Resettlement Plan

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VAN: Greater Port Vila Urban Resilience Project

Subprojects: Construction of Multipurpose Emergency Shelters – Seaside Showground, Freswota Field & Korman

Prepared by the Ministry of Internal Affairs

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ABBREVIATIONS

ADB	-	Asian Development Bank
AP	-	Affected Person
CBD	-	central business district
CEMP	-	Construction environmental management plan (of the contractor)
DEPC	-	Department of Environmental Protection and Conservation
DDR		Due Diligence Report
DLA	-	Department of Local Authorities (within MoIA)
DSC	-	Design and supervision consultant
DUAP		Department of Urban Affairs and Planning (within MoIA)
EIA	-	environmental impact assessment
EMP	-	environmental management plan
GPV	-	Greater Port Vila
GPVURP		Greater Port Vila Urban Resilience Project
GRM	-	grievance redress mechanism
IEE	-	Initial environmental examination
MCC	-	Ministry of Climate Change Adaptation, Meteorology and Geohazards, Environment, Energy and Disaster Management
MFEM	-	Ministry of Finance and Economic Management
MIPU	-	Ministry of Infrastructure and Public Utilities
MLNR	-	Ministry of Lands and Natural Resources
MoIA	-	Ministry of Internal Affairs
O&M	-	operation and maintenance
PVCC	-	Port Vila City (formerly Municipal) Council
RUDSAP		Resilient Urban Design Strategy and Plan
SPGC	-	Shefa Provincial Government Council
SPS	-	Safeguards Policy Statement 2009 (of ADB)
RP	-	Resettlement Plan
TOR	-	Terms of reference
VPMU	-	Vanuatu Project Management Unit

NOTE

In this report, "$" refers to US dollars.

EXECUTIVE SUMMARY

The Government of Vanuatu has requested assistance from the Asian Development Bank (ADB) for the Greater Port Vila Urban Resilience Project (GPVURP). The project will improve urban resilience in the Greater Port Vila through capacity building and institutional strengthening, as well as construction of three multipurpose emergency shelters. The impact of the proposed project is that Greater Port Vila is a safe, inclusive, resilient, and vibrant economic hub based on sustainable development.

The project has four outputs: (i) resilience in urban planning and management strengthened; (ii) urban resilience enhanced through local partnerships; (iii) resilient urban infrastructure constructed in Greater Port Vila; and (iv) Asset management and institutional capacity strengthened.

The project has been categorized as Category B for Involuntary Resettlement and Category C for Indigenous Peoples.

About the Subprojects. This Resettlement Plan covers the GPVURP subprojects for the construction of three multipurpose emergency shelters in two wards located in the Greater Port Vila area. The multipurpose emergency shelters will provide a safe place of refuge for people living in neighboring communities during natural disasters, such as cyclones, as well as accommodate community activities at all other times. The shelters include facilities such as sanitation blocks, food preparation areas, and a ward office. The multipurpose emergency shelters will be located within the Port Vila municipality at (i) Seaside Showground, (ii) Freswota Field, and (iii) Korman.

Scope of Land Acquisition and Involuntary Resettlement. The construction of the three multipurpose emergency shelters will not result in involuntary land acquisition. The new shelters will be located on existing government owned or municipal leasehold land. There will be no permanent physical or economic displacement impacts as a result of the construction of the shelters. The new shelters will be compliant with the Vanuatu national building code and designs shall take account of natural hazards including extreme windspeeds and will serve as evacuation shelters during emergencies.

ES 1 provides a summary of land ownership and resettlement impacts.

ES 1: Summary of Land Ownership and Resettlement Impacts

	Seaside Showground	Freswota Field	Korman
Amount of land required	4,170 m^2 for the complete facility + 1,580 m^2 temporary occupation during the construction phase	2,196 m^2 for the complete facility + 847 m^2 temporary occupation during the construction phase	2,584 m^2 for the complete facility + 655 m^2 temporary occupation during the construction phase
Ownership of the land	Government (confirmed by DOL)	Government (confirmed by DOL)	Municipal lease (PVCC)
Existing use of the land	Vacant public park	Vacant public park	Vacant public park
Land acquisition requirements	**None** No acquisition required. PVCC will be responsible to operate and maintain the new shelter.	**None** No acquisition required. PVCC will be responsible to operate and maintain the new shelter.	**None** No acquisition required. PVCC will be responsible to operate and maintain the new shelter.
Permanent physical or economic impacts	**None** The existing small concrete basketball court will be replaced by a multipurpose sports court beside the new facility. The new concrete court will be used during emergencies as hard stand for storing emergency supplies and equipment. An existing small market shelter beside the road will be moved: a new permanent shelter will be constructed nearby. There are some trees that will be removed. There will be no permanent impacts on livelihoods.	**None/Minimal** The existing concrete volleyball court will be reoriented beside the new facility. The new concrete court will be used during emergencies as hard stand for storing emergency supplies and equipment. An existing small market shelter beside the road will be moved: a new permanent shelter will be constructed nearby. There are some trees that will be removed. There will be no permanent impacts on livelihoods.	**None/Minimal** There are some trees that will be removed. There will be no permanent impacts on livelihoods.
Temporary physical Economic impacts	**None/Minimal** The construction activities will be within the site and there will be no temporary impacts on privately owned assets or livelihoods.	**None/Minimal** The construction activities will be within the site and there will be no temporary impacts on privately owned assets or livelihoods.	**None** The construction activities will be within the site and there will be no temporary impacts on privately owned assets or livelihoods.

DOL = Department of Lands (within the Ministry of Lands and Natural Resources); PVCC = Port Vila City Council.

There are no legacy issues, land disputes or cumulative impacts related to the subprojects. Nonetheless, the project will comply with ADB's safeguard policies during implementation. If there are changes to the building designs that require land or cause additional impacts, the Ministry of Finance and Economic Management, and the Ministry of Internal Affairs (MoIA) will prepare an updated Resettlement Plan. The safeguards documents will be cleared by ADB and uploaded to the ADB website prior to the commencement of land clearance and construction works.

Impacts on Indigenous People. Due diligence conducted with the communities has found that the proposed subprojects will not impact any distinct and vulnerable group of indigenous peoples as defined under ADB's Safeguard Policy Statement. The assessment confirms that there are no ethnic minority groups within the two wards that meet the definition of being distinct and vulnerable.

Consultations and Information Disclosure. During the preparation of feasibility studies and throughout the detailed design period for the multipurpose emergency shelters, consultations were held with government and community stakeholders. These meetings were held initially to identify candidate sites for multipurpose emergency shelters, and then to disclose plans for the construction of the buildings, confirm ownership of the land, ownership of the assets, and management arrangements. Both communities and leaders have confirmed their support for the project in writing and subsequently at public meetings. A draft of this version of this DDR and Resettlement Plan has been disclosed locally and the final Resettlement Plan will be uploaded to the ADB website.

Grievance Redress Mechanism. A grievance redress mechanism (GRM) is being established by the project to uphold social and environmental safeguards performance and address concerns and complaints promptly and transparently with no impacts (cost, discrimination) for any reports made by affected peoples. The GRM works within existing legal and cultural frameworks, providing opportunities to resolve grievances at the project level.

Legal Framework. The project's principles relating to social safeguards are outlined in this Resettlement Plan. The principles are guided by Vanuatu national laws and ADB Safeguard Policy Statement (2009).

Institutional Arrangements and Budget. The executing agency is the Ministry of Finance and Economic Management and the implementing agency, MoIA. A Project Coordination Unit (PCU) within MoIA will provide management, oversight, guidance for GPVURP. A Project Management Unit (PIU) will be placed in PVCC and will support implementation. The PCU/PIU will be supported by project implementation assistance consultants and detailed design and supervision consultants who will include national safeguards specialists to assist in re-assessing impacts of the subprojects and preparing/updating the DDR/RP, if required. Any other unanticipated land and resettlement costs related to the subprojects will be covered by the executing agency.

