	No. of households that have participated in income restoration and livelihood enhancement measures No. of special assistance programs to vulnerable households
Impact indicators	Household earning capacity	Employment status of households having a formal job Employment status of households being self-employed
	Special assistance to women	No. of women engaged as waged workers by the Program Type of Program-related skills women received. Average wage of women employed on Program compared to that of men
	Other livelihood indicators	Increase in market-based incomes of farmers Increase in ownership of household assets Increased access to schooling and health services Increase in visits by GoF service providers