

Resettlement Plan

October 2017

VAN: Port Vila Urban Development Project

Prepared by Ministry of Infrastructure and Public Utilities for the Asian Development Bank.

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GOVERNMENT OF VANUATU

PORT VILA URBAN DEVELOPMENT PROJECT

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RESETTLEMENT PLAN

Roads and Drainage Sub Project Phase 1 Works

October 2017



Prepared by:

Ministry of Infrastructure and Public Utilities (MIPU) for the Asian Development Bank
 Republic of Vanuatu: Port Vila Urban Development Project

Financed by:

- Asian Development Bank (ADB)
- The Australian Government Department of Foreign Affairs & Trade (DFAT)
- The Government of Vanuatu

For:

Ministry of Finance & Economic Management (Executing Agency)
 Ministry of Infrastructure & Public Utilities (Key Implementing Agency)
 Department of Environmental Protection & Conservation (Key
 Implementing Agency)

Notice

This report was produced by the Vanuatu Project Management Unit (VPMU) for the Ministry of Finance & Economic Management (MFEM) (the Executing Agency (EA), Ministry of Infrastructure and Public Utilities (MIPU), (IA), Public Works Department (PWD) (IA), and the Department of Environmental Protection & Conservation (DEPC) (IA) for the specific purpose of describing the potential involuntary resettlement impacts and proposed mitigation measures in relation to the Roads and Drainage Subcomponent project.

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ABBREVIATIONS

AC		Access Consent
ADB	-	Asian Development Bank
AP	-	Affected persons/people
AB	-	Affected businesses
CBD	-	Central Business District
CBO	-	Community Based Organization
DD	-	Due Diligence
DOL		Department of Lands
DP	-	Displaced Person
DFAT	-	Department of Foreign Affairs and Trade
EA	-	Executing Agency
GAP	-	Gender Action Plan
GRC	-	Grievance Redress Committee
MIPU	-	Ministry of Infrastructure and Public Utilities
MOL		Ministry of Lands
NGO	-	Non-Government Organization
PAA		Public Access Agreement
PMU	-	Project Management Unit
PPTA	-	Project Preparation Technical Assistance
PVELTA		Port Vila Efate Land Transport Association
PVUDP	-	Port Vila Urban Development Project
RP	-	Resettlement Plan
TOR	-	Terms of Reference
TA	-	Technical Assistance
VANGO		Vanuatu NGOs
VESS		Vanuatu Environment Science Society
VPMU		Vanuatu Project Management Unit

CURRENCY EQUIVALENTS

(as of August 2017)

Currency Unit – Vatu

100 Vatu = \$0.88

\$1 = VT 113

WEIGHTS and MEASURES

Metric system except for land areas (1 acre = 0.4 hectares)

DEFINITION OF TERMS¹

Alienated land -- a customary land whose ownership has been transferred to private individuals or which has been acquired by the government.

Customary land - land owned or occupied, or an interest in land held, by one or more persons under the rules of custom.

Custom owner - the person who in the absence of a dispute, the Minister is satisfied is the custom owner of land;

Easement - a right attached to the land comprised in a registered lease which allows the proprietor thereof to either use the land comprised in another registered lease in a particular manner or to restrict its use to a particular extent, but does not include a profit;

Lease - the grant with or without consideration, by the owner of land of the right to the exclusive possession of his land, and includes the right so granted and the instrument granting it, and also includes a sublease but does not include an agreement for lease;

Lessee - the proprietor of a lease or his successor in title;

Lessor - the person who has granted a lease or his successors in title;

State land - all land in Vanuatu that on the 1st day of January 1980 was owned in freehold or perpetual ownership by the British Government, the French Government, the Condominium or a Municipality.

Construction limit -- an area of land around the construction site where equipment is positioned, workers undertake their duties, and aggregates or construction materials are placed ready for use and subject to the conditions of the contract.

¹ As described in Vanuatu legislation

EXECUTIVE SUMMARY

The Port Vila Urban Development Project (PVUDP) aims to improve drainage, roads, and sanitation systems in the greater Port Vila municipality and adjacent urban and peri-urban areas. The project will implement the recommendations of the drainage and sanitation master plan², which identified priority interventions for improved access and support to affordable, sustainable, and effective sanitation, roads, and storm water drainage services, contributing to climate-resilient urban development in and around Port Vila.

Project Components

The PVUDP components include: (i) improvement of the road network and drainage system in greater Port Vila (ii) improvement of the sanitation system in greater Port Vila (iii) improvement of hygiene facilities for the central area and settlement communities and (iv) Efficient project management services are provided. The road improvement works will improve approximately 13 Km of the main roads and the 5 Km of drainage lines along Port Vila Municipality.

Scope of Land Acquisition

The project does not involve physical displacement of people and/or destruction of physical structures. It will, however, need to acquire a total of 2,971 m² (0.29Ha) of three leasehold lands for drainage, road re-alignment and construction of a bus bay. The majority of the land for acquisition (2,588 m²) is intended for the construction of a stormwater detention basin beside the main road (Manples, Kumul Highway) on the way to the international airport. The two smaller strips of land to be acquired are for the construction of a bus bay (56 m²) and improvement of road alignment and safety (327 m²).

The rest of road and drainage improvement will only require public access agreement (PAA) from leaseholders. The PAA is a written agreement by the leaseholder to allow the government through its Ministry of Infrastructure and Public Utilities (MIPU) extend civil works partly on to the leasehold property from the road reserve. An access consent (AC) is needed where civil works will not encroach onto the leasehold property from the road reserve, but it is prudent to secure formal consent from the leaseholder for the works in front of the property.

Affected People and Businesses in the Project Site

All the lands to be acquired are government-owned lands leased to companies or individuals commonly for 75 years. The three affected lots are Ni-Vanuatu, Asian, and French-leased lands. The leaseholders of Funa property are retired husband and wife (David and Alice Quensell) in their '60s. David Atelea Quensell (known in Vanuatu only as Funa) migrated from Tonga during the Colonial-era, married to Alice of Ifira. They have four children, three boys, and one girl, with two boys are living overseas and two in Vanuatu. The other two business-owned lots (Lot 37 and La Parisienne) require a small portion to be acquired (327 m² and 56 m² respectively). The Lot 37 leaseholder (Zhang Ming Kai) owns a general store farther up the Lot 37 in the Champagne Estate area. The La Parisienne owner (M. Galine), is of French-Ni-Vanuatu descent and owns the popular bakery and reportedly has other lands in the area. As these business people prefer privacy, very limited information is available about their livelihood and income.

² Asian Development Bank (ADB). 2009. *Technical Assistance to the Republic of Vanuatu for Preparing the Port Vila Urban Development Project*. Manila.

Likely Impacts and Support for Land Acquisition of Affected People

There is no expected risk of landlessness, and/or loss of major income source resulting from the land acquisition. The affected leaseholder and the two affected businesses will instead financially benefit from the road and drainage improvement leading to reduced cost of damage to their properties, goods, and loss of customers, particularly from flooding during cyclone season as well as a potential increase in property value due to the overall road and drainage improvements. Also, the APs will also benefit from improved aesthetics, safety and decreased third party insurance liability by selling back the portion of land to the government.

The eligibility and entitlement are summarized below:

Entitlement Matrix

Type of Impact	Entitled Person(s)	Entitlements
1. Loss of land – Commercial or residential	Government Leaseholders	1. Current market value of affected land in cash compensation to be provided to the leaseholder or through government trustee for future landowner claimant. 2. Loss of potential rent income value. 3. Changing of title to reflect land transferred to government and to reflect appropriate land use type (agricultural, residential, etc.) without cost to the leaseholder's account.
2. Loss of land use – Commercial or residential	Government Leaseholders: The leaseholder – earning income through land use for gardens or business (e.g., storage, vehicle parking, etc.) purposes (ref to Resettlement Framework)	Government to pay the cost for change in the lease conditions (by surrendering rights) over a portion of the leasehold, at no cost (including government administrative fees) to the leaseholder.
3. Temporary loss	Land /structures owners/users	Repair damaged land or structure caused by the project, immediately after installation of drainage/ road improvement in the said area (within five days). Provide alternative replacement for loss of access/assets as required.
4. Unforeseen or unintended impacts	Concerned affected people	Determined as per the principles of the RP and ADB's safeguard policy.

Implementation Schedule

The land acquisition steps below outline the government's approach and tentatively estimated timing in acquiring the three leasehold lands for the project. At present, one of the three project sites have been negotiated and surveyed by the Ministry of Lands for the project. The other two are still under negotiations.

September 2017 is the target month discussed by VPMU, the government agency responsible for the project management, with the Ministry of Lands / Department of Lands (MOL/DOL) to acquire the land for the project before the scheduled commencement of civil works in October 2017. VPMU is directly liaising with the MOL/DOL on this land acquisition.

Updated Land Easement and Compensation Schedule (Funa Lot in Manples, Lot 37 and Le Parisienne)		
Main Resettlement Plan Activities	Implementation Schedule	Status
Resettlement Plan (RP) Updated Version Preparation		
(i) Concept design agreed and scope of works known <i>(Note: A ention basin is now proposed at the Funa lot, identified required strip of land from Lot 37 Ex-Depot, and required bus bay from Le Parisienne frontage as of July 2017)</i>	Month 1 (June 2017) <i>(Note: ADB approved original RP in December 2015)</i>	Completed
(ii) Identify title holders from Land Register (DOL)	Month 1 (May 2017)	Completed
(iii) DOL send expression of interest to develop the site to leaseholders and secure consent to conduct initial survey	Month 1 (May 2017)	Completed (Funa Land, Lot 37) To be completed (Le Parisienne)
(iv) Meet with individual leaseholders and conduct negotiations to acquire portions of the 3 lots led by Ministry of Lands with VPMU	Months 2-4 (July to Sept 2017)	As above
(v) Secure initial agreement from the leaseholders (DOL)	Month 2-4 (July- Sept 2017)	As above
(vi) Undertake land survey (DOL)	Month 2 (3 weeks) (1-21 July 2017)	As above
(vii) Updated RP disclosure (public disclosure and posting on government and ADB website)	Month 2-3 (July-August 2017)	To be completed
(viii) Government processing of land acquisition (DOL with VPMU follow up)	Months 2-3 (Jul-Aug 2017)	On-going
(ix) Project survey and design (alongside the land acquisition process)	Month 3 (August 2017)	Completed (survey); on-going design refinement.
(x) Signing of final land acquisition agreement (DOL and Leaseholders)	Month 4 (September 2017)	To be completed
(xi) Compensation payment to leaseholders as agreed between DOL and leaseholders	Month 5 (October 2017)	To be completed
(xii) Registration of title to the government for three sites	Month 5 (October 2017)	To be completed
(xiii) Forward a copy of registered title to VPMU/MIPU (DOL)	Month 5 (October 2017)	To be completed
Formal notice to contractor (site hand-over)		
(xiv) Commencement of civil works by Contractor on the three sites (after compensation)	Month 5 (end October 2017)	To be completed
(xv) Update project community and leaseholders on construction schedule	Month 5 (early October 2017)	To be completed
(xvi) Consultations with APs on updated RP	Prior to/during construction	To be completed
(xvii) Replacement of damaged structures, as required, for unforeseen damages and losses	During construction	To be completed

I. Introduction

1. The Port Vila Urban Development Project (PVUDP) Project aims to improve drainage, roads, and sanitation systems in the Port Vila municipality and adjacent urban and peri-urban areas. The project will implement the recommendations of the drainage and sanitation project preparatory study³, which identified priority interventions for improved access and support to affordable, sustainable, and effective sanitation, roads, and storm water drainage services, contributing to climate-resilient urban development in and around Port Vila.