Monitoring and Reporting. The PCU will submit semi-annual safeguard monitoring reports to ADB and these reports will be disclosed on the ADB website. PCU will monitor all unanticipated social safeguards impacts on an ongoing basis and report these matters within semi-annual safeguard monitoring reports or immediately if the matter is significant. If there are changes during

the implementation that require land or cause additional impacts, the PCU will prepare an updated Resettlement Plan or corrective action plan. The safeguards documents will be cleared by ADB and uploaded to the project and ADB websites, with any resettlement activities implemented, prior to the commencement of land clearance and construction works.

I. INTRODUCTION

A. Project Description

1. The Government of Vanuatu (the government) has requested support from the Asian Development Bank (ADB) for the Greater Port Vila Urban Resilience Project (GPVURP). The project will improve urban resilience in the Greater Port Vila through capacity building and institutional strengthening, as well as construction of two multipurpose emergency shelters. The executing agency is the Ministry of Finance and Economic Management (MFEM) and the implementing agency, Ministry of Internal Affairs (MoIA). A Project Coordination Unit (PCU) within MoIA will provide management, oversight, and guidance for GPVURP. A Project Implementation Unit (PIU) will be placed in the Port Vila City Council (PVCC) and will support implementation.

2. The impact of the proposed project is that Greater Port Vila is a safe, inclusive, resilient, and vibrant economic hub based on sustainable development. Ward-level activities allow government to adopt a more localized approach and strengthen its strategy to prepare and respond to future disasters, including health emergency containment and contact tracing. The project will have the following outcome: Urban resilience in Greater Port Vila improved. The project has four outputs:

3. **Output 1: Resilience in urban planning and management strengthened.** The output will strengthen the capacity of the Department of Urban Affairs and Planning (DUAP) in MoIA and PVCC. The output will support DUAP in urban planning and administration for greater resilience, through activities including updating of the GPV RUDSAP and preparation of the Port Vila livable city action plan; review of PVCC's 3-year corporate plan and annual business plan to ensure appropriate planning for asset maintenance, disaster response, and gender targets; review and expansion of PVCC's asset register; and support to PVCC in financial planning, including a review of the property valuation roll and taxes. An information sharing network will be established between PVCC and other municipal councils to share project experiences and lessons through peer-to-peer learning.

4. **Output 2: Urban resilience enhanced through local partnerships.** The output will facilitate partnerships and coordination, both vertically among MoIA, PVCC and wards and horizontally between PVCC, wards, CDCCCs and local stakeholders, through activities including training to the ward secretaries in disaster risk management and climate change adaptation; financing public campaigns on climate change adaptation and disaster risk management; and supporting the preparation of emergency preparedness plans for each project-financing shelter.

5. **Output 3: Resilient urban infrastructure constructed in Greater Port Vila.** The output will finance investments in multipurpose and gender-responsive emergency shelters, including sanitation facilities, office space and market improvements. Two subprojects (or shelters) were prepared in Seaside Showground (Central ward) and Freswota Market (Freswota-Tassiriki ward). These shelters have been confirmed as priority areas by ward secretaries.

6. **Output 4: Asset management and institutional capacity strengthened.** The output will improve the capacity of MoIA in project development, implementation and monitoring; and will improve the capacity of PVCC to operate and maintain works constructed under the project, through activities including development by PVCC of an O&M plan for each approved subproject that reflects the technical, administrative and financial requirements for such plans, including standard operating procedures during an disaster emergency and gender targets, as set out in the Asset Management Strategy; and training to PVCC ward secretaries and community groups on O&M.

B. Objectives of the Resettlement Plan

7. A social safeguards due diligence process was conducted by international and national specialists to examine land acquisition, resettlement and indigenous peoples impacts in connection with three subprojects. The subprojects are multipurpose emergency shelters located in Central, and Freswota-Tassiriki wards and are a component of Output 3. This Resettlement Plan describes the findings of the social safeguard assessments conducted for the multipurpose emergency shelters, and details plans to mitigate social impacts relating to livelihoods.

C. Methodology

8. The preparation of this Resettlement Plan involved:
   (i) identification of candidate sites for the construction of the three multipurpose emergency shelters;
   (ii) site visits by international and national specialists;
   (iii) meetings with the Department of Lands to ascertain ownership of each site;
   (iv) technical assessments to identify the nature and scope of impacts in consideration of design and construction;
   (v) meetings with communities at each site to obtain further details on ownership of sites and existing buildings, methods to mitigate impacts and actions relating to mitigation measures;
   (vi) facilitation of an agreement with PVCC for responsibility to operate and maintain the shelters; and
   (vii) consultations and meetings regarding mitigation measures required.

II. SUBPROJECT DESCRIPTIONS

9. The project proposes to construct three multipurpose emergency shelters in Central and Freswota-Tassiriki wards within Greater Port Vila area. The multipurpose emergency shelters will provide a safe place of refuge for people living in neighboring communities during natural disasters, such as cyclones. The shelters include facilities such as sanitation blocks, food preparation areas, and, if feasible, a ward and other offices. As they are designed to be multi-functional, the shelters will be used for a wide range of community activities and be an alternative local government office able to provide referrals for social services.

10. Feasibility studies were undertaken for four multipurpose emergency shelter subprojects, in three wards. The project will include three of these, namely those located within the Port Vila municipality at: (i) Seaside Showground, (ii) Freswota Market, and (iii) Korman.

Figure 1: Locations of the Three Multipurpose Emergency Shelters within Port Vila



A. Design Approach for the Multipurpose Emergency Shelters

11. The National Disaster Management Office has an Evacuation Centre checklist for the planning, assessment and classification of shelters, a copy is provided as Appendix 7. The list provides for

(i) location and accessibility;
(ii) structural and architectural minimum requirements;
(iii) occupancy capacity;
(iv) cooking facilities (long-term);
(v) water, sanitation, and hygiene;
(vi) electrical installations and emergency power supplies; and
(vii) safety and protection.

12. The designs for the new multipurpose emergency shelters have been developed to comply with these national requirements.

1. Location and Accessibility.

13. The buildings are located above likely impact from high tide storm surge and above identified flood levels. The main entrance doors will allow for ambulant access and a secondary emergency access is provided.

2. Ability to Withstand Cyclone Risk.

14. As new buildings, the emergency shelters have the structural resilience required for extreme storm conditions and earthquake loads. The buildings will conform to the National Building Code and PVCC requirements pertaining to a multipurpose community centre and have the ability to withstand windspeeds associated with cyclone events. To ensure compliance and wind-firmness in cyclone events, detailed designs will be guided by a suitably qualified structural engineer and will require certification that the final design can withstand earthquake and extreme wind loads.

15. For Cyclone Pam wind strengths of 160 miles per hour (257 km/hr) or 71.4 m/sec were recorded. Elsewhere in the Pacific (Cook Islands wind speeds of up to 280 kph (78 m/sec) were reported to have occurred for cyclones in 2005. The current standard applied to structural design for wind actions in Australia and New Zealand is AS/NZS1170.2. Wind Loads requirements are applied through zoning by risk category over the region. The code defines the ultimate gust wind speed in terms of a return period of 2000 years as 77 m/sec in region C, the tropical cyclone region of Queensland, the Northern Territory and Western Australia, and 99 m/sec in region D, the severe tropical cyclone region of Western Australia. Data from Cyclone Pam in Vanuatu suggests that the risk scenario is at least comparable to region C, meriting use of the standards in AS/NZS 1170.2.

