SUMMARY VERSION

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

Land Acquisition Action Plan
for Activity 2.3 Upgrade of Lelata Bridge
[May 2021]

Note: This document is a summary version of the full Land Acquisition Action Plan, from which all personally identifiable information has been omitted.

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# Land Acquisition Action Plan – Summary Version for Disclosure

Green Climate Fund Government of Samoa Vaisigano Catchment Project

Submission Date: May 2021

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Acronyms

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

1. This Abbreviated Land Acquisition Action Plan (LAAP) was developed to guide and support the Green Climate Fund (GCF) Government of Samoa (GoS) project “The Integrated Flood Management to Enhance Climate Resilience of the Vaisigano River Catchment in Samoa” (GCF-VCP). The LAAP relates specifically to GCF-VCP Output 2 Activity 2.3: Replacement of Lelata Bridge to accommodate increased flood waters.

2. The LAAP is structured in accordance with UNDP requirements for an Abbreviated Land Acquisition Action Plan. UNDP Guidance on Standard 5 – Displacement and Resettlement provides for such an abbreviated plan where displacement risks and impacts are considered to be minor.

3. The LAAP seeks to fulfill the aims of Standard 5, namely to recognize and respect the prohibition on forced evictions; to anticipate and avoid, or, when avoidance is not possible, minimize adverse social and economic impacts from land or resource acquisition or restrictions on land or resource use, and to enhance or at least restore the livelihoods of all displaced persons. In addition, it will ensure to conduct a fair, equitable and transparent land transaction process through negotiation, with the owners to be compensated to at least full replacement cost, and suffer no adverse economic impact. More information about the land acquisition process is provided in Section 3.

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

5. During the initial planning and design phase of the GCF-VCP in 2016, it was noted through the use of UNDP’s Social and Environmental Screening Procedure (SESP) and the project’s Environmental and Social Management Framework and Management Plan (ESMF-MP 2016) that land acquisition and/or displacement would not occur under the project as the expected infrastructural works would take place mostly within the river.

6. However, during the implementation phase of the project after technical studies and design plans were completed, some unanticipated risks were identified and included vehicle and pedestrian safety issues, accessibility concerns, and implications for current and future land use. These issues resulted in the project proposing:

   (a) closure of one Right of Way (RoW) due to the proposed changed of height of bridge and road;

   (b) improvement of an existing RoW and extension of the same to create a new RoW to address (a);

   (c) acquisition of two freehold properties of 860 square meters each to facilitate (a) and (b);

   (d) reconstruction of access ways to 7 private residential properties; and

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7. The GCF-VCP updated its SESP and ESMF-MP in 2021 using UNDP’s Social and Environmental Standards (SES). During that process, Standard 5 on Displacement and Resettlement was triggered due to the proposed acquisition of two plots of land in the vicinity of the bridge, thereby requiring a LAAP to be developed as part of the updated ESMF-MP. The land acquisition is defined under the Standard as “involuntary”, as in the event that it is not possible to negotiate a mutually-acceptable deal with the land owners, local law would allow for a compulsory purchase by the government.

8. The LAAP is outlined as follows:
   
   Section 1: Provides a brief overview of the project, structure of the LAAP and justification for land acquisition.
   
   Section 2: Provides a brief account of land tenure in Samoa and describes the relevant laws and policies of Samoa including UNDP’s SES standard 5 and the Abbreviated LAAP.
   
   Section 3: Describes the Land Acquisition process including consultations and negotiations with affected parties.
   
   Section 4: Provides details about the institutional arrangements and implementation schedule for the LAAP.
   
   Section 5: Provides information about the project-level Grievance Redress Mechanism
   
   Section 6: Briefly describes measures to monitor to ensure completion of the LAAP.
   
   Section 7: Provides details about the estimated budget for compensation.