2. This revised Resettlement Plan (RP)⁴ for the road and drainage output (Output 1) describes principles, entitlements, procedures, and implementation arrangements on land subject to construction activity under the Port Vila Urban Development Project (PVUDP). It is based on the existing Government of Vanuatu Land Leases Act and other relevant legislation.

3. The RP is focused on leasehold land in the Port Vila municipality and meets the requirements of the Safeguard Policy Statement of the Asian Development Bank (ADB). The Ministry of Finance and Economic Management (MFEM), the Executing Agency, and Ministry of Infrastructure and Public Utilities (MIPU), Implementing Agency, will lead the implementation of the RP.

II. Project Description

4. The PVUDP has four target outputs⁵. Output 1 will improve the road network and drainage system in greater Port Vila.

- (i) The road improvement will utilize existing road reserves.
- (ii) The improvement of the drainage system will focus on rehabilitating existing drains but will require easement agreements where none exist for existing drains across private land. Construction of a new infiltration basin is required on a vacant leasehold property.
- (iii) Public access areas and facilities such as footpaths, bus bays, car parks and road kerbs will also be improved to ensure safety and ease of access for the residents and visitors in Port Vila.
- (iv) Existing and proposed drainage and public access areas may lie partly on leasehold land and access to use and maintain these facilities from the adjacent public road will utilize Public Access Agreements (PAAs) and easements.

5. The construction period is estimated to be about 21 months. Table 1 below provides key technical data on the road and drainage component.

Table 1: Road and Drainage Technical Data

Unit	Details
Road	13 km
Drainage	5 km (19 drainage lines)
Public access areas (pedestrian lanes/footpaths/bus bays)	Approximately 34 properties require PAA to improve the road, footpaths, bus bays, and carparks.
Type of project	Road, drainage, and public access improvement
<i>Source: PVUDP Team</i>	

³ Asian Development Bank (ADB). 2009. *Technical Assistance to the Republic of Vanuatu for Preparing the Port Vila Urban Development Project*. Manila.

⁴ The first Resettlement Plan was prepared in December 2015 and posted on the ADB website in January 2016.

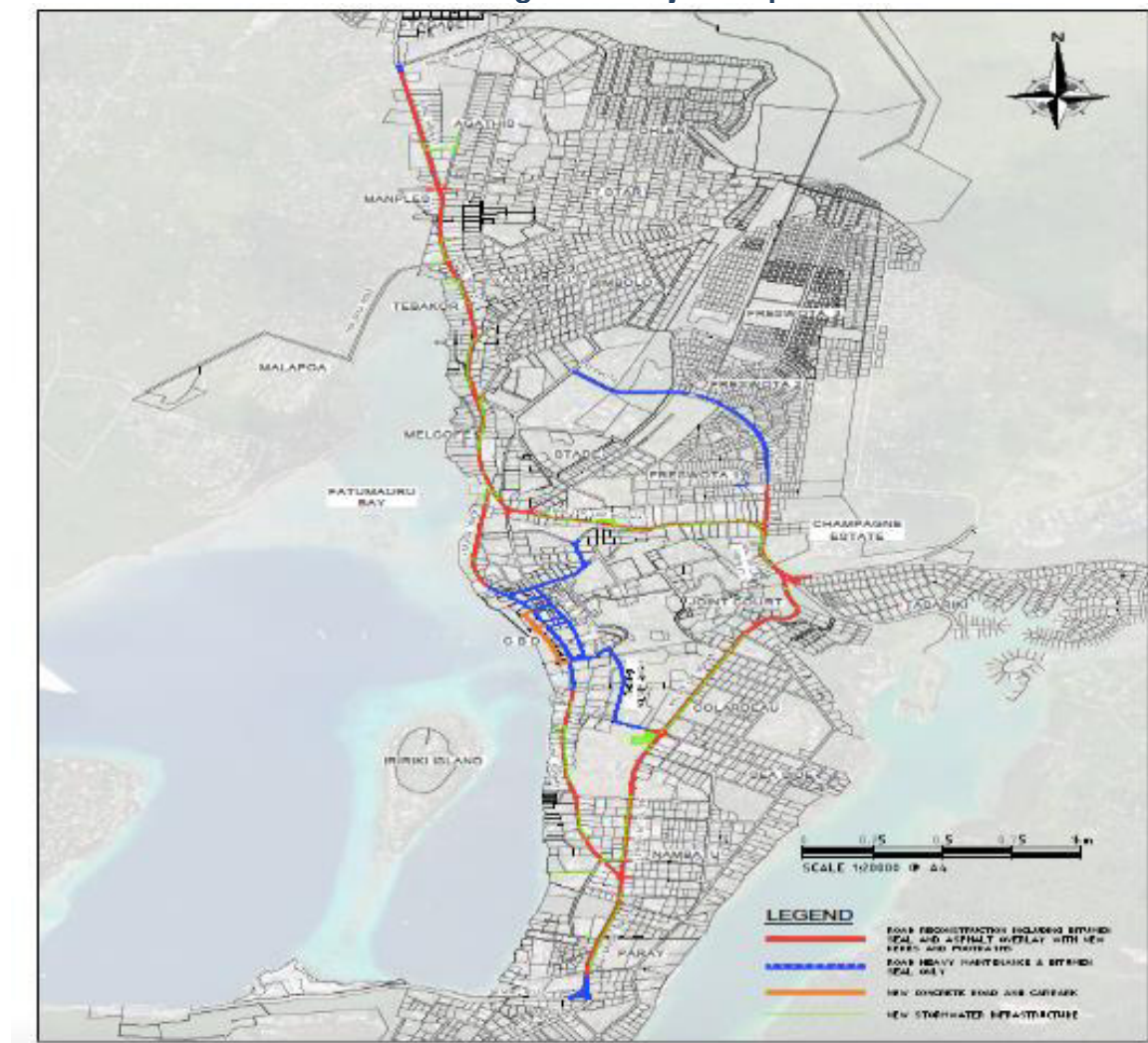
⁵ Other project outputs include (ii) Government has improved the sanitation system in greater Port Vila, (iii) Central area and settlement communities use improved hygiene facilities; and (iv) Efficient project management services are provided.

6. The project will be implemented in stages, where the drainage subcomponent will be constructed first, followed by the road improvements within the 21 month construction period.

7. The project will follow appropriate engineering design to minimize the impact on private land and mitigate any resettlement impacts. The project will use existing road reserves to improve the public road and utilize public access agreements to formalize the use of private land for public access areas including footpaths and bus bays, limiting such use as much as possible. In cases where leaseholders disagree with use of their land, the project will endeavor to confine the proposed works to the civil works to the road reserve. If this is not possible, the project will request VPMU to negotiate with leaseholders in conjunction with DOL.

8. To reduce the impact on the local business community, the drainage and public access areas will be located within the road reserve as much as possible. Easements and access to leasehold land will only be sought to address flooding and safety and access issues where other options are not available.

Figure 1: Project Map



III. Scope of Land Acquisition and Resettlement

9. The project does not involve physical displacement of people and/or destruction of physical structures. It will, however, need to acquire approximately a total of 2,971 m² (0.29Ha) of leasehold lands for road re-alignment (Lot 37), stormwater infiltration (Funa) and a bus bay (La Parisienne). This land acquisition has only been considered after exhausting

other cost-effective possible technical solutions and government-owned sites and minimizing the areas of public leasehold land through careful engineering design.

10. **Drainage.** Leasehold land is needed for the construction of a stormwater infiltration basin to address the persistent flooding in the residential and commercial areas in Manples (2,588 m²). The rehabilitation of all 19 drainage lines will use existing easements where they exist and be subject to PAAs as required (**see Appendix 1**). Depending on the government direction and budget availability, additional easements should be secured to facilitate ongoing access for drainage maintenance and improvement.

11. **Road.** The improvement works for the 13 Km road around Port Vila will not require access to leasehold lands except for one site opposite Hibiscus Hotel (Ex-depot, Lot 37) at Stade area to improve the road alignment and safety. The leasehold land will be re-acquired by the government from the leaseholder through negotiated settlement.

12. **Public Access.** The rehabilitation of footpaths and bus bays along the road will mostly use existing road alignment. In addition to the acquisition of a small area for a bus bay (La Parisienne), thirty-four (34) properties to require public access areas and facilities such as footpaths to be constructed on leasehold lands. These leasehold lands need Public Access Agreements (PAAs) with the leaseholders for the project to establish and allow ongoing public access. (The Vanuatu Land Leases Act requires the lessees to provide rights of way, rights of water, rights to sites for government infrastructure such as navigational aids and easements.) To date, 26 of 34 required PAAs have been signed with only 8 PAAs remaining to be signed for drainage lines (**Appendix 1**) and public access areas (footpaths, bus bays, and car parks) on or before August 2017) (**Appendix 2**).

13. **Acquisition.** There are three locations where it is not possible to obtain PAAs for the project works on leasehold properties, summarized in Table 2 below with the number of affected persons (APs):

Table 2: Scope of Land Acquisition for Public Access Requirements & Affected Persons

Sub-Project Sites	Public Access Agreement	Land Requirement	Current Land Use	Name of Leaseholders	Number of APs
1. Road	n/a	327 m ²	Frontage of a commercial building under construction	Mr. Zhang Ming Kai	n/a
2. Drainage (detention/infiltration basin)*	n/a	2,588 m ²	Vacant lot along the Kumul Highway at Manples	David Atelea Quensell and Alice Leialo Quesell	6
3. Public Access Areas ⁶	n/a	56 m ²	Construction of a bus bay in front of La Parisienne bakery shop	Boulangerie La Parisienne	n/a
Total		2,971 m²			

*Note: Does not include properties where drainage easements are required to provide access for the ongoing maintenance of drainage constructed/upgraded under PVUDP.

⁶ Footpath, bus bay, and kerb improvement)

IV. Socioeconomic Information and Profile

A. Enumeration of Affected People

(i) Persons Affected by Acquisition

14. There are three affected leases for the project where acquisition is required as opposed to a PAA (Table 2 above):

- (i) The first is a husband and wife who own the lease on the proposed infiltration/detention basin for drainage improvement at Manples area, although the property is undeveloped due to periodic flooding and they are not resident.
- (ii) The second is a commercial strip of land belonging to an Asian business owner (Lot 37) in front of the Hibiscus Hotel property for road geometry and safety improvement at the Stade area
- (iii) The third is a company-owned lot by La Parisienne Bakery to build a bus bay.

15. The required land for acquisition and involuntary resettlement impacts of the project are not significant. Based on the above table, it will require the re-acquisition of an estimated 2,971 m² leasehold land. Therefore, the project is classified as Category B according to the ADB's Safeguard Policy Statement (2009).