3. Access for People living with Disability

16. All facilities have been designed considering universal access. The main entrance doors allow for ambulant access and a secondary emergency access is provided. Wheelchair access is provided to the ground floor levels and kitchen and toilet facilities with appropriately graded ramps. Doors and openings are of sufficient width to allow easy movement within the buildings to provide for the requirements of people with disabilities. During detailed design, provision has been made for wheelchair access and hand and support rails/bars in the shelters and including toilets.

4. Kitchen Facilities

17. All of the multipurpose emergency shelters include a kitchen area (4 kitchens are provided). The kitchens are designed and equipped for hygienic food preparation, with water tap(s), sinks, and benches. Kitchens will be fitted with cooking appliances (gas stove) and have adequate ventilation to exhaust fumes. Bottled gas will be used with gas cylinders positioned outside in secured weather protected cages.

5. Water, Sanitation, and Amenities

18. Water storage tanks will provide adequate supply for drinking water, cooking, hygiene needs and toilet flushing for the number of occupants that can be accommodated in the shelter during an emergency. Existing toilets in the surrounding area are, in most cases, in a rudimentary condition without adequate privacy or connection to a septic tank and will be replaced. Gender segregated toilets are provided for in the design of the shelters and supplemented by existing community toilet blocks. The appropriate number of toilets has been determined during detailed design.

6. Emergency Lighting

19. A suitable alternate emergency back-up system (generator) is incorporated into the facilities during the detailed designs.

7. Health Clinic and Triage

20. The emergency shelters are located close to existing health clinics and triage facilities are incorporated into each facility during the detailed designs.

8. Ward Office

21. The emergency shelters designs have provision for a suitable area for the ward secretary to operate out of the building under normal conditions.

9. Multipurpose Use

22. The shelters are designed to facilitate multiple uses by the communities, rather than being designed for the sole purpose of an emergency shelter. In addition to shelter space, toilets, kitchens, and ward offices, the designs incorporate the features to facilitate use as markets, meeting areas and centers for events such as workshops, meetings, and ceremonies. The shelters could also become quarantine facilities during community endemics by medical staff who need to be accommodated in isolation, in order to prevent the spread of infection and remain safe.

10. Shuttering and Protection

23. Buildings are fitted with roller shutter windows, timber louvre windows with amplimesh protection to prevent damage to windows and protect occupants.

11. Standardised Design

24. All three shelters are of a standardized design with the same layout, facilities, dimensions etc. The intention is to use these shelters as both built examples and templates for future shelters under the GPVURP and other projects.

12. Common design for the three shelters

25. The three shelters will consist of a new building and built mainly on open space. The building will be 35m long and 20.4m wide with a mezzanine floor and will accommodate 232 people short-term during an emergency. The building will have a reinforced concrete slab floor, reinforced concrete walls and block walls, a galvanized steel structure and a roof cladding of long-run steel sheets.

26. The roof structure will comprise steel fabricated roof trusses, formed steel purlins and long-run iron roof cladding. The roof structure will be sound proofed to deaden the noise of rain and wind under the situation of intense storms.

27. The main access will be equipped with a Porte Cochere[1] and there will be another disabled access with a suitable access ramp and a disabled drop-off area.

28. A Triage room with a private washroom will be located at the main entrance to triage people with injuries and provide first aid treatment. .

29. Segregated toilet, shower and hand washing facilities are provided in the design for women and men (with separate amenities for women and men) with disabled washroom. A multipurpose washroom will also be available on the triage area for gender neutral persons.

30. One laundry area with 6 wash tubs will be built outside the building and easily accessible.

31. There is also adequate space inside the building to accommodate four kitchens for food preparation and cooking and there is a food storage area. The kitchens will be supplied with double sinks and gas stove with an outside gas storage.

32. A large non-food storage area will be available at ground floor as well as the electrical room and the cleaner's room.

33. A performance stage with disabled access will be available at ground floor.

34. Provision of demountable and moveable partitioning will support multi-use of the building. This equipment will also allow to ensure privacy for families or individuals if needed, but also allow to create separate spaces in cases where there may be communicable diseases.

35. Provision is made in the design for a ward office and other offices (3 offices 18 m2 each) on the mezzanine floor with a coffee room.

[1] Also called "carriage entrance": this is the large roof at the main entrance projecting over the access drive to shelter travellers entering or leaving vehicles.

35. Provision is made in the design for a ward office and other offices (3 offices 18 m2 each) on the mezzanine floor with a coffee room.

36. Polyethylene water tanks will be installed in the building – on the mezzanine level, on separated areas. The feed to the tanks will be:

- From the public water supply through a valve at the ground level and at the top level of the tanks. The tanks will be sized to have sufficient water stored on site for three to four days to cover close down of the main supply during extreme circumstances.
- From the shelter gutters (rain water from half of the building on each side) including a collector with screen and a first flush function (to keep the most contaminated rainwater out of the tank).

37. Wastewater will be disposed of through a septic tank and effluent field designed in accordance with the national building code and to cope with standard and peak loadings. The septic tank will be accessible for easy desludging.

38. A generator will provide electrical backup to the whole building. The generator is installed outside, inside a concrete shed with locked door. There is a direct access to the generator from the building.

39. The building will also be equipped with emergency lights.

40. Windows and doors will be cyclone rated and will be equipped with shutters if needed.

41. The outside rainwater will be managed through:

- A drainage structure (infiltration pit with planting) will be installed in front of the building in order to collect any rainwater from the access road and from the inside concrete driveway.
- The road base pavement around the building will have concrete V drains toward two drainage pits.

42. In order to allow the access to the shelter even after a big rainfall event, a drainage system is included in the design:

- In front of the shelter (main access side): the concrete access slab is equipped with a V drain 1,00m wide draining the run-off water toward a big infiltration pit.
- The side of the shelter:
  - is equipped with a V drain 0.60m wide draining the run-off water toward drainage pits.
  - when the surrounding land is not occupied and has a sufficient slope, the road base pavement as a perpendicular slope to drain the rain water outside the construction area.

43. Open drains will be built around the construction site, as required, to collect and drain overland rainwater flows . Particular attention to building levels and drainage will avoid any flooding of the surrounding area because of this new construction.

44. All the structure will be built above local flood levels. The shelters will be accessible in any circumstances.

45. In order to protect the shelter from flooding the following is included in the design:

- The shelter's inside concrete slab is located 0.05m above the outside concrete access platforms for the three accesses: Porte Cochere[1] (main access), Disabled access, and Laundry access. This small step prevents run-off water from entering the building.
- The three access platforms are located above the concrete access ramp/slab and the new Road base pavement around the building: about +0.60m / +0.80m.
- The new access road in front of the building and on the sides is located above the existing Natural Ground Level: about +0.20m / +0.40m
- As a conclusion, the shelter's inside concrete slab are located minimum 0.50m above maximum flood level.

46. A solid waste storage facility will be available outside, in a corner of the site.

47. The common design concept is illustrated in Figures hereafter

[1] Also called "carriage entrance": this is the large roof at the main entrance projecting over the access drive to shelter travellers entering or leaving vehicles.