1.1 Overview of the project

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

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

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

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

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

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

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

1.2 Project Activity Requiring Land Acquisition

13. As described in the Project Document, 2017 (ProDoc 2017) the Lelata Bridge is a major arterial road for transport within the AUA. The existing bridge was built in 2001 and is one of four bridges that facilitates vehicle and pedestrian access across the Vaisigano River. The current bridge is 10.8m wide and 24.6m long and consists of two traffic lanes and two pedestrian walkways. It comprises of two equal spans and a central pier constructed of concrete. The approach embankments are retained by approximately 2.5m high gabion type retaining walls, concrete abutments and wing walls (Refer to Annex 1: Preliminary Environment Assessment Report (PEAR), Aug 2020).

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

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

16. According to the PEAR of the Lelata Bridge Replacement Project dated August 2020, the alternative to reconstructing and raising the bridge as proposed includes the ‘do nothing’ approach. This would mean the bridge would remain as it is. However, with the new flood wall expected as part of the GCF-VCP, the current bridge would not only create a gap in the flood wall but would also become an obstacle to the flow path of the river. As the flood wall is expected to contain all the river flow from upstream within the river bed, the water levels would be expected to be much higher during flash floods. All these will contribute to diminishing the ability of the flood wall to reduce the flood risks in the area. The ‘do nothing’ approach would therefore do more harm than good. It is therefore in the public’s interest to raise the bridge to allow for the flood wall to protect and safeguard the Lelata residents and all those who live downstream.

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

1.3 Justification for Land Acquisition

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

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

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

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

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

25. The proposed bridge works will result in several off-site impacts such as: (a) the closure of an existing RoW for traffic safety reasons; (b) the reconstruction of several private access roads; and (c) the acquisition of two parcels of freehold land to accommodate a new public access road. These impacts however are considered minor and manageable given the context surrounding the proposed development. Currently, only two ¼ acre properties will be acquired by the GoS, only two landowners will be affected by land acquisition, and these land parcels that are to be acquired are vacant with no persons expected to be physically and economically displaced.

26. On this basis, the proposed land acquisition by the GoS is crucial and necessary for the benefit of the whole Lelata community and the wider Apia Urban Area. Proceeding with land acquisition, will allow for the construction of a new bridge with a design able to withstand a 20-year flood event, resulting in a more resilient bridge for the community at large. With the bridge and the floodwalls tied in together, the river ecosystem will also reap the benefits of having significantly reduced soil erosion, more stabilised river banks, minimal accumulation of debris and improved river flows. All these will further enhance the safety of the community from floodwaters.

27. If the bridge remains as it is (the “do nothing” approach), it will diminish the ability of the proposed flood wall to fully reduce and contain the flood risks especially as the current bridge was built with a pier in the middle and designed for lower than 1 in 20-year flood levels. It is therefore in the public interest to acquire the land for public purposes to allow for the construction of the new bridge.

1.4 Measures to minimize land acquisition and associated adverse impacts.

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

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

(b) **Community Consultations:** The LTA held consultations to discuss the proposed bridge and its potential impacts with the residents of Lelata in October 2019 and May 2020. Information about the GCF-VCP Grievance Redress Mechanism (GRM) was also shared to the participants. The consultation reports are included in section 6.5 of the PEAR, Aug 2020 (Annex 1).

(c) **Land Valuation Assessments:** Three land valuation assessment reports were prepared. One assessment was prepared by the GoS while the other two assessments were prepared by private land valuers.

(d) **Negotiations with the directly affected landowners:** The GoS began negotiations with the landowners in May 2020. As part of this process, land valuation reports were prepared and discussed by the parties with negotiated settlement amounts finalised.

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

2.1 General Description of Land in Samoa

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

➢ Freehold land makes up 12 per cent of land in Samoa with the majority of freehold land located in the Greater Apia Area. Freehold land is registered in the Land Registry administered by the MNRE.

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

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

2.2 Applicable Samoan laws and policies

To ensure that all actions pertaining to land acquisition are implemented in accordance with Samoan laws, specifically the Taking of Land Act 1964; and UNDP’s SES Standard 5, the LAAP has been developed to guide the land acquisition process to ensure appropriate measures are undertaken to minimise the impacts of land acquisition and to ensure transparency of the process. Some of the relevant laws relating to land acquisition are identified below.