(ii) Persons Affected by Public Access Areas

16. The majority of leaseholders affected by public access areas are Australian, European and Asian nationalities that have leases on prime commercial properties along the main road. These properties include general trade stores, hardware, internet technology solutions, hotels, bars and restaurants among others (below):

Table 3: Establishments Requiring Access Agreement

No.	Location	Required Civil Works	Land Status	PAA Status
Drainage Lines within current URD1 Scope				
1.	Prestige Motors	Drainage	Leasehold	PAA signed
2.	Malapoa Road	Drainage	Leasehold	PAA signed
3.	Tebakor	Drainage	Leasehold	PAA signed
4.	Fatumaru Lodge	Drainage	Leasehold	PAA signed
5.	European Corner	Drainage	Leasehold	PAA signed
6.	Banyan Bar	Drainage	Leasehold	PAA required
7.	SDA Church	Drainage	Leasehold	PAA signed
Other Properties within current URD1 Scope				
8.	Tebakor Shopping Centre	Footpath	Leasehold	PAA signed.
9.	Mok Store	Kerbs & footpaths	Leasehold	PAA signed
10.	Fung Kuei Tebakor	Footpath	Leasehold	PAA signed
11.	Gregory Johnson	Footpath & driveway	Leasehold	PAA signed
12.	Pacific Petroleum Tebakor	Footpath	Leasehold	PAA signed
13.	LJ Stores & Bicycle Shop	Kerbs & footpath	Leasehold	PAA signed
14.	Lin Ping	Kerbs & footpath	Leasehold	PAA signed
15.	Vanuatu Post	Carpark	Leasehold	PAA signed
16.	Vanuatu Agricultural Supplies	Carpark	Leasehold	PAA signed
17.	Socapor, vacant block opposite Vanuatu Football Club Federation	Bus bay	Leasehold	PAA signed
18.	Vacant block opposite Tana Russet	Bus Bay & footpath	Leasehold	PAA signed

No.	Location	Required Civil Works	Land Status	PAA Status
19.	WWW Store (formerly Navara Store)	Footpath	Leasehold	PAA signed
20.	PCS Solutions	Footpath	Leasehold	PAA signed
21.	Pacific Parts (south side of Tana Russet)	Footpath	Leasehold	PAA signed
22.	Stop Press Stationery	Footpath	Leasehold	PAA signed
23.	Go for Food Takeaway	Footpath	Leasehold	PAA required
24.	Tropical Market	Footpath	Leasehold	PAA required
25.	Chuan Store	Kerb, footpath	Leasehold	PAA signed
26.	Vanuatu Butchery / HXM	Kerb, footpath	Leasehold	PAA signed
27.	Libation	Kerb, footpath	Leasehold	PAA signed
28.	Ong Store	Kerb, footpath	Leasehold	PAA signed
29.	Wong Store (new development)	Kerb, footpath & bus bay	Leasehold	PAA required
30.	Don Talieur	Kerb, footpath	Leasehold	PAA required
31.	Yao Investments	Kerb, footpath	Leasehold	PAA required
32.	L'Houstalet	Kerb, footpath	Leasehold	PAA required
33.	Au Bon Marche Nambatu	Kerb, footpath	Leasehold	PAA required
34.	Chinese Shop	Kerb, footpath	Leasehold	PAA required

17. Other than properties that require a PAA, there are also property leaseholders that need to be informed or consulted regarding proposed works and may require a formal Access Consent where:

- (i) there are access changes on the road reserve in front of their properties
- (ii) their access may be affected during construction, or
- (iii) there are improvement works on existing public access areas on the property, e.g., footpath.

(iii) Persons Affected by Drainage Easements

18. Although PVUDP is largely replacing and upgrading existing drainage infrastructure many of the drainage lines do not have formal easements where they pass through leasehold properties, generally between the road reserve and Fatumaru Bay and Port Vila Harbour. Without formal easements, government's access to the drainage infrastructure for ongoing maintenance and future upgrading may be restricted. PVUDP has identified a number of drainage lines that, although no longer part of the project scope, require easements to be established to ensure the drainage infrastructure can be maintained and improved in the future.

19. All of the easement needs identified by PVUDP are listed in the following table. In some instances the drainage lines are already protected as a condition of the lease.

Table 4: Drainage Lines Without Easements

No.	Location	Title Nos.	Land Status	Comment
1.	Malapoa Road near Mok Store	11/OH23/019	Leasehold	Drainage protected as condition of lease
2.	Tebakor	11/OG21/063	Leasehold	Drainage protected as condition of lease
3.	Fatumaru Lodge	11OF21/048 11OF21/034	Leasehold	Drainage protected as condition of lease
4.	Tana Russet	11/OF23/034	Leasehold	
5.	Au Fare	11OF23/012	Leasehold	
6.	European Corner	11OE21/015	Leasehold	

No.	Location	Title Nos.	Land Status	Comment
7.	Banyan Bar	11OE21/029	Leasehold	
8.	SDA Church	11OB24/047	Leasehold	Drainage protected as condition of lease
9.	Lolam House	11/OD22/021	Leasehold	Drainage protected as condition of lease
10.	Banyan Bar	11OE21/029	Leasehold	Easement required for future discharge of low point
11.	Ifira Block & Grand Hotel	11OC22/009 & 11OC22/042	Leasehold	Easement required as replacement for drainage running under Grand Hotel
12.	Anchor House	11OC22/016	Leasehold	
13.	Opposite Vanuatu Ferry	11/OB22/023	Leasehold	Currently Govt. land (VNPF), Easement required to protect from future development

20. Through MOL, the government has formal procedures for establishing easements for drainage and other purposes.

21. The majority of leaseholders affected by drainage are Australian, European and Asian nationalities that have commercial leases along the main road. These properties have been referred to MOL and are listed in the above table.

B. Socio-economic Profile of Neighboring Communities and APs

22. **Affected Persons:** All the affected lands are government-owned lands leased to companies or individuals commonly for 75 years. The three affected lots are Ni-Vanuatu, Asian, and French-leased lands.

23. **Livelihoods and Income:** The leaseholders of Funa property are retired husband and wife (David and Alice Quensell) in their '60s. David Atelea Quensell (known in Vanuatu only as Funa) migrated from Tonga during the Colonial-era, married to Alice of Ifira. They have four children, three boys, and one girl, two boys are living overseas, two in Vanuatu.

24. The other two leasehold lots (Lot 37 and Le Parisienne) have small areas being acquired (327 m² and 56 m²). The Lot 37 leaseholder (Zhang Ming Kai) owns a general store in the nearby Champagne Estate area. The La Parisienne owner (M. Galine), is of French-Ni-Vanuatu descent and owns the popular bakery and reportedly other leases in the area. As these business people value their privacy, very limited information is available about their livelihood and income.

25. **Education:** The Funa property leaseholders reportedly have at least primary education while the two business-owners are expected to have secondary level international standard education or better. Their children have generally had overseas tertiary standard education. (The Lot 37 leaseholder is represented by a lawyer during negotiations.)

26. **Access to Health Services:** All leaseholders have access to the Vanuatu health system, and most have personal health insurance policies that provide immediate evacuation overseas for health reasons.

27. **Energy Use:** All properties and their leaseholders are connected to the local electricity grid.

28. **Access to Road and Transportation:** These properties front onto roads that will be upgraded during the project. Some leaseholders have multiple properties that will benefit directly from the road and drainage improvement.

C. Likely Impacts of Land Acquisition on Affected People and Businesses

29. **The extent of loss:** There is no expected risk of landlessness, and/or loss of major income source. The APs will financially benefit from the road and drainage improvement leading to reduced cost of damage to properties, goods, and loss of customers, particularly during the wet season, as well as a potential increase in property value due to the overall road and drainage improvements. The APs will also benefit from improved aesthetics, safety and decreased public liability insurance costs by selling back the portion of land to the government or granting easements or public area access for the road, drainage, and public access improvements.

30. **The level of support for the project.** All drainage leaseholders interviewed indicated a strong level of support for the project, while wanting to maintain their rights over their land. Where initial drainage/footpath/bus bay/car park designs were rejected, they offered viable solutions to enable the project to succeed. There is a high level of recognition that this project will benefit their business, either directly through increased business or indirectly through better roads, improved business conditions generally and increased land values over time. The Funa leaseholders (Quensell couple) will greatly benefit from the sale of the land for the infiltration basin as the land experiences flooding and no one wanted to purchase the lease when put on the market.

31. **Willingness to sell back land and grant access or easements to government project:** The government through the MOL have started consultations with leaseholders of the two sites for land acquisition while the leaseholder the third site for the bus bay (La Parisienne) is still to be approached. Under the Vanuatu Land Leases Act "*persons who have leases in Vanuatu, whether as an individual, corporation, organisation or group, have security over their leases and the Act regulates the contractual relationship that is established under a lease instrument.*" The Act provides that the government could buy back the land, or secure an easement from the leaseholder, for public purposes through negotiation to provide rights of way, rights of water, rights to sites for government infrastructure such as navigational aids and easements.

32. Also, the owners of the establishments or residential structures that require consent, PAAs or easements have indicated support for the project as they expect this will increase customer traffic along their establishments through the upgrading of the existing footpaths, bus bays or car parks. Around three-quarters of the leaseholders of the 34 commercial, residential and social leases have signed a PAA to date. The remaining 8 leaseholders are expected to sign by the end of October 2017.

33. Consent for the project to upgrade public access in front of commercial and residential properties are also provided after discussion with leaseholder or their agent. The project will upgrade existing 'de-facto' public access areas with no requirement to provide easements. The business owners among them realize the potential long-term benefits of the project to their businesses and/or investment.

34. MOL will follow the established processes for negotiating and registering agreeing easements where these are required for drainage infrastructure. The leaseholders generally recognize the importance of government having access for ongoing maintenance and future upgrading to ensure that stormwater runoff is effectively managed.

35. There are no expected negative impacts on the social structure of the affected persons and communities or businesses around the project site. Easements for drainage and the relatively small public access areas will not involve physical or economic displacement, instead it is expected to bring economic benefits to businesses through increased foot traffic. Also, there are no expected adverse impacts on cultural identities or heritage of the affected persons, communities or businesses.

D. Indigenous Peoples

36. The local people in the area do not meet the ADB criteria of distinct, vulnerable social and cultural group possessing the following characteristics in varying degrees who are not discriminated upon by other groups due to their language, skin color and education level thus requiring protection and special attention from the project:

- (i) Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (ii) Collective attachment to geographically distinct habitats or ancestral territories in the project area and the natural resources in these habitats and territories;
- (iii) Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- (iv) A distinct language, often different from the official language of the country or region.

E. Gender Impacts, Needs, Priorities of Women APs

37. Gender issues among APs are not expected to be prominent in this project. Improving these infrastructures will help improved business opportunities particularly for women business owners. Also, women are also the predominant group responsible for shopping for the family and this project will improve the pedestrian access particularly for those with children in prams and those with limited mobility. Safe pedestrian crossings will improve safety for all pedestrians particularly for women including those with children.

V. Information Disclosure, Consultations, and Participation

A. Stakeholders

38. There are three categories of stakeholders under this project:

- (i) government stakeholders including the national government, Ministry of Finance, Port Vila Municipal Government, Prime Minister's Office, Ministry of Lands, Ministry of Infrastructure and Public Utilities, Attorney General's Office, Vanuatu Project Management Unit, and Tourism Office
- (ii) private sector including leaseholders, sub-lease holders and tenants, as well as business owners such as members of the Chamber of Commerce, insurance companies and brokers, and real estate companies, and affected leaseholders, and
- (iii) the public including business and shopping customers and road users, bus-owners, private vehicle owners, and public transport service providers including the bus operators' association and taxi operators (Port Vila Efate Land Transport Association PVELTA).

39. Other stakeholders and their interests are:

- (i) Communities in and around Port Vila - There are 31 communities/settlements in and around Port Vila. The majority of these communities rely on employment from businesses within Port Vila as well as customers of the numerous restaurants, retail shops, banks and other service providers in the area. Their interests include ease of access and safety in crossing and walking along the public areas in Port Vila.
- (ii) Civil Society – Organizations such as Vanuatu Environment Science Society (VESS), Vanuatu NGOs (VANGO), Wan Smol Bag have demonstrated interest to be consulted and participate in the project and its environmental aspects.

B. Consultation with APs and Stakeholders

40. Consultations started with a joint presentation by the MOL and the PVMU/PVUDP Team with the initial 12 affected leaseholders of drainage easements on 26 June 2015. These were reduced to 10 leaseholders after the first group consultation. (Then to nine after changes in technical design towards December 2015.) Only half were able to attend thus individual consultations, from 28 June until the end of July, were held with the absent leaseholders away at the time of the group consultation.