Figure 2.1: Shelter typical ground floor plan

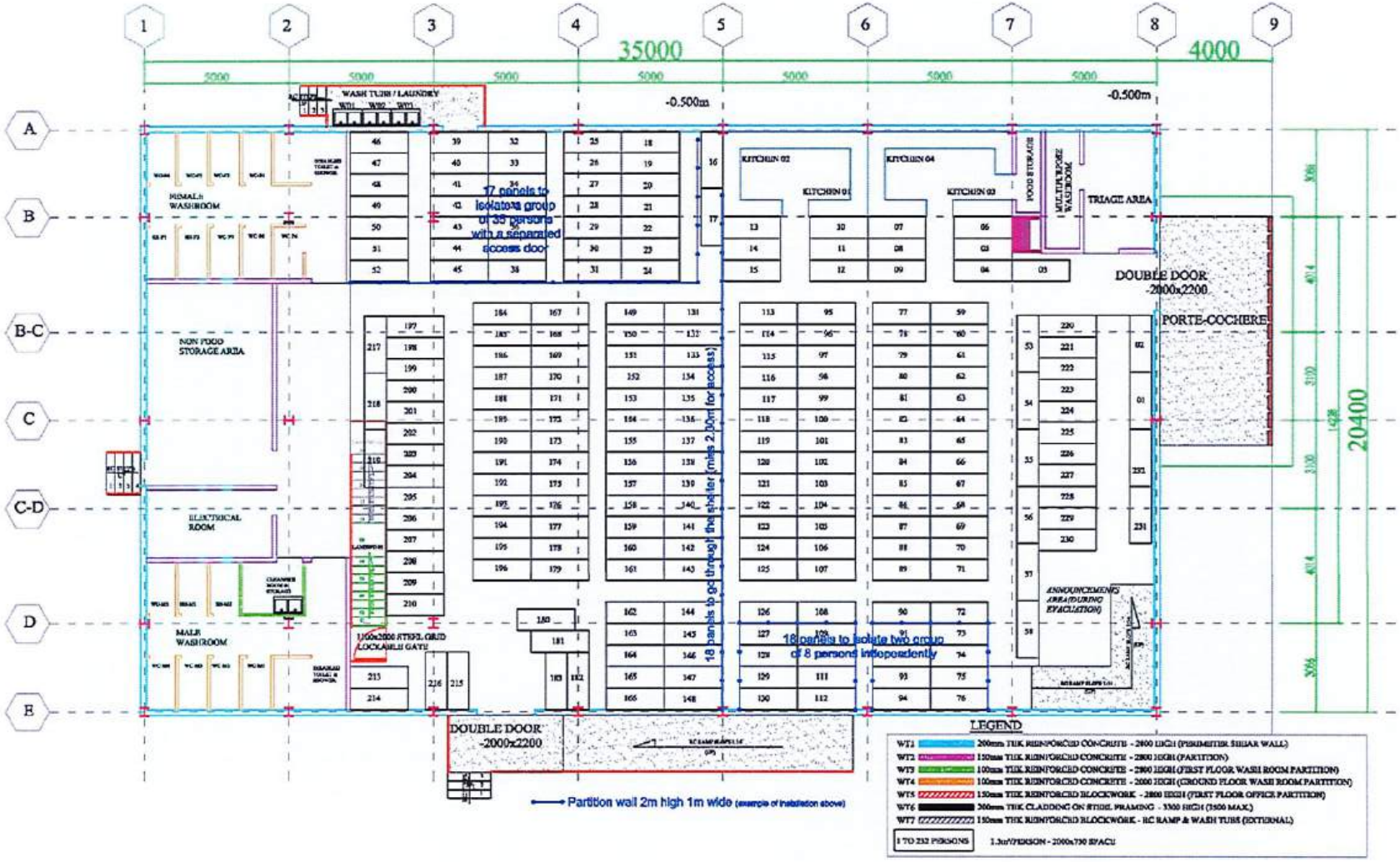


Figure 2.2: Shelter typical mezzanine floor plan

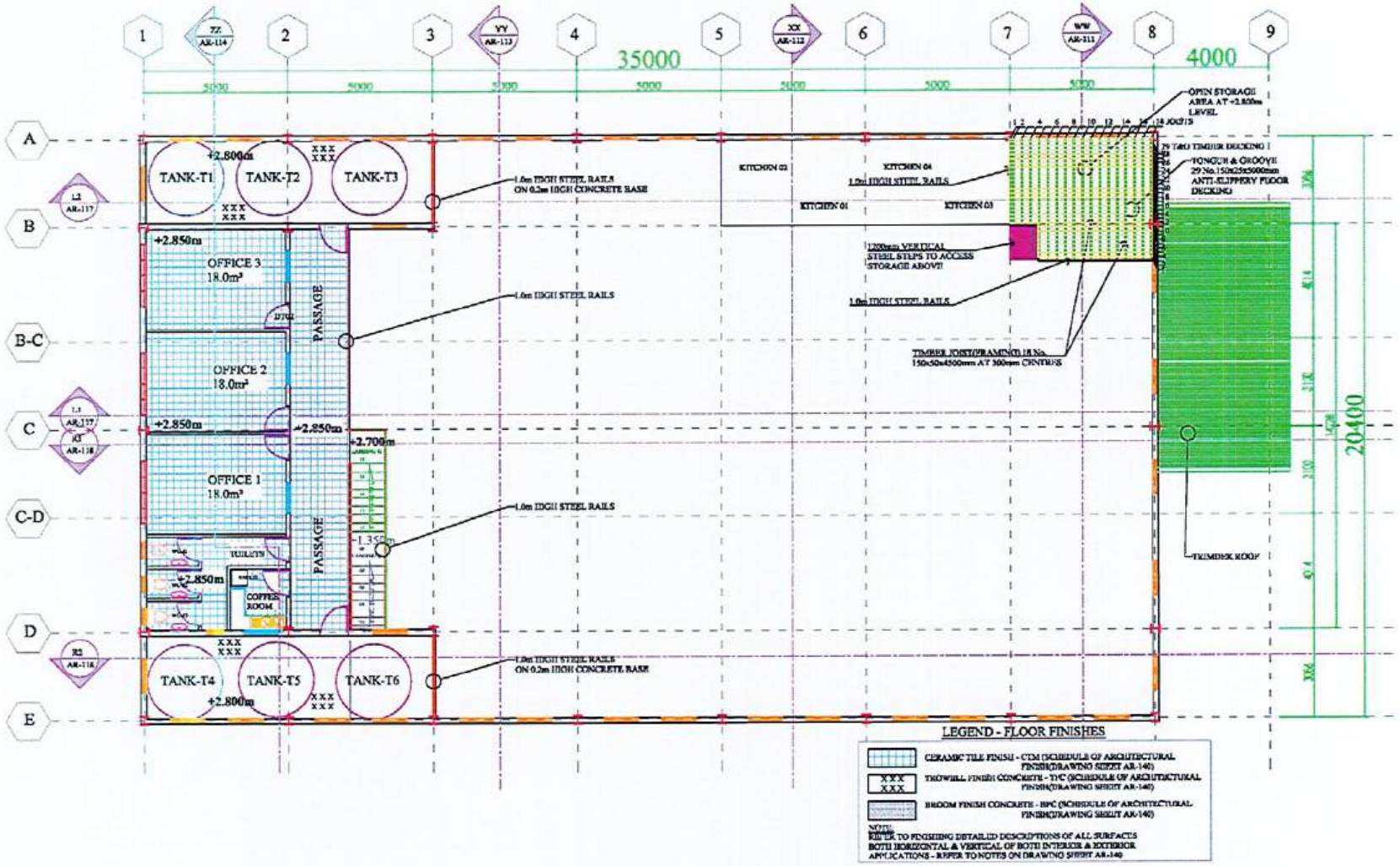
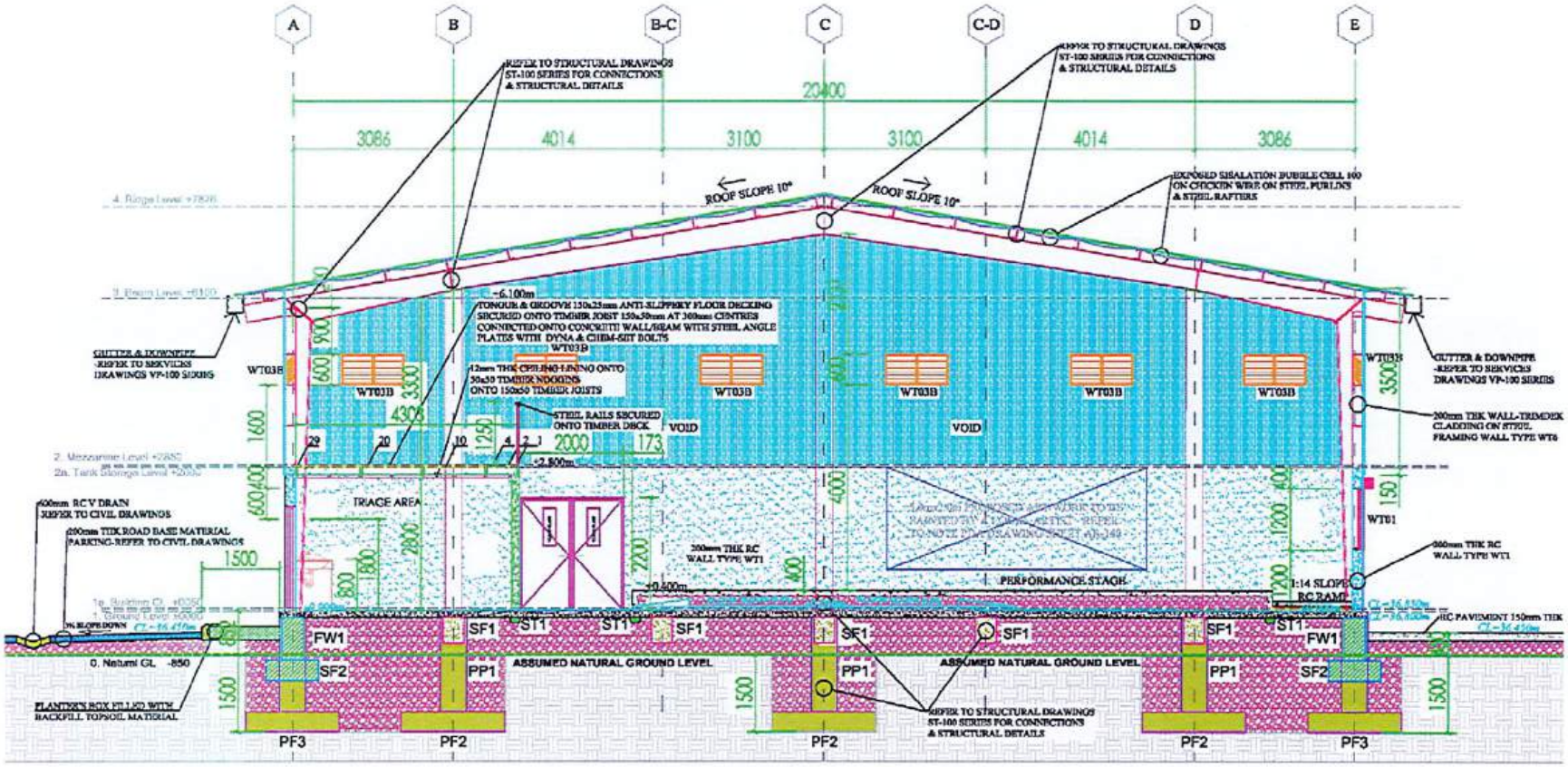