<table>
<thead>
<tr>
<th>Law or Policy</th>
<th>Brief Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitution of the Independent State of Samoa 1960</td>
<td>In reference to rights regarding property, Article 14 of the Constitution of Samoa provides that no property shall be taken possession of compulsorily and no right over or interest in any property shall be acquired compulsorily except under the law, which of itself or when read with any other law: (a) requires the payment within a reasonable time of adequate compensation; (b) gives to any person claiming that compensation a right of access for the determination of his interest in the property and the amount of compensation, to the Supreme Court; and (c) gives to any party to proceedings in the Supreme Court relating to such a claim the same rights of appeal as are accorded generally to Parties to civil proceedings in that Court sitting as a court of original jurisdiction. This is also the same for customary land although customary land cannot be alienated except by way of an Act of Parliament where a lease may be granted or when land is taken for public purposes.</td>
</tr>
<tr>
<td>Taking of Lands Act 1964</td>
<td>This law is administered by the MNRE. It provides a legal framework under Part 2 of the Act for land acquisition where the GoS can compulsorily take Customary and/or Freehold land for public purposes but with due consideration for compensation. Where there is disagreement on compensation, the matter can be referred to the Supreme Court for a determination and the Court of Appeal if so required. Procedures for land taking includes the confirmation of land owners and occupiers, the taking of surveys and valuations to confirm land boundaries and compensation estimates, notification of those who have interest in the land, the hearing of any objections to land taking, proclamation of the land and determination of full and just</td>
</tr>
</tbody>
</table>
compensation by the Minister for MNRE with opportunity for legal recourse when compensation is not acceptable to the affected party.

This law is administered by the MNRE. It regulates matters relating to Government Land of which all rivers and the coastal zone are part of. It describes the power of the Land Board to administer and use government land for lease or a public purpose. It also includes provisions for the conservation and protection of the environment and the establishment of National Parks and other forms of protected areas.

The Planning and Urban Management Act 2004

This law is administered by the MWTI although when the GCF-VCP was approved in 2017, this Act was administered by the MNRE. The Act provides a framework for planning the use, management, protection and the sustainable development of land in Samoa. It established the Planning and Urban Management Agency (PUMA) and the Planning and Urban Management Board, both of which assess and determine the social and environmental impacts of development applications. It administers the Development Consent process and provides for the development of sustainable management plans when necessary. It also provides for the development of environmental impact assessments which also takes into account social impacts of developments on the community. All development projects related to land must obtain Development Consent prior to any works commencing.

Land Transport Authority Act 2007

This Act provides for the functions and responsibilities of the LTA in relation to the management of roads and land transport infrastructure inclusive of bridges.

Samoa Codes of Environmental Practice 2007

Provides 14 Codes of Environmental Practice (COEP) that define methods and/or procedures to avoid or mitigate adverse environmental impacts that may arise from infrastructural development projects and/or maintenance work. COEP 4 relates to Land Acquisition and Compensation.

31. While the above national laws and policies are all relevant to this LAAP, the two key documents that have direct links to land acquisition and compensation matters are the Taking of Land Act 1964 and the Samoa Codes of Environmental Practice 2007.

32. The Taking of Land Act 1964 provides procedures for land acquisition and makes no allowance for land to be taken compulsorily without any form of compensation. The following process is in the Act:
   a) Inform the MNRE and its Minister about the proposed land taking.
   b) Confirm ownership of land whether Freehold or Customary land.
   c) Undertake a survey showing the land to be taken including the names of the owners and occupiers.
   d) Require a copy of the plan to be deposited in the office of the MNRE.
   e) Ensure public notification is carried out with a Notice sent to each owner, occupier and person having an interest in the land, stating the GoS’s proposal to take the land and the public purpose for which the land is required. Any person affected may give notice of objection within 28 days of the first publication of the notice.
   f) Upon receiving any objection with any reason (other than an objection to the amount or method of payment of compensation), appoint a time and place at which the objector may appear before the Minister or some person delegated by the Minister and support the objection with evidence and argument as the objector sees fit.
   g) If the Minister determines that the taking should proceed, the Head of State may, by proclamation, take the land for public purposes.
   h) Pay out full and just compensation determined by the Minister.
33. Under the Samoa Codes of Environmental Practice 2007, COEP 4 provides four guiding principles for land acquisition and compensation matters.
   a) Land acquisition shall be minimised. Where unavoidable, land acquisition shall be carried out in such a manner so as to minimise the adverse impacts on the affected people.
   b) Avoid, wherever possible, the need to relocate graves and/or burial sites. Where this cannot be avoided, such relocation shall be carried out in a manner that will minimise duress on the relatives of the deceased.
   c) Land acquisition and compensation issues should be clearly distinguished from labour and industrial related matters in following the procedures established in the COEP.
   d) Any acquisition of land shall be carried out in consultation with the people to be affected.