41. After PVUDP was expanded outside the Port Vila CBD to the broader Port Vila area, another set of consultations are done in 2016 and continuing until 2017 on properties where there is acquisitions, easements, PAAs and access agreements. Individual consultations with remaining leaseholders continue to use the following methods: (i) interviews of APs/leaseholders and inventory of losses, if applicable; (ii) public meetings; (iii) meeting with sublease holders and tenants; and, (iv) community liaison group discussions with civil society including Chamber of Commerce, women, and youth organizations. A list of consultation events including their dates and participants is attached (**Appendix 3 List of People Consulted**).

C. Summary of Consultation Results

42. **APs:** Subject to modifications of some site locations, initial consultations indicated a willingness by most leaseholders to sell land, provide an easement for the drainage improvement project. Standard PAA forms⁷ detail the public access arrangements being agreed by leaseholders (sample included in **Appendix 4**). A process for securing PPA or consent is also agreed with MOL at the beginning of the project in 2015 (**Appendix 5**). The PAAs leaseholders will also be consulted using a similar process used for the drainage easement to secure an agreement/consent for public access areas.

43. **Women and Youth:** Women and youth were well informed of the project scope through consultative awareness programs; and great care was taken to ensure safeguards measures applied. Consultation with women and youth was done extensively during the early design stage to ensure a common understanding and awareness of the project that roads and drainage were to be improved and upgraded. Consequently, there is a general overall expectation by not only women and youth, but the public at large, of better roads and improved drainage to be used by the population very soon after project implementation.

44. **Civil Society:** Civil society organizations, including members of the Chamber of Commerce and NGOs and other important stakeholders also participated in the consultation processes initially and throughout the design phase. Civil Society Organizations and project stakeholders were made aware of project outputs particularly Output 1 to improve roads and drainage and as a result have increased expectations, and willingness to grant an easement, of an improved roads and drainage system that will be of great benefit to them.

D. Disclosure of Resettlement Plan

45. Due to the preference for the privacy of the affected businesses, groups and individuals, MIPU through VPMU/PVUDP have disclosed the content of the draft RP particularly the entitlement and timetable during individual meetings between August-November 2015. The draft and final RP were disclosed on the ADB website upon submission

⁷ **Access Consent.** This is where it is considered prudent to secure formal consent from leaseholders where the civil works will:

- (i) not encroach onto the leasehold property but may affect access, or
- (ii) be limited to improving existing public access areas

Public Access Agreement (PAA)- Where it is expected that new civil works will extend partly onto the leasehold property from the road reserve

by MIPU/VPMU to ADB in December 2015. This revised RP will be uploaded on the government and ADB website once approved by both entities.

E. Arrangements for Consultation during Updating and Implementing RP

46. MIPU, through the VPMU and the PVUDP team, have organized, and are continuing, consultations with affected leaseholders, sub-leaseholders, business leaders, business tenants, or their official representatives, and all other interested members of the community. During the initial stage of the project, MIPU, through VPMU/PVUDP and DOL, identified the affected leasehold lands and the boundaries of parcels have been marked and recorded. After the initial consultation, MIPU through VPMU may continue to conduct consultations with leaseholders and other relevant stakeholders, particularly where project design potentially may change, e.g. encroach on their boundary, to secure consent to continue with proposed civil works.

47. MIPU, through the VPMU and the PVUDP team, have also informed affected leaseholders about the policies and procedures regarding entitlements for improvements on leasehold land, if applicable. Procedures for grievance redress have also been discussed. Also, MIPU has informed the leaseholders when and how compensation will be made, if applicable, for lots to be acquired, or for affected structures such as driveways and carparks.

VI. Grievance Redress Mechanisms

48. During implementation, all parties will have a designated staff member responsible for implementing Grievance Redress Mechanisms. The VPMU's Environmental and Social Safeguards Officer will be the grievance focal point, and receive and address project related concerns. Concerns will be resolved first by the PVUDP team leader, followed by the VPMU, and the responsible government authorities. During the construction period, the contractor will be a key participant in the grievance redress process.

49. Any complaint will be recorded and investigated by the VPMU's Environmental and Social Safeguards Officer with the PVUDP team and the contractor (as appropriate). A complaints register will be maintained as a Help Desk and will show the details and nature of the complaint, the complainant's name, the date and actions taken as a result of the investigation. It will also cross-reference any non-compliance report and/or corrective action report or other relevant documentation filed under that complaint.

50. Prior to construction, potentially affected properties will be informed through letter and face-to-face meeting. When construction starts, a sign will be erected at all sites providing the public with updated project information and summarizing the grievance redress mechanism process including contact person details at the VPMU. All corrective actions and complaints responses carried out on the site will be reported back to the VPMU lead. The VPMU will include the complaints register and corrective actions/responses in its progress reports to the ADB.

51. Throughout this process, MIPU/VPMU will always be available to hear public complaints and provide advice if the complainant feels that MIPU/VPMU responses are not satisfactory.

52. On receipt of a complaint in any form (in person, telephone, written) the MIPU/VPMU complaints officer will log the details in a complaints register. MIPU/VPMU will forward the complaint to the Director and executing agency head within 48 hours. The PVUDP team will respond to MIPU/VPMU within one week with advice on corrective actions to be taken. MIPU/VPMU will review and find a solution to the problem in consultation with village/island/state or traditional chief and relevant local agencies. Then MIPU/VPMU will report back to the affected persons within another seven days. If the complainant is dissatisfied with the outcome or has not received advice in the allotted period, he or she can

take the grievance to the national government, in which case MIPU/VPMU will refer the matter to the State Law Office for review. The State Law Officer will review the case and report back to MIPU/VPMU who will discuss the decision with the complainant. If unresolved, or if at any time the complainant is not satisfied, he or she can take the matter through the courts. Both successfully addressed complaints and unresolved issues will be reported to the ADB by MIPU/VPMU.

Table 5: Procedures for Resolving Grievances

Step	Process	Duration
1	Affected Person (AP)/ takes grievance to the Vanuatu Project Management Unit (VPMU)/DSCD /Contractor)	Any time
2	VPMU reviews issue, and in consultation with DSCD and contractor (if appropriate), then records a solution to the problem.	1 week
3	VPMU reports back to AP and gets clearance from complainant.	1 week
If unresolved		
4	AP take grievance to relevant government agency for resolution (Director General of the Ministry of Infrastructure and Public Utilities or MIPU)	Decision within 2 weeks
5	MIPU/VPMU refers matter to State Law Office	2 weeks
6	State Law Office refers to their internal committee	4 weeks
7	State Law Office reports back to relevant government agency/AP	1 week
If unresolved or if at any stage and AP is not satisfied with progress		
AP can take the matter to appropriate state or national court.		As per judicial system

VII. Legal Framework

A. Policy and Legal Framework for Land Acquisition and Resettlement

53. The policy framework for PVUDP is based on the ADB's safeguard requirements on involuntary resettlement as embedded in the Safeguards Policy Statement (2009), the Constitution of Vanuatu and the laws of Vanuatu. Where differences exist between the local laws and ADB requirements, the resettlement policy will be resolved in favor of the latter.

B. Legal Instruments in Land Acquisition and Resettlement in Vanuatu

54. Land acquisition, resettlement and associated land issues are recognized by the Constitution and more than 10 laws (or Acts). This section presents a brief overview of the salient national legal instruments pertaining to securing drainage and PAA easement through negotiated agreement.

(i) Constitution of Vanuatu

55. The Constitution of the Republic of Vanuatu came into being on 30 July 1980. The Constitution, "as the supreme Law of Vanuatu", contains two relevant sections which have relation to land acquisition and resettlement. Chapter 5, Articles 29 to 32, of the Constitution refers to the "National Council of Chiefs". Of relevance is the Article 30 which recognizes the National Council of Chiefs membership having the competence to discuss, and may be consulted on, any issue related to customs, culture and its preservation in any matter, as required by the National Government.

56. Another chapter, considering the traditional ties between Vanuatu nationals and the land, Chapter 12 of the Constitution of the Republic of Vanuatu is devoted to land. The majority of discussions related to land have centered on Articles 30 (in Chapter 5) and Articles 73, 74, 75 and 76 of Chapter 12. However, of relevance to Land Acquisition and Resettlement are all nine articles (Article 73 to 81), but dependent upon the situation. This

includes that all land is owned by its traditional, customary owners; parliament prescribes the criteria for compensation payment for land; the Government may own and acquire land for State interest and may redistribute land away from traditional owners, in such cases as informal settlements and relocating of residents from other islands; and disputes in land ownership.

(ii) Land Leases Act (CAP 163 & 215)⁸

57. The Land Leases Act is the primary legislation that provides for the leasing, management and administration of land dealings in Vanuatu. Under this law, the system for creation, management, administration and enforcement of leases is defined. The Act gives necessary powers and duties to the Minister of Lands and Director of Lands for the management and administration of leases. For persons who have leases in Vanuatu, whether as an individual, corporation, organisation or group, the Act provides security over their leases and regulates the contractual relationship that is established under a lease instrument. An important administrative body is established under the Act, the Land Management and Planning Committee (LMPC), whose role it is to process, determine and recommend approvals of leases to the Minister of Lands.

58. The Act has 23 sections that discuss the Land Records Office and laws regarding leases including its definition, terms, types, registration and obligations of lessors and lessees. Of relevance to the project are the discussion on requirement to provide rights of way, rights of water, rights to sites for government infrastructure such as navigational aids and easements.

59. The Act also discusses variation of agreements and condition of lease that the MOL intends to use in this project. This is where a change of lease agreement using a prescribed form under this Act maybe executed by both lessor and lessee prior to the expiration of the lease. A lessor also may sublease the land for the remaining life of the lease. The Act also includes the registration of caution or restrictions, including its definition such as mortgage or claims arising from bankruptcy, its placement and removal on a leased property. The leaseholder may also grant easement over his land. Fees imposed on subleasing of leaseholds were also provided in the Act.

60. In relation to the project, where underground drains are required through leasehold land, the project is negotiating easements of typically five meters wide over the drain corridor to enable construction and secure access for future maintenance. These easements will be established using the processes set out in the Land Leases Act. The Land Leases Act (CAP163) makes provision for the establishment of easements over leasehold land as above. Section 67 (1) of the act states that: *"The proprietor of a registered lease may, by an instrument in the prescribed form, grant an easement over the land comprised in his lease to the lessee of other land for the benefit of that other land."*

61. However, it must be noted that this is a voluntary process undertaken by the proprietor of a registered lease (also called the lessee) and an easement cannot be forcefully established by government.

62. There are also a number of locations where existing public carparks are situated within areas of leasehold land. Where it is considered important to retain these carparks in the long term, attempts will be made to negotiate easements over the carpark area with the leaseholder and the carpark areas upgraded under the project. The provisions of the Land Leases Act (CAP163) will also be used in these instances.

63. The Land Leases Act (CAP 215) provides with respect to the acquisition of land or rights in land for public purposes. The Minister may direct the acquiring officer to investigate

⁸ <http://faolex.fao.org/docs/html/van38130.htm>

in the suitability of land for acquisition and to serve notices of investigation or intended acquisition on the custom owners or persons interested in the land. The Minister shall decide whether that land or easement shall be acquired after having heard possible objections of owners and the acquiring officer's recommendations on those objections.