Figure 2.3: Shelter typical cross-section (view of the main entrance door and Triage area room)



NOTES

1a. BUILDING CL	= RC SLAB AT THE CENTER OF THE BUILDING
1. GROUND LEVEL	= RC SLAB AT THE EDGE OF THE BUILDING
0. NATURAL GL	= ASSUMED NATURAL GROUND LEVEL

LEGEND OF FOUNDATION

PF1-2700x2700x400 PAD FOOTING 1-REFER TO ST-101,ST-105	SF1-400x400 STRIP FOOTING 1-REFER TO ST-104,ST106
PF2-2000x2000x400 PAD FOOTING 2-REFER TO ST-101,ST-105	SF2-1000x400 STRIP FOOTING 2-REFER TO ST-104,ST106
PF3-1800x1800x400 PAD FOOTING 3-REFER TO ST-101,ST-105	SF3-400x400 STRIP FOOTING 3-REFER TO ST-104,ST106
PF4-1000x1000x300 PAD FOOTING 4-REFER TO ST-101,ST-105	FW1-400xVARIABLEx1500 FOUNDATION WALL 1-REFER TO ST-103,ST-106
PP1-700x600x1500 PEDESTAL PAD 1-REFER TO ST-102,ST-105	ST1-200x100 SLAB THICKENER 1-REFER TO ST-104,ST-106

Figure 2.4: Shelter typical cross-section (view of the washroom at ground floor level and the offices and tanks at mezzanine level)