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

2.3 UNDP’s SES Standard 5 on Displacement and Resettlement

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

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

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

<table>
<thead>
<tr>
<th>Context</th>
<th>UNDP SES Standard 5</th>
<th>National Laws / Policy</th>
<th>Measures to close gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Acquisition, Displacement and Resettlement</td>
<td>UNDP provides requirements to be met if Land Acquisition, Displacement and Resettlement is proposed in any project</td>
<td>Legislation provides for Land Acquisition but is silent on Displacement, Resettlement and recognition of displaced persons.</td>
<td>GoS will comply with the Taking Lands Act 1964 and will also ensure to satisfy and meet requirements of Standard 5. However, resettlement provisions in UNDP SES 5 are not applicable.</td>
</tr>
<tr>
<td>Forced Evictions</td>
<td>UNDP prohibits forced evictions but allows evictions in exceptional circumstances</td>
<td>Forced eviction is the last resort after exhausting all avenues to negotiate.</td>
<td>GoS will not evict any persons in relation to this project.</td>
</tr>
<tr>
<td>Supported by laws and full justification of the activity</td>
<td>Forced evictions are subject to the Supreme Court.</td>
<td>Avoid, minimize and mitigate physical and economic displacement</td>
<td>UNDP requires the implementation of measures to avoid or minimise the need for displacement of affected people</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---------------------------------</td>
<td>---------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Legal counsel and remedies</td>
<td>UNDP requires the project to provide for access to legal counsel and remedies if necessary.</td>
<td>Legislation does not have provisions for providing affected people with access to legal counsel and remedies</td>
<td>Face to face meetings with affected land owners with land owners aware of their rights to legal representation.</td>
</tr>
<tr>
<td>Replacement land</td>
<td>Prioritises replacement land commensurate in quality, size, and value or better.</td>
<td>Legislation does not specify types of compensation to be paid out as it only refers to full and just compensation to be determined by the Minister in charge</td>
<td>Compensation dependent on land valuation reports and on negotiated settlement. Land-for-land is not appropriate in this instance for reasons described herein.</td>
</tr>
<tr>
<td>Compensation for displacement and resettlement inclusive of affected assets and non-assets such as crops, trees, income loss to name a few</td>
<td>SES refers to several different types of compensation including relocation assistance, relocation sites with basic services, transitional support, lost net income, for loss, salvage and transport of affected properties. Recognizes the displacement of informal land users, or users without legal entitlements.</td>
<td>Legislation does not specify types of compensation to be paid out as it only refers to full and just compensation to be determined by the Minister in charge</td>
<td>As no displacement or resettlement will occur, the measures are not required. Land compensation costs will be dependent on land valuation reports and on negotiated settlement. No informal/illegal land users are present.</td>
</tr>
<tr>
<td>LAAP</td>
<td>Requires a LAAP to be developed</td>
<td>Legislation does not have provisions for the development of a LAAP</td>
<td>Project has developed a LAAP to assist with guiding the process</td>
</tr>
</tbody>
</table>

### 2.4 Abbreviated Plan.

**UNDP Guidance** provides for an Abbreviated Plan in instances where risks and impacts are considered to be minor. That is, in instances where the following apply:

- affected persons are relatively few in number;
there is generally no physical displacement;
the activities involve minor land acquisition (e.g., affecting less than 10 percent of productive
assets); and
there are no significant livelihood impacts.

3. The Land Acquisition Process

3.1 Land Descriptions:

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

a. Affected persons are relatively few in number.

b. There is generally no physical displacement.

c. The activities involve minor land acquisition.

d. There are no significant adverse livelihood impacts.