64. As discussed above, the MIPU's resettlement commitments; drainage easements, Access Consents over public access areas and PAAs, are guided by the Government of Vanuatu and ADB principles on land acquisition, compensation and resettlement. These principles include:

- (i) Land acquisition and resettlement will be minimized through careful engineering design. In particular, there will be no displacement of people.
- (ii) APs will be consulted during project cycle. RP will be prepared and updated in participation of APs. Effective mechanisms will be established for hearing and resolving grievances.
- (iii) APs will receive compensation at replacement cost for their loss of land so that they will be as well off without the project.
- (iv) Compensations will be fully paid to APs prior to the beginning of civil works in the subproject site.
- (v) Absence of formal title will not be a bar to compensation and assistance and particular attention will be paid to vulnerable groups.
- (vi) Land acquisition and resettlement will be conceived as part of the project and related costs will be included in and financed out of the project cost.
- (vii) The resettlement impacts including unforeseen losses and damages that may occur during civil works will be monitored and remedial steps taken as required.

65. Throughout this process, MIPU will always be available to hear public complaints and provide advice if the complainant feels that VPMU responses are not satisfactory.

66. In line with existing MOL procedures guided by Lands Leases Act (CAP 163 & 215), the Government of Vanuatu through MOL, has developed the Process for the Establishment of Drainage and Public Access Easements Through Leased Land (the Easement Process) for the Project and the Steps in Acquiring Leasehold Lands (see **XI Implementation Schedule**). The Process describes detailed process to secure drainage and public access agreement for the project. These include: (i) identification of correct leaseholders, (ii) obtaining consent to conduct land survey, (iii) negotiation with leaseholders to provide easement, (iv) dispute resolution process, if applicable, and (iv) outline of government's option to re-design in case of a leaseholder's refusal to grant easement.

67. The Easement Process was prepared to guide the granting of public easement by current leaseholders for the required project site, and it outlines the process particularly on facilitation of dispute resolution and, if applicable, negotiation of compensation with leaseholders.

C. ADB's Policy on Involuntary Resettlement

68. The ADB Safeguards Policy Statement (2009) requires ADB-assisted projects to (i) avoid resettlement impacts wherever possible; ii) minimize impacts by exploring project design alternatives; iii) enhance, or at least restore the livelihoods of all DPs in real terms relative to pre-project levels; and iv) improve the standards of living of the affected poor and other vulnerable. It covers both economic and physical displacement.

69. The key principles of the ADB safeguards policy on resettlement are as follows:

- (i) Screen early the projects resettlement impacts and risks;
- (ii) Carry out meaningful consultations with participation of affected persons (APs)/Displaced persons (DPs), inform all APs/DPs of their entitlements and resettlement options. Pay particular attention to the needs of vulnerable groups;
- (iii) Establish a grievance redress mechanism;

- (iv) Improve, or at least restore the livelihoods of all APs/DPs through (i) land-based resettlement or cash compensation at replacement value as relevant, (ii) prompt replacement of assets, iii) Prompt compensation at full replacement cost, and iv) additional revenues and services through benefit sharing schemes where possible;
- (v) Provide APs/DPs with needed assistance including i) if there is relocation, secured tenure to relocation and better housing; ii) transitional support and development assistance; and iii) civic infrastructure and community services as required;
- (vi) Improve the standards of living of the displaced poor and vulnerable groups to at least national minimum standards;
- (vii) Develop procedure in a transparent, consistent and equitable manner if land acquisition is through negotiated settlement;
- (viii) Ensure that APs/DPs without titles are eligible for resettlement assistance and compensation for loss of non-land assets;
- (ix) Prepare a RP elaborating on APs/DPs entitlements, income and livelihood restoration strategy;
- (x) Disclose a RP in an accessible place and a form and languages understandable to the APs/DPs and other stakeholders;
- (xi) Conceive and execute resettlement as part of a development project or program;
- (xii) Provide compensation and other entitlements before physical or economic displacement; and
- (xiii) Monitor and assess resettlement outcomes and their impacts on the standards of living of APs/DPs.

D. Policy Differences and Reconciliation

70. A comparison between ADB policies and the laws and practices of land acquisition and resettlement used by the Government of Vanuatu has been conducted during the PPTA preparation and project implementation, summarized in the following table. Any differences between the laws and practices of the Government of Vanuatu and ADB SPS 2009 will be resolved in favor of the ADB SPS.

Table 6: Comparison of Land Acquisition and Resettlement Laws in Vanuatu and ADB SPS

SN	ADB SPS 2009 Safeguards	Comparisons to Vanuatu Law	Reconciliation Provisions
1	Avoid resettlement impacts wherever possible. Minimize impacts by exploring project design alternatives.	There is no minimum standard that requires the projects to minimize land acquisition and impact on the community.	The project has adopted the objective of minimizing involuntary land acquisition and resettlement impacts on community and business/productive interests are avoided through careful technical design.
2	Enhance, or at least restore the livelihoods of all APs/DPs in real terms relative to pre-project levels. Improve the standards of living of the affected poor and other vulnerable. It covers both economic and physical displacement.	Compensation is determined based on issues including land type, crops etc. However, this does not include “non-land producing” incomes such as income from shop business etc. Laws and practices in Vanuatu do not recognize the standards of living of the poor and vulnerable, in determining compensation for land acquisition and resettlement per-se.	The Project will ensure all resettlement and land acquisition and impacts on community and business/productive interests are minimized wherever possible. Land is valued by Valuer-General in the MLNR. The VG will be used (refer to SN 6).

SN	ADB SPS 2009 Safeguards	Comparisons to Vanuatu Law	Reconciliation Provisions
3	Screen early, the projects resettlement impacts and risks	Laws and practices in Vanuatu, relating to Government Capital Works Projects, require that the Project budget consider and includes associated resettlement and land acquisition costs. However, there are no other assessments of resettlement impacts required prior to budget approval.	ADB SPS 2009 will be enforced to recognize resettlement impacts and risks, including through this RP and subsequent RP updates. The RP includes measures to conduct early screening to assess impacts and prepare mitigation.
4	Carry out meaningful consultations with participation of APs/DPs, inform all APs/DPs of their entitlements and resettlement options. Pay particular attention to the needs of vulnerable groups.	The law, and current practices, does require the land acquisition and relocation orders to be disclosed several times over radio and in the printed media over a 1-month period, as well as display on-site. However, there is no recognition of vulnerable groups nor the consultation with, or participation of, APs/DPs at any part of the process, except in the case of people given opportunity to make objections.	ADB SPS 2009 will be enforced in that the prepared RP and its implementation will require a level of participation and consultation.
5	Establish a grievance mechanism	Vanuatu already has a Grievance redress system for general village matters, followed by the chief. MLNR has also recently been set up at Provincial level, through the Customary Land Tribunal.	ADB SPS 2009 will be enforced to ensure an appropriate multiple level grievance redress system, which allows AP/DP participation, relatively rapid action and results, as well as encompassing existing grievance procedures.
6	Improve, or at least restore the livelihoods of all APs/DPs through (i) land-based resettlement or cash compensation at replacement value as relevant, (ii) prompt replacement of assets, (iii) Prompt compensation at full replacement cost, and (iv) additional revenues and services through benefit sharing schemes where possible.	In Vanuatu valuation of land is stipulated by Law, and is conducted based on several factors regarding that specific plot of affected land such as lease and ownership type; location of property; amenities; market price of nearby properties; physical land characteristics; and intangibles. The law specifically points out times for disclosure prior to valuation, time for objection to valuation and acquisition of lands and assets. However, it does not provide any clauses for prompt compensation, income restoration and entitlements.	Land is valued by Valuer General in MLNR. The VG will determine compensation requirements relating to land, land-based income losses. All other compensations (monetary and non-monetary) will be based on replacement at the existing market rates. The RP includes a provision for restoration for APs under the project.
7	Provide APs/DPs with needed assistance including i) if there is relocation, secured tenure to relocation and better housing; ii) transitional support and development assistance; and iii) civic infrastructure and community services as required.	In Vanuatu, land acquisition, resettlement and compensation for land-based losses are included under the law. However, impacts on business and their employees are less clear and there is no recognizable transitional support mechanism under the law.	ADB SPS 2009 will be enforced in supplementing the Law of Vanuatu, in order to cover transition assistance requirements, business and employees impacted, as required.

SN	ADB SPS 2009 Safeguards	Comparisons to Vanuatu Law	Reconciliation Provisions
8	Develop procedure in a transparent, consistent and equitable manner if land acquisition is through negotiated settlement	As a project under the Government of Vanuatu, all lands by law must be acquired for capital works, based on the orders of the Minister for MLNR.	This aspect of the SPS 2009 relating to "Negotiated Land acquisition" is not applicable. Therefore Vanuatu laws and practices will be adopted for this purpose.
9	Ensure that APs/DPs without titles are eligible for resettlement assistance and compensation for loss of non-land assets	Laws have no clauses that recognize encroachers in any way to be entitled or NOT entitled to compensation or rehabilitation.	ADB SPS 2009 will be enforced to recognize encroachers, who are legitimately affected at the time of the census/detailed measurement survey conducted.
10	Prepare an RP elaborating on APs/DPs entitlements, income and livelihood restoration strategy etc.	Under Vanuatu Law, land acquisition and resettlement and compensation are carried out focusing on households affected and the values of the land and structures affected. However, an RP per-se is not necessarily require.	ADB SPS 2009 will be enforced to ensure an RP is prepared and is updated at the time of detailed design
11	Disclose RP in an accessible place and a form and languages understandable to the APs/DPs and other stakeholders	Although the Law does not require an actual RP to be prepared, its clauses do necessitate notices and official valuations by the MLNR to be prepared. The law, and current practices, also requires that land acquisition and relocation orders for a specific site be disclosed several times over radio and in the printed media over a 1-month period, as well as display on-site. However, only the radio would be useful for the illiterate to become informed of any pending land acquisition and resettlement activity on a specific site.	This practice will be maintained in addition to the RP being disclosed on the ADB website. The RP provides for disclosure to project communities and to the public prior to project implementation.
12	Conceive and execute resettlement as part of a development project or program	The MLNR does have a 200 Million Vatu budget for Land acquisition and resettlement for Capital Works Projects allocated on an annual basis. The year prior to an infrastructure development project, Government agencies will develop their work plans for the following fiscal year. At this time proposals for projects where land acquisition is involved should be submitted; subject to the approval of the Council of Ministers.	Laws and practices in Vanuatu, relating to Government Capital Works Projects, require that the Project budget consider, and includes, associated resettlement and land acquisition costs. No supplementary measure required.
13	Provide compensation and other entitlements before physical or economic displacement	Compensation is to be provided after a period of disclosure and a period for objection has finished. However, legislation does not clearly state that compensation will be provided prior to commencement of construction, which would force physical/economic displacement impacts to occur.	ADB SPS 2009 will be enforced to ensure land acquisition, resettlement and / or compensation measures are completed prior to commencing of construction.

SN	ADB SPS 2009 Safeguards	Comparisons to Vanuatu Law	Reconciliation Provisions
14	Monitor and assess resettlement outcomes and their impacts on the standards of living of APs/DPs.	There is no specific clause in the law of practice in Vanuatu that required Monitoring and assessment of APs/DPs during or after land acquisition and resettlement commences	ADB SPS 2009 will be enforced to ensure that internal monitoring and evaluation program is set up for this Sub-project. Although not expected under the current project design conditions, external monitoring program may be required if land acquisition and resettlement impacts became significant, based on SPS 2009 policy definitions.