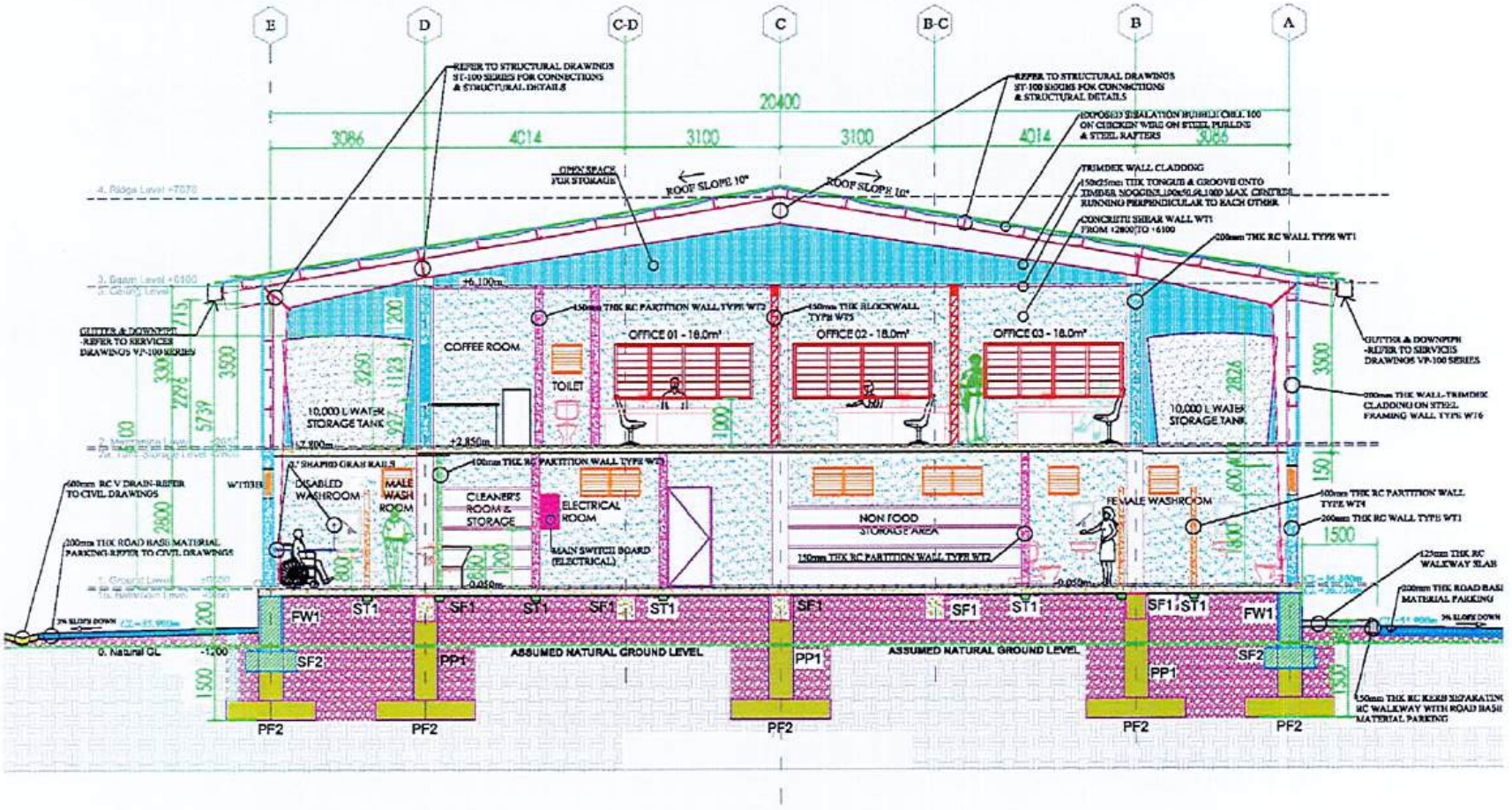


Figure 2.5: Shelter typical longitudinal section

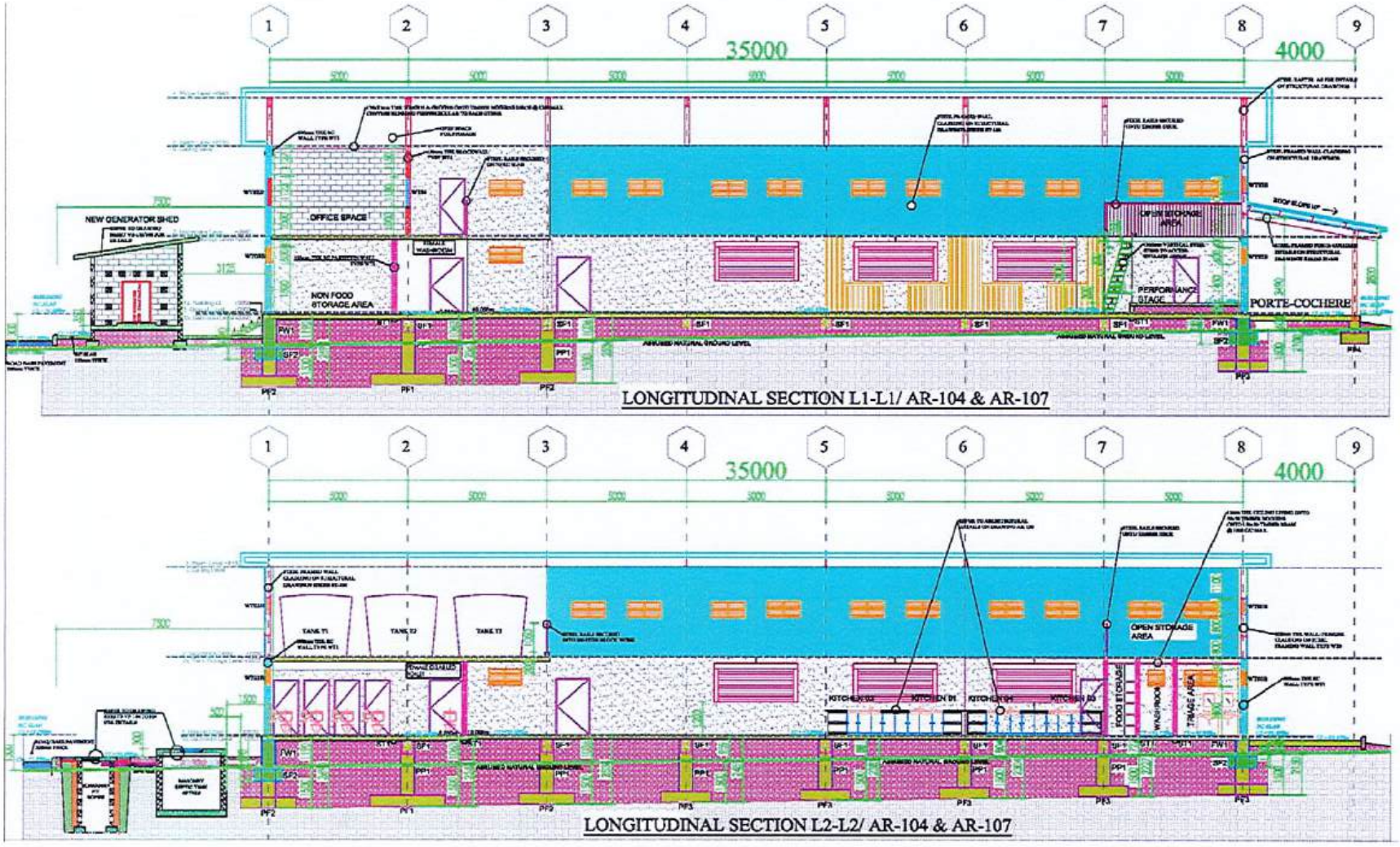


Figure 2.6: Shelter typical water tanks supply sections

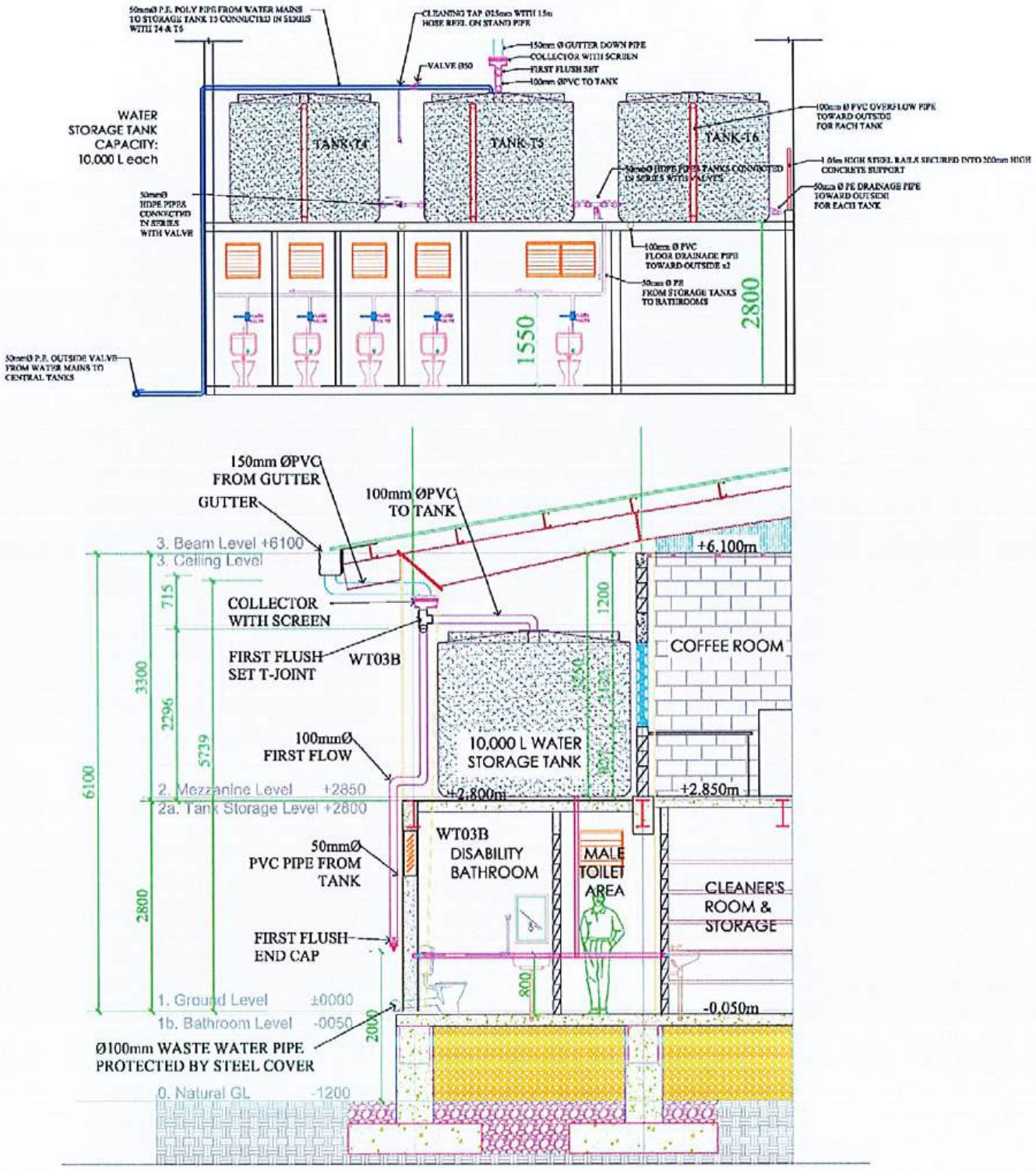


Figure 2.7: Shelter typical kitchen layout and section

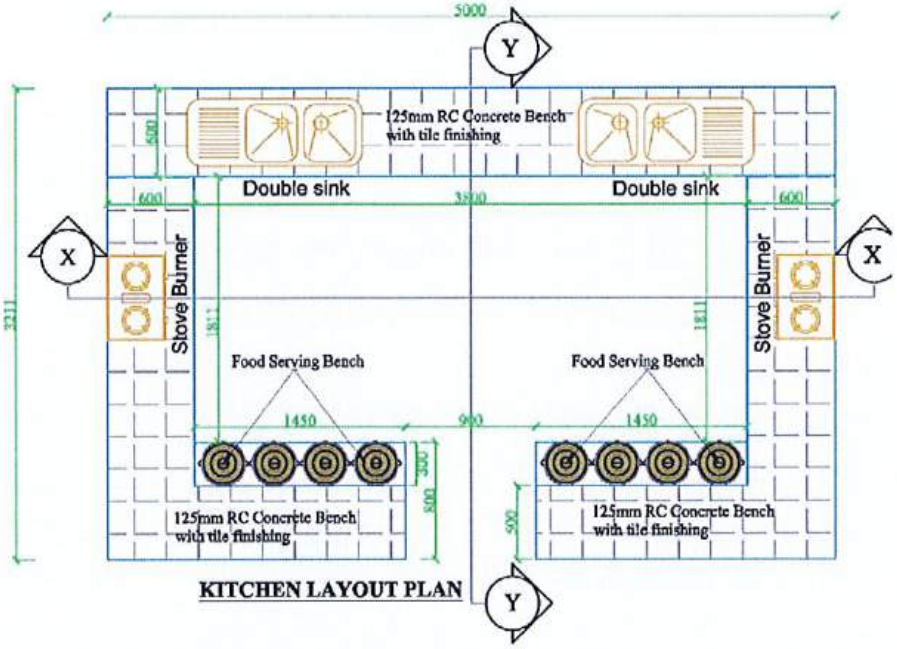
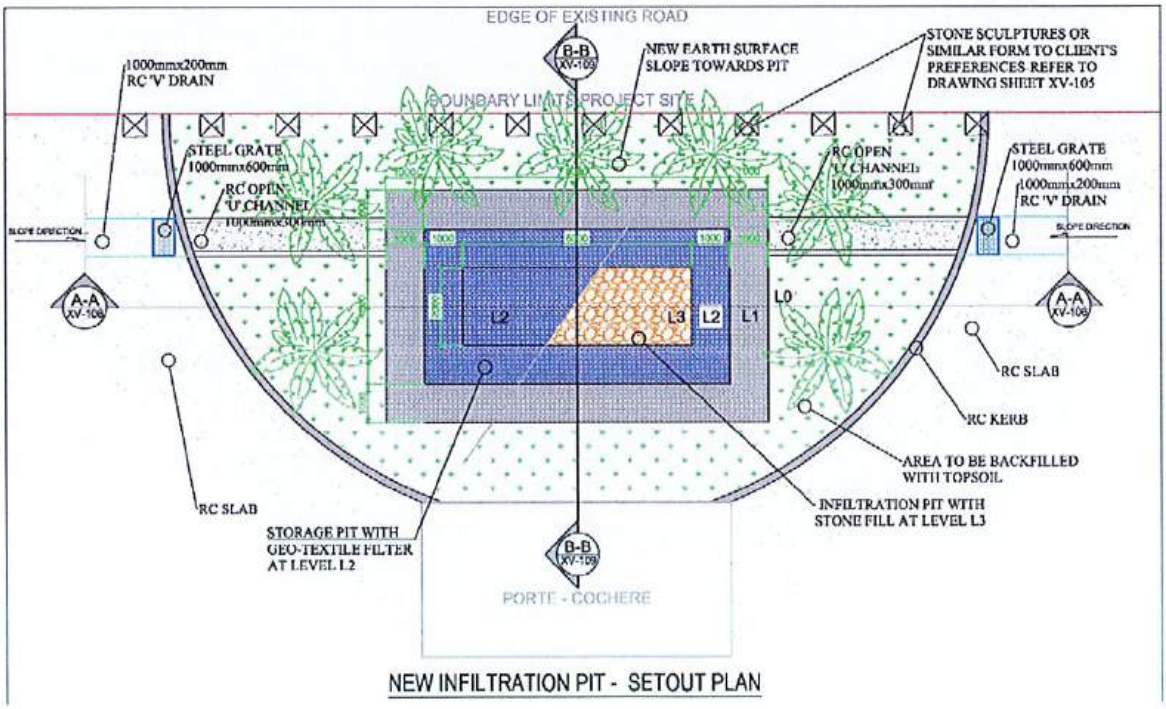


Figure 2.8: Typical Drainage structure plan (infiltration pit) in front of the building



B. Seaside Showground Multipurpose Emergency Shelter

48. The Seaside Showground multipurpose emergency shelter will be situated in Central Ward

49. There is adequate open and undeveloped area to accommodate the proposed multipurpose evacuation centre. There is an adjacent communal toilet constructed under PVUDP that will provide toilet cubicles and washing facilities additional to those being provided for the new building.

50. A new small market stall (food stall) will be constructed to allow for the demolition of an existing small market stall (food stall) that is within the construction area. This work will be completed before beginning the construction of the shelter. The current operators will be supported to move to the newly constructed stall prior to the demolition of the current stall. If economic impacts are ascertained, financial compensation will be paid either using records of sales or minimal wage payments and ongoing costs as agreed with the stall holders.

51. A new basketball court will be built to replace the existing court which will be impact by the new emergency shelter building.

52. The total amount of land needed for the new shelter and associated equipment and facilities (such as the carpark, solid waste storage area, generator, septic tanks, soakaway, landscaping, etc.), is 4,170 m^2. In addition, 1,580 m2 is needed for temporary occupation during the construction phase.