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

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

43. Similarly, the Standard’s preference for land-for-land transactions, as opposed to cash-for-land, is
not appropriate in this instance as the owners are not using the land for subsistence, commercial farming, or
their own housing.

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

3.4 Participation and Consultations

49. Several meetings between the affected parties, LTA and MNRE were undertaken to negotiate
settlement amounts.

4. Institutional Arrangements and Implementation Schedule

4.1 Institutional Arrangements

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

Table 6: Relevant institutions and their responsibilities
<table>
<thead>
<tr>
<th>Institution</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Land Transport Authority</td>
<td>Responsible Implementing Agency for the Lelata Bridge works</td>
</tr>
<tr>
<td>2 Ministry of Natural Resources and Environment</td>
<td>Facilitates the land acquisition process required by law</td>
</tr>
<tr>
<td>3 Ministry of Finance</td>
<td>Executing Agency of the GCF-VCP</td>
</tr>
<tr>
<td>4 Ministry of Works, Transport and Infrastructure</td>
<td>Regulator for infrastructure and other development activities</td>
</tr>
<tr>
<td>5 Ministry of Women, Community and Social Development</td>
<td>Facilitates community consultations when required and acts as liaison to village councils</td>
</tr>
<tr>
<td>6 Office of the Attorney General</td>
<td>Provides legal advice on Government matters</td>
</tr>
<tr>
<td>7 Cabinet</td>
<td>Provides high level approval for government activities</td>
</tr>
<tr>
<td>8 UNDP</td>
<td>Accredited Entity of the GCF-VCP</td>
</tr>
<tr>
<td>9 GCF-VCP Project Management Unit</td>
<td>Consists of key project staff that manage, guide and monitor the progress of the project and also plays a secretariat role to the Board and other Committees under the project</td>
</tr>
<tr>
<td>10 GCF-VCP Project Board</td>
<td>Board provides overall direction of the project including decisions relating to the project</td>
</tr>
<tr>
<td>11 GCF-VCP Grievance Redress Committee</td>
<td>Committee set up to discuss and resolve any community grievances resulting from project activities</td>
</tr>
<tr>
<td>12 GCF-VCP Safeguards Coordination Committee</td>
<td>Committee set up to discuss and resolve safeguards issues relating to the project</td>
</tr>
</tbody>
</table>

56. The relationships between the institutions and their involvement with the GCF-VCP, are detailed in the organisational structure diagram depicted in Figure 4.

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

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

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

60. The GCF-PMU, particularly through the GCF-Project Manager (GCF-PM) and the GCF-VCP Safeguards coordination mechanism established will assist and support LTA throughout the entire process with the GCF-GRM-C and in collaboration with the MWCSD to help mediate and resolve any complaints referred to them by LTA from the affected individuals.
61. The successful implementation of the LAAP will be the responsibility of LTA and MNRE with implementation actions to be monitored by the MoF/GCF-PMU and the Safeguards Committee to ensure completion of all required activities and transactions with the affected individuals.

Figure 4: GCF-VCP Organisational structure

4.2 Implementation Schedule

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

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

### 5. Project Level Grievance Redress Mechanism

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

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

65. The PL-GRM-C Secretariat/GCF-PMU will administer and effectively coordinate the implementation of the GRM with LTA. The PL-GRM includes a PL-GRM-C that comprises of 10 members with the MoF as the chair and representatives from the RIAs and external partners with the GCF-PMU as the secretariat.

66. As seen in the Figure 5 below, the GRM has three main steps which includes (a) receipt of complaint/grievance; (b) registering and acknowledging of grievance; and (c) resolving the grievance internally with the GCF-PMU and the RIA; or with the GRM-C; or through the Court system.

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

6. Monitoring and Evaluation

67. The GRM-C Secretariat/GCF-PMU will monitor and report to the GCF-VCP Board through the Chair of the GRM-C on the implementation of the LAAP in coordination and assistance from LTA and the MNRE. Areas to monitor, evaluate and report on include:
a) Any grievances or complaints received from the affected parties regarding the land acquisition process.

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

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