E. Principles and Policies for the Project

71. Given the assessment of the Vanuatu laws and practices and the ADB policy differences referred to above, some additions have been made on top of the provisions set out under the Vanuatu laws, in order to ensure consistency with the resettlement principles of the ADB's SPS (2009), especially safeguards on land acquisition and compensation. For the reference of MIPU in preparing and implementation of resettlement activities under the project, the following project principles and policies will apply:⁹

- (i) Involuntary resettlement and loss of land, structures and other assets and incomes shall be avoided and minimized by exploring all viable options;
- (ii) Lack of legal rights to the assets lost will not preclude affected persons receiving entitlement in form of compensation for non-land assets and/or rehabilitation measures.
- (iii) Affected land assets, if applicable, shall be replaced at their current market values, based on Valuer-General's approval.
- (iv) Preparation of resettlement plans and their implementation shall be carried out with participation and consultation of APs/ABs and the Vanuatu government.
- (v) Schedule of budget for resettlement planning and implementation will be incorporated into MIPU's budgetary cycle as required at the time of financing.
- (vi) Payment of compensation or replacement of affected assets and any resettlement to new locations, if applicable, will be completed prior to civil works implementation.
- (vii) Rehabilitation measures will also be in place before start of civil works, but not necessarily completed, as these may be on-going activities. There will be no perceived negative impact on both APs/ABs and host community, if any, otherwise mitigation measures should be introduced.
- (viii) APs/ABs whose land or assets are temporarily taken by the works under the project shall be fully compensated for their net loss of income, damaged assets, crops and trees, as the case may be. The contractor shall also ensure that all temporarily acquired land and structures are returned in its pre-project state.
- (ix) Affected populations will be systematically informed and consulted about the Project, the rights and options available to them and proposed mitigating measures.
- (x) Adequate budget support by MIPU, with MFEM of Vanuatu approvals and guarantees, will be fully committed and made available to cover the compensation and resettlement with the agreed implementation period. Clear budget commitments are required for critical activities such as formal detailed physical surveys and administrative functions associated with compensation (monetary or non-monetary) and resettlement.

⁹ These are the project's general resettlement principles that will be applied to different project components/subproject to varying degrees. As this subproject involves mostly private sector and a government agency, all of these principles may not apply in this particular case.

- (xi) Community facilities and infrastructure damaged due to the Project shall be restored or repaired as the case may be, at no cost to the community.
- (xii) Where local communities or individuals elect to make voluntary contribution of affected land without compensation, or in accordance with traditional practices, this shall be acceptable only if the following safeguards are in place:
 - a. Full consultation with landowners and any non-titled affected people on site selection;
 - b. Voluntary donations should not severely affect the living standards of affected people;
 - c. Any voluntary “donation” will be confirmed through written record and verified by an independent third party such as an NGO or legal authority; and
 - d. Adequate grievance redress mechanism should be in place.

F. Compensation and Rehabilitation Eligibility

72. Affected people entitled to compensation, or at least, rehabilitation provisions under the project are:

- (i) All non-titled land users losing assets or income with or without title, formal land use rights or traditional land use rights; and
- (ii) Compensation is limited by a cut-off date during the new Detailed Measurement Survey and AP Census of losses, carried out immediately after the conclusion of the technical detailed design.

G. Compensation and Rehabilitation Entitlement for Road and Drainage Easements

73. Entitlement provisions apply to APs voluntary providing drainage and public access areas to the project and those suffering damage to property during construction. There is no need for temporary land acquisition for any reason, including for workspace or accessibility to the site. The entitlements are detailed below.

VIII. Entitlements

A. Eligibility for Compensation

74. The initial identification of APs and affected assets, and the ensuing acquisition of leasehold lands and negotiation for drainage and public access areas have been and are being conducted per site: drainage (infiltration basin) and, public access and road improvements. During the detailed design stage, negotiations for acquiring land started in June 2015 and are continuing through 2017 after the change of project focus from the Central Business District only to the broader Port Vila area. Securing public access agreements in the CBD and broader Port Vila area started during the last week of June 2015 until present to reflect the change/expansion of project coverage to facilitate completion of civil works by December 2017. MIPU/VPMU will further consult with affected APs and undertake detailed land surveys and investigation with VPMU/PVUDP to collect relevant information to improve design and construction works. The date of land investigation report will be the “cut-off date” for eligibility for compensation. Following are the procedures summarizing eligibility for compensation and other assistance to APs:

- (i) Leaseholders and/or users that have documented legitimate claims to the affected land as of the cut-off date will be eligible for compensation and/or rehabilitation assistance as per the project policy; and
- (ii) Any person or group that occupies or uses the land identified for the project construction after the cut-off date will not be eligible for any compensation and/or assistance.

B. Entitlement Matrix

75. The eligibility and entitlement for affected persons are summarized in the following table:

Table 7: Entitlement Matrix

Type of Impact	Entitled Person(s)	Entitlements
1. Loss of land – Commercial or residential	Leaseholder	1. Current market value of affected land in cash compensation to be provided to the leaseholder or through government trustee for future landowner claimant. 2. Loss of potential rent income value. 3. Changing of title to reflect land transferred to government and to reflect appropriate land use type (agricultural, residential, etc) without cost to the landholder's account.
2. Loss of land use – Commercial or residential	Leaseholder – earning income through land use for gardens or business (eg, storage, vehicle parking, etc.) purposes (ref to Resettlement Framework)	Government to pay cost for change in the lease conditions (by surrendering rights, in this case easement) over a portion of the leasehold, at no cost (including government administrative fees) to the leaseholder.
3. Temporary loss	Land /structures owners/users	Repair damaged land or structure caused by the subproject, immediately after installation of drainage/road maintenance in the said area (within 5 days) and provide alternative replacement for loss of access/assets as required
4. Unforeseen or unintended impacts	Concerned affected people	Determined as per the principles of the RP and ADB's safeguard policy.

IX. Resettlement Budget and Financing Source

76. The cost of implementing the activities under this RP has been incorporated into the project construction cost and government personnel will be utilized. The and government fees were waived especially on land survey and consultations which explained why no separate budget is required for this sub-project. The government, however, will ensure that budget will be available for the land acquisition of Funa property, Lot 37, La Parisienne with valuation based on market value as guided by the Land Lease Act (para 81). The final land value and process of valuation will be documented and submitted to ADB for no-objection. However, non-monetary compensation through replacement of damaged structures such as driveways and car parks have been agreed through negotiation between the MOL and leaseholders.

77. Under the Land Leases Act, compensation to buy back portions of for the leasehold is based on market value. This is calculated by the DOL through a 2-step process: (i) DOL will calculate remaining number of remaining lease period (total land lease period less years lapsed, total premium paid, multiplied by remaining years of the lease); and (ii) the DOL will then secure three valuations from commercial valuers to be the basis of offer to the leaseholder. If both parties could not agree, the Valuer-General will be brought in to re-value the property and his determination will be final.

78. The Office of the Valuer General (OVG) is a statutory body under the Judicial Service Commission. It was established by the Valuation of Land act No 22 of 2002 and its role and function are stipulated under the Act, the Land Valuers Registration Act No 23 of 2002, and the Land Leases (Amended) Act 163 and the Land Acquisition Act No 5 of 1992¹⁰.

¹⁰ <https://mol.gov.vu/index.php/en/land-survey-5/267-valuer-general-s-office>

X. Institutional Arrangements

A. Responsibilities to Implement RP

79. MIPU is the executing agency responsible for overall guidance and project implementation. The VPMU, headed by a Program Director, implements the project and is responsible for overall planning, management, coordination, supervision and progress monitoring PVUDP including the RP update and implementation. VPMU, through its Environment and Social Safeguard's Officer, ensures compliance with assurances, including safeguards and updating and submitting the resettlement plan update, and resettlement plan monitoring reports.

80. International and national social safeguards specialists assist VPMU in preparing and updating this RP. During implementation, VPMU will submit reports on a semi-annual basis to ADB. In addition, corrective actions are to be taken when necessary, based on close monitoring and results of grievance redress process.

81. MIPU/VPMU will work also together with the MOL and Port Vila Municipal Council in acquiring land and securing public access agreements with leaseholders under this project.

B. Capacity Building

82. During the initial stages of the PVUDP implementation, a training program will be implemented for relevant staff from MOL and other relevant agencies on: (i) government procedures for land acquisition; (ii) ADB policies on social safeguards; (iii) applying these in the project (PVUDP); and, (iv) requirements on updating and implementing the RP, including consultations and information disclosure. A Lands Officer from MOL will be assigned to assist MIPU/VPMU in the land acquisition and easement process.

XI. Implementation Schedule

79. Following is the implementation schedule for resettlement activities for the project to: (i) update the RP; (ii) its implementation; and, (iii) monitor its activities.

Table 8: Implementation Schedule

Updated Land Easement and Compensation Schedule (Funa Lot in Manples, Lot 37 and Le Parisienne)		
Main Resettlement Plan Activities	Implementation Schedule	Status
Resettlement Plan (RP) Updated Version Preparation		
(i) Concept design agreed and scope of works known <i>(Note: as of July 2017: the Funa lot is required for a detention basin at Manples, a strip of land is required for widening from Lot 37 Ex-Depot, and a strip of land is required for a bus bay from Le Parisienne)</i>	Month 1 (June 2017) <i>(Note: ADB approved original RP in December 2015)</i>	Completed
(ii) Identify title holders from Land Register (DOL)	Month 1 (May 2017)	Completed
(iii) DOL send expression of interest to develop the site to leaseholders and secure consent to conduct initial survey	Month 1 (May 2017)	Completed (Funa Land, Lot 37) To be completed (Le Parisienne)
(iv) Meet with individual leaseholders and conduct negotiations to acquire portions of the 3 lots led by Ministry of Lands with VPMU	Months 2-4 (July to Sept 2017)	As above
(v) Secure initial agreement from the leaseholders (DOL)	Month 2-4 (July- Sept 2017)	As above
(vi) Undertake land survey (DOL)	Month 2 (3 weeks) (1-21 July 2017)	As above

Updated Land Easement and Compensation Schedule (Funa Lot in Manples, Lot 37 and Le Parisienne)		
Main Resettlement Plan Activities	Implementation Schedule	Status
(vii) Updated RP disclosure (public disclosure and posting on government and ADB website)	Month 2-3 (July-August 2017)	To be completed
(viii) Government processing of land acquisition (DOL with VPMU follow up)	Months 2-3 (Jul-Aug 2017)	On-going
(ix) Project survey and design (alongside the land acquisition process)	Month 3 (August 2017)	Completed (survey); on-going design refinement.
(x) Signing of final land acquisition agreement (DOL and Leaseholders)	Month 4 (September 2017)	To be completed
(xi) Compensation payment to leaseholders as agreed between DOL and leaseholders	Month 5 (October 2017)	To be completed
(xii) Registration of title to the government for three sites	Month 5 (October 2017)	To be completed
(xiii) Forward a copy of registered title to VPMU/MIPU (DOL)	Month 5 (October 2017)	To be completed
Formal notice to contractor (site hand-over)		
(xiv) Commencement of civil works by Contractor on the three sites (after compensation)	Month 5 (end October 2017)	To be completed
(xv) Update project community and leaseholders on construction schedule	Month 5 (early October 2017)	To be completed
(xvi) Consultations with APs on updated RP	Prior to/during construction	To be completed
(xvii) Replacement of damaged structures, as required, for unforeseen damages and losses	During construction	To be completed

XII. Monitoring and Reporting

80. Based on the RP, the Government of Vanuatu through MIPU/VPMU will monitor all activities associated with land acquisition, easements agreements, consents and payment of applicable compensation to APs as per government policy guiding the implementation of this project. The DOL will lead the land acquisition process and securing agreements from leaseholders with support from VPMU and the PVUDP team. The scope of monitoring includes: (i) compliance with the agreed policies and procedures for securing grant of easement and public access to private leasehold areas; (ii) prompt approval, allocation and disbursements of funds and payment of non-monetary compensation to APs, including supplemental compensation for additional and/or unforeseen losses; and, (iii) remedial actions, as required. The monitoring will also cover social impacts of the project.