53. The facility layout and setout are illustrated in the following Figures.

Figure 2.9: Seaside Showground - Layout Plan

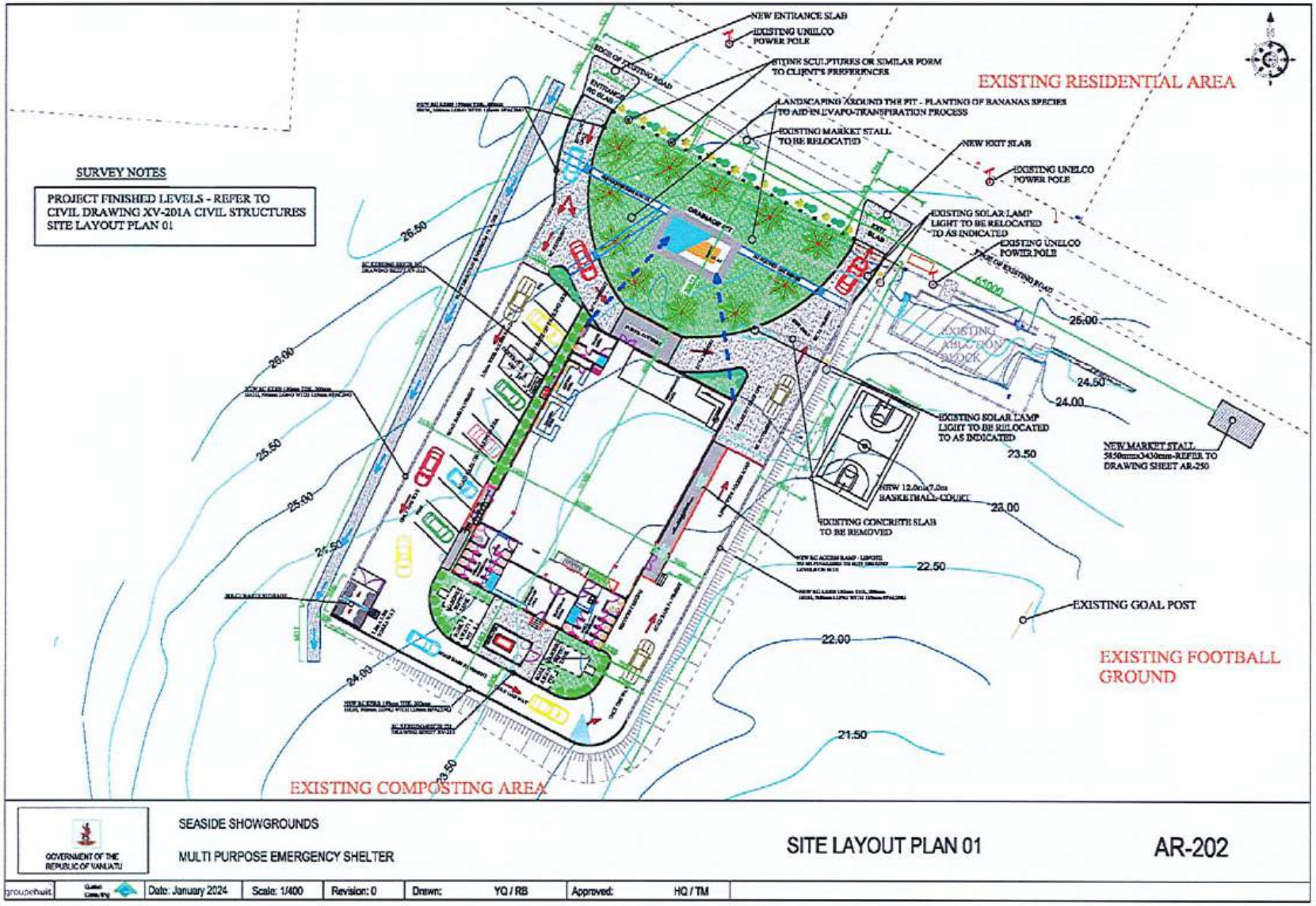


Figure 2.10: Seaside Showground - Site preparation plan showing the existing trees to removed (see also photosin Section C) and the additional temporary working space for the Contractor

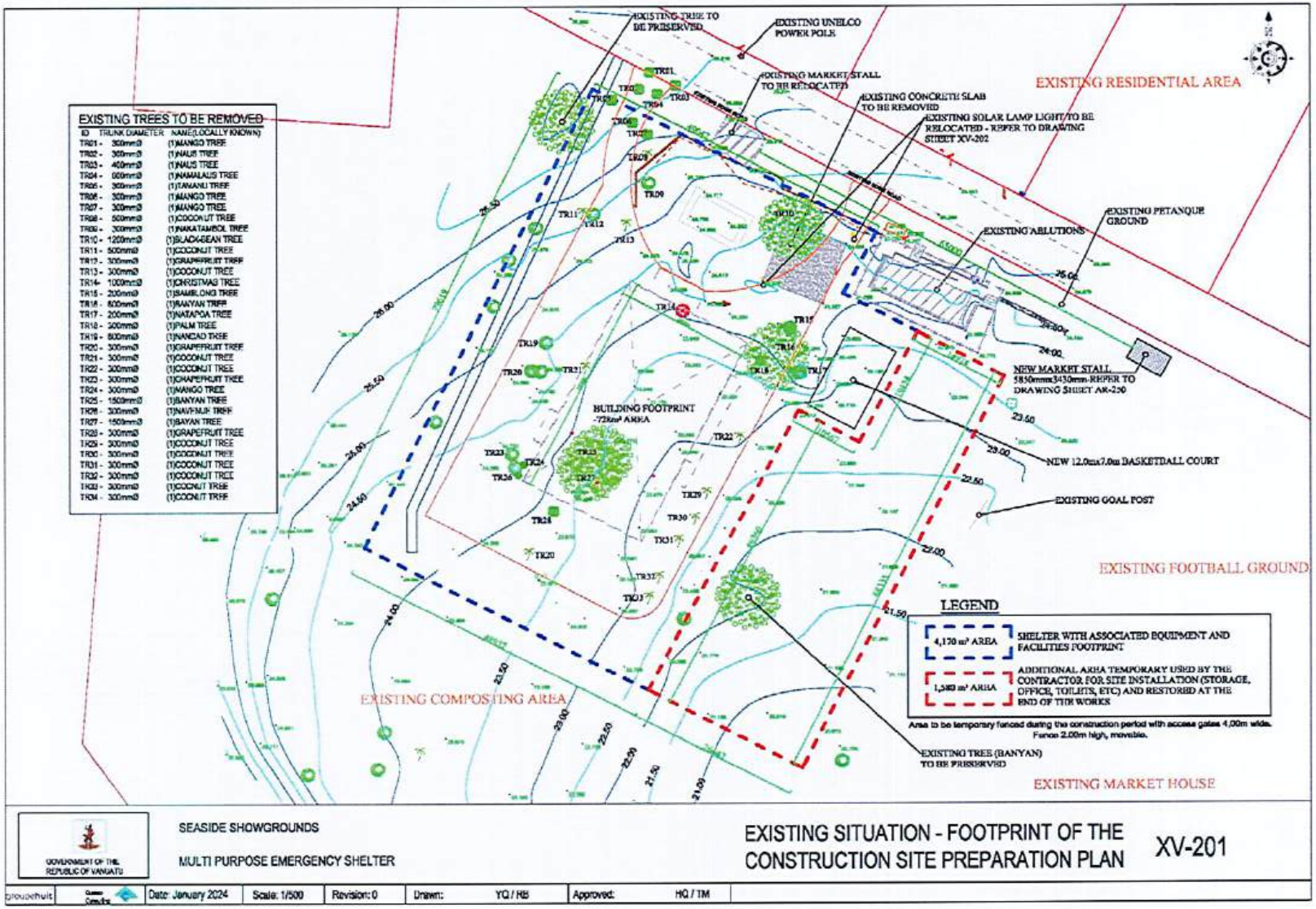