81. MIPU/VPMU, through the PVUDP team, will maintain proper documentation of consultation process and keep relevant records of land negotiation and transaction for which it is responsible. The international social/resettlement specialist will document the consultation, negotiation and transaction process.

82. MIPU/VPMU will prepare and submit semi-annual progress reports to ADB as part of project performance monitoring the process of acquiring land, securing easements and public access agreement and compensation aspects. MIPU/VPMU will also submit a project completion report to ADB upon completion of the land acquisition process, and formal drainage easements and written agreements for public access areas, are secured from leaseholders.

Appendix 1: Drainage Lines and Status of Easements

No.	Drainage Line No.	Location	Pipe/Channel Type at Outfall	Private Property Affected	Easement/PAA Status	Comment
Drainage Lines within current URD1 Scope						
14.	Line 1	Prestige Motors	Existing 600 x 600 open lined channel	12/0633/G70	PAA signed	Line to be abandoned
15.	Line 4	Malapoa Road	Existing 600 x 600 open lined channel	11/OH23/019	PAA signed, Easement required	Silt and Gross Pollutant Trap to be built insitu
16.	Line 7	Tebakor	New 600 dia RCP	11/OG21/063	PAA signed, Drainage protected as condition of lease, Easement required	
17.	Line 163	Fatumaru Lodge	Current 600 dia RCP being replaced with gabion channel	11OF21/048	PAA signed, Drainage protected as condition of lease, Easement required	
				11OF21/034		
18.	Line EX114	Tana Russet	Existing 900 dia RCP	11/OF23/034	No need for PAA, cleaning only, Easement required	Existing drainage remains
19.	Line Ex190	Au Fare	Existing 450 x 450 Closed Channel	11OF23/012	No need for PAA, cleaning only, Easement required	Existing drainage remains
20.	Line EX138	European Corner	New 450 dia RCP	11OE21/015	PAA signed, Easement required	
21.	Line EX138	Banyan Bar	New 600 dia RCP	11OE21/029	Needs PAA, Easement required	
22.	Line 52	SDA Church	New open channel built by PVUDP	11OB24/047	PAA signed, Drainage protected as condition of lease, Easement required	
Drainage Lines outside URD1 2015 Scope						
23.	n/a	Lolam House	Existing drainage in pedestrian laneway	11/OD22/021	PAA signed, Drainage protected as condition of lease, Easement required	
Drainage Lines removed from URD1 Scope in August 2017						
24.	Line ??	Banyan Bar	New 375 dia RCP	11OE21/029	Easement required for future discharge of low point	Low point currently overflows through Banyan Bar in heavy rains
25.	Line EX116	Icount	Existing 800 x 400 closed channel	None - Govt Land	None required	
26.	Line EX118	TVL	Existing 600 dia RCP	None - Govt Land	None required	

No.	Drainage Line No.	Location	Pipe/Channel Type at Outfall	Private Property Affected	Easement/PAA Status	Comment
27.	Line EX119	Block beside Anchor Inn	Existing 900 dia RCP	11OE23/043	No need for PAA, cleaning only	Status of drainage to be determined when property is developed
28.	Line ?	Central Market	Existing diameter unknown	None - Govt Land	Not required	
29.	Line EX141	Ifira Block & Grand Hotel	Existing 800 x 400 closed channel	11OC22/009 and 11OC22/042	Future easement required as replacement for drainage running under Grand Hotel	Current drainage under Grand Hotel cannot be accessed
30.	Line ??	Anchor House	Existing RCP diameter unknown (600 estimate)	11OC22/016	Easement required	
31.	Line 60	Opposite Vanuatu Ferry	Replacement 450 dia RCP to be built with small infiltration basin	11/OB22/023	Currently Govt. land (VNPF), Easement required to protect from future development	
				Completed/Required PAAs	Existing/Required Easements	
Drainage Lines within current URD1 Scope				6 / 7	0 / 8	
Drainage Lines outside URD1 2015 Scope				1 / 1	0 / 1	
Drainage Lines removed from URD1 Scope in August 2017					0 / 4	
ALL DRAINAGE LINES CONSIDERED UNDER URD1				6 / 7	0 / 13	

Appendix 2: Status of Public Access Agreements, Access Consents and other Consultation

Note: excludes drainage works (see Appendix 1)

No.	Title Number	Name of Site/ Establishment	Required Civil Works	Ownership Status	Current Status
Properties Requiring PAAs					
Properties with PAAs signed or being negotiated					
1.	11/OH23/016, 11/OH23/017, 11/OH23/017	Tebakor Shopping Centre	Footpath	Leasehold	PAA signed.
2.	11/OH23/019	Mok Store	Kerbs & footpaths	Leasehold	PAA signed
3.	11/OG21/060	Fung Kuei Tebakor	Footpath	Leasehold	PAA signed
4.	11/OG23/018	Gregory Johnson	Footpath & driveway	Leasehold	PAA signed
5.	11/OG21/078	Pacific Petroleum Tebakor	Footpath	Leasehold	PAA signed
6.	11/OG21/058, 11/OG21/018	LJ Stores & Bicycle Shop	Kerbs & footpath	Leasehold	PAA signed
7.	11/OG23/024, 11OG23/042	Lin Ping	Kerbs & footpath	Leasehold	PAA signed
8.	11/OG21/027	Vanuatu Post	Carpark	Leasehold	PAA signed
9.	11/OG23/023	Vanuatu Agricultural Supplies	Carpark	Leasehold	PAA signed
10.	11/OF21/049	Socapor, vacant block opposite Vanuatu Football Club Federation	Current bus bay with encroachment	Leasehold	PAA signed
11.	11/OF23/034	Vacant block opposite Tana Russet	Bus Bay & footpath	Leasehold	PAA signed
12.	11/OF23/047	WWW Store (formerly Navara Store)	Foot path	Leasehold	PAA signed
13.	11/OF23/032	PCS Solutions	Foot path	Leasehold	PAA signed
14.	11/OF23/040	Pacific Parts (south side of Tana Russet)	Foot path/new driveway	Leasehold	PAA signed
15.	11/OE31/087	Stop Press Stationery	Footpath	Leasehold	PAA signed
16.	11/OE31/005	Go for Food Takeaway	Footpath	Leasehold	PAA required
17.	11/OC31/002(?)	Tropical Market	Footpath, PAA Required	Leasehold	PAA required
18.	11/OC24/020	Chuan Store	Kerb, footpath & vehicle crossing	Leasehold	PAA signed
19.	11/OB22/043	Vanuatu Butchery / HXM	Kerb, footpath & vehicle crossing	Leasehold	PAA signed
20.	11/OB22/029	Libation	Kerb, footpath & vehicle crossing	Leasehold	PAA signed
21.	11/OB22/010	Ong Store	Kerb, footpath & vehicle crossing	Leasehold	PAA signed
22.	11/OB22/019	Wong Store (new development)	Kerb, footpath, vehicle crossing & bus bay	Leasehold	PAA required
23.	11/OB22/053	Don Talieur	Kerb, footpath & vehicle crossing	Leasehold	PAA required
24.	11/OB24/001	Yao Investments	Kerb, footpath & vehicle crossing	Leasehold	PAA required
25.	11/OB24/018	L'Houstalet	Kerb, footpath & vehicle crossing	Leasehold	PAA required

No.	Title Number	Name of Site/ Establishment	Required Civil Works	Ownership Status	Current Status
26.	11/OB24/031 & 11/OB24/044	Au Bon Marche Nambatu	Kerb, footpath & vehicle crossing	Leasehold	PAA required
27.	11/OA22/006 & 11/OA22/049	Chinese Shop	Kerb, footpath & vehicle crossing	Leasehold	PAA required
Properties no longer in scope					
28.	11/OE21/029	Banyan Bar	Footpath	Leasehold	PAA no longer required – removed from URD1 scope August 2017
29.	11/OE21/031	Chantilly's	Footpath	Leasehold	
30.	11OB22/037	Sydney Curry House	Footpath	Leasehold	Need PPA for current footpath within property, but no longer part of URD1 scope (removed August 2017)
31.	11/OB22/028	Vanuatu Ferry	Footpath	Leasehold	
32.	11/OB22/060	Vanuatu Disabled Society (temporary office)	Footpath – 700 mm x entire Western boundary: 54 m	Leasehold	
Number of Completed / Outstanding PAAs for Properties in-scope					19 / 8 (of 27)
Properties Requiring Access Consents Only					
33.	11/OE21/015	Euro Corner	Constructing curve to existing boundary	Leasehold	AC signed
34.	11/OB24/020	Stret Price Store	Footpath – need 1.2m x 13m access of the property corner	Leasehold	AC to be signed, Property transaction is in progress – follow up with new leaseholder
Number of Completed / Outstanding ACs					1 / 1 (of 2)
Properties Requiring Consultation or Other Approach					
35.	11/OF21/025	Proposed major development (MG Sky Hotel)	Footpath- existing encroaches onto the property (cliff face)	Leasehold	To be resolved as part of development approvals
36.	11/OE21/004	Takeaway Store beside Hibiscus	Tree removal	Leasehold	Tree removed with leaseholder's agreement
37.	11/OD31/002	Private House (crest of hill at Colardeau)	Footpath	Leasehold	Completed. Only encroachment is on the corridor of the owner's entrance

No.	Title Number	Name of Site/ Establishment	Required Civil Works	Ownership Status	Current Status
38.	11/OE31/089	Wilco	Footpath	Leasehold	Completed. VNPF is leaseholder - considered to be government land
39.	11/OC22/041	Lolam Store	Kerb, footpath & vehicle crossing	Leasehold	
40.	11/OC22/040	Sister Restaurant	Kerb, footpath & vehicle crossing	Leasehold	
41.	11/OC24/032	LCC Store	Kerb, footpath & vehicle crossing	Leasehold	
42.	11/OC24/018	Sportsmans Hotel	Kerb, footpath & vehicle crossing	Leasehold	
43.	11/OC24/033	Hertz	Kerb, footpath & vehicle crossing	Leasehold	
44.	11/OB22/071	Budget	Kerb, footpath & vehicle crossing	Leasehold	
45.	11/OB22/030	United Nations	Kerb, footpath & vehicle crossing	Leasehold	
46.	11/OB22/019	House / World Car Rentals	Kerb, footpath & vehicle crossing	Leasehold	
47.	11/OB24/033	Go for Food	Kerb, footpath & vehicle crossing	Leasehold	
48.	11/OB24/075	CL Store	Kerb, footpath & vehicle crossing	Leasehold	
49.	11/OB24/045	Port Vila Hardware	Kerb, footpath & vehicle crossing	Leasehold	
50.	11/OB24/042	Cable TV	Kerb, footpath & vehicle crossing	Leasehold	
51.	11/OA22/016	Cake Shop, Vanuatu Bijouterie	Kerb, footpath & vehicle crossing	Leasehold	
52.	11/OA22/015	Hardware	Kerb, footpath & vehicle crossing	Leasehold	
53.	11/OA22/077 & 11/OA22/078	Au Bon Marche Paray Service Station	Kerb, footpath & vehicle crossing	Leasehold	
54.	11/OA22/079	Crave	Kerb, footpath & vehicle crossing	Leasehold	
55.	11/OA22/012	Vate Industries	Kerb, footpath & vehicle crossing	Leasehold	
56.	11/OA22/042	Ministry of Justice	Kerb, footpath & vehicle crossing	Leasehold	
57.	11/OA22/018	JCK Building	Kerb, footpath & vehicle crossing	Leasehold	
Number of Completed / Outstanding Consultations & Other Approaches					3 / 19 (of 23)

Appendix 3: List of People Consulted

Attendance List of Easement Leaseholders During Initial Group Consultations (9:00am - 12:00 noon, 26 June 2015, Venue: Ministry of Conference Room)

Name	Title	Drainage Location	Contact Details Tel/Mobile
1. Mr. Andrew Yates	General Manager	Chantilly's 11/OE21/029	27079
2. Mr. Loic Bernier	Representative	Fragephi Trust 11/OD22/021	7743412
3. Mr. Holland (Long) Patrick	Leaseholder representing Mr. Vu Thi Phi Hoang	11/OG21/063	7773719
4. Mr. Tru Thi Nga	Owner, New Look	11/OE24.037	27449
5. Mr. Tru Thi Vinh	Owner, New look	11/OE24/038	27449
6. Mr. Douglas Patterson	Director, Island Property Real Estate	11/OF21/034	7743145
7.Mr. Michael Mangawai	Ministry of Land		25421
8.Mr. Peter Pata	Department of Lands		22892
9. Ms. Catherine Malosu	VPMU		26918/26415/33240
10.Mr. Andre latipu	VPMU		26918
11. Mr. Tony Batten	PVUDP		5587670/5587671
12. Mr. Lawrie Carlson	PVUDP		5587670/5587671
13.Mr. Bruce Jackson	PVUDP		5587670
14.Mr. Ernest Bani	PVUDP		5587670
15. Mr. Hannington Alatoa	PVUDP		5587670

List of Individual Meetings with Leaseholders, Easement Leaseholders, and Owners Requested for Continuation of Public Access Areas (Available Upon Request)

Appendix 4: Sample Signed PAA Consent Form



Roughton International Limited
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United Kingdom

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E: info@roughton.com

www.roughton.com

Mr Sam Namuri

Acting Director General

Ministry of Infrastructure and Public Utilities

PMB 9044

Port Vila

Vanuatu

Dear Sir,

PORT VILA URBAN DEVELOPMENT PROJECT**ACCESS CONSENTS**

The Port Vila Urban Development Project (PVUDP) has established a number of Access Consents, following detailed consultation and design with agreement with the respective titleholders.

Access Consents are now available for signing by MIPU accepting the Access Consents on behalf of the Government of Vanuatu as the Road Administrator. Works will then be undertaken by the Contractor in accordance with the terms and conditions of the Access Consents, verified by the Design and Supervision Team for PVUDP and accepted by the respective titleholder upon completion.

As such, we request the signing of the Access Consents for Title:

11/OG23/022,11/OG23/023,11/OD22/018 and 12/O633/970, as attached.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Lawrie Carlson', written over a horizontal line.

Lawrie Carlson

Team Leader (PVUDP)

02/01/17.

Agent Name: *Roughan*
 Agent Architect (if any): *(Signature)*

Port Vila Urban Development Project (PVUDP)
Vestige Motors
 ACB: *409*
 Title No.: *12/0633/970*

The Purpose

This agreement, between the Landholder (Custom Owner or Lessee) of Title No. *12/0633/970* and the Government of the Republic of Vanuatu, complies with the Land Leases Act and establishes the basis on which the PVUDP will undertake work within the boundaries of the subject land.

This agreement is voluntary and is the result of a process of consultation (including selection of site and detailed design) and negotiation with full disclosure of information. Both parties are satisfied that they are fully aware of their rights and responsibilities as detailed in the attachments. This process satisfies the requirements of the project's Resettlement Framework agreed between the Asian Development Bank (ADB) and the Government of the Republic of Vanuatu with regard to voluntary donation and land use agreements.

The agreement also provides the Contractor employed by the government with rights to access the work area to undertake the works described in the attachments.

Land Tenure

☐ Government Owned
☐ Custom Owned
☒ Leasehold under the Land Leases Act

Work to be Under-taken:

☒ Construction of an underground drain and/or headwall and/or sediment trap
☐ Upgrade of Public Access Area (PAA) (construction of footpath, streetscape facilities and services)
☒ Survey for Grant of Easement

Details of the proposed work are provided in **Attachment 1: Description of Works** and **Attachment 2: Works Plan**.

Condition of Works

Work will be undertaken by the Contractor and implemented by the Public Works Department (PWD). Particular conditions of the work are described as follows.

(Any other Architect (if any))

Port Vila Urban Development Project
(PVUDP)

ACCESS CONSENT
AC #: 409
Title No.: 12/0633/470

Acceptance

Upon completion of works the Landholder will be requested to provide acceptance of the works on the subject land. Any issues that prevent acceptance will be referred to PWD for review. PWD may direct the Contractor to undertake remedial work if it believes the works are unsatisfactory.

Benefits and Impacts

The work does not adversely impact the landholder and any other third persons such as tenants living on or using the subject land. The work will benefit landholders in terms of:

- ☒ Improved drainage and flood mitigation within the local area
- ☐ Improved public access to the property and the businesses situated therein
- ☐ Improved condition of public facilities situated on the subject land.

Consequential Matters

The Landholder holds the Government and/or the Custom Owner harmless for all and every matter at the completion and acceptance of the works.

Construction Standards


All work will be undertaken in accordance with the agreed scope of works and the laws of the Republic of Vanuatu. Existing structures such as footpaths, driveways, fences, walls that are demolished or damaged during construction will be built back to the same, or a better, standard than what is existing immediately prior to commencement of construction.

All material resulting from demolition of existing facilities will become the property of the Contractor unless prior arrangements are made. The Contractor will be responsible for the legal disposal of all material resulting from demolition.

Grievance Handling

Any request for information, complaints or grievances may be referred to the HELP Desk in accordance with the project Communications Plan. The HELP Desk contact details are:

Office Address	Postal Address	Other
HELP Desk VPMU Vila Mall Rue Pierre Lamy Port Vila	HELP Desk PO Box 192 Port Vila	Phone: 33240 Email: cmalos@vanuatu.gov.vu

 Port Vila Urban Development Project
(PVUDP)

ACCESS CONSENT

AC #: 409
Title No.: 12/0633/970

Insurance

The Contractor will be required to carry appropriate insurance for works, property and third party liability.

Minimal Disruption

The Contractor will consult with the Landholder and organise works in such a way as to minimise the disruption to landowners, businesses and the public during construction.

Reasonable Restoration

The Contractor is required to make restoration of any property and/or facilities damaged during construction to a standard similar or better than that existing prior to the damage occurring.

Subsequent Agreements

This Access Consent is an enduring agreement and the conditions transfer to the subsequent landholders should the subject title be leased, rented or sold.


Workplace Health and Safety

The Contractor will be responsible for Workplace Health and Safety onsite.

Independent Monitoring

An independent third party will monitor the project and report to PWD with regard to:

- The process used to establish this Access Consent
- The satisfactory completion of the works and consequent acceptance by the Landholder.

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Port Vila Urban Development Project
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ACCESS CONSENT

A.C#: 409

Title No.: 12/0633/970

Attachment 1: Description of Works

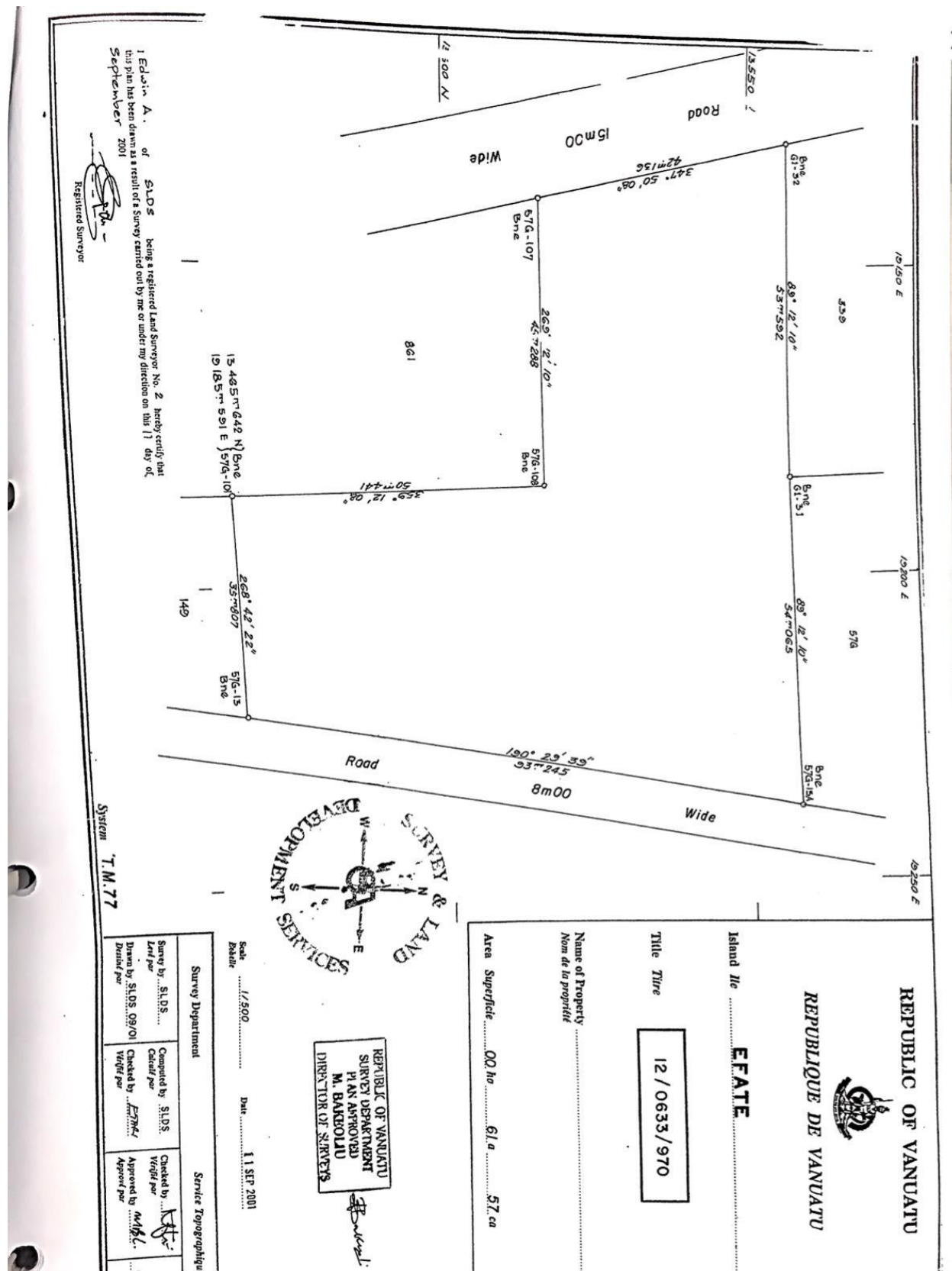
NOTE: Agreed Landholder's requirements are included here.

Land holder always willing to assist the Project.

1. Have access to the proposed work site
2. Dig trench on agreed site for the pipe
3. Bury pipe all the way down to the property boundary/fence.
4. Get pipe under boundary and connect to open concrete drain along the access gravel road to the lowest point in the next property.
5. Re-instate the ground along the pipe route and concrete open drain to its original status.
6. Improve drainage and flood mitigation within the local area.

Additional.
2/08/16.

7. The trench is ~~700mm deep~~ 700mm deep
8. Pits are very strong - to be able to carry 20-40 ton trucks. They cannot break under normal conditions.
9. Contract will make sure construction is done at international standard - at least as it is stipulated by the contract.



Appendix 5. Process for Establishment of Road and Public Access Easements (Leasehold & Custom Lands)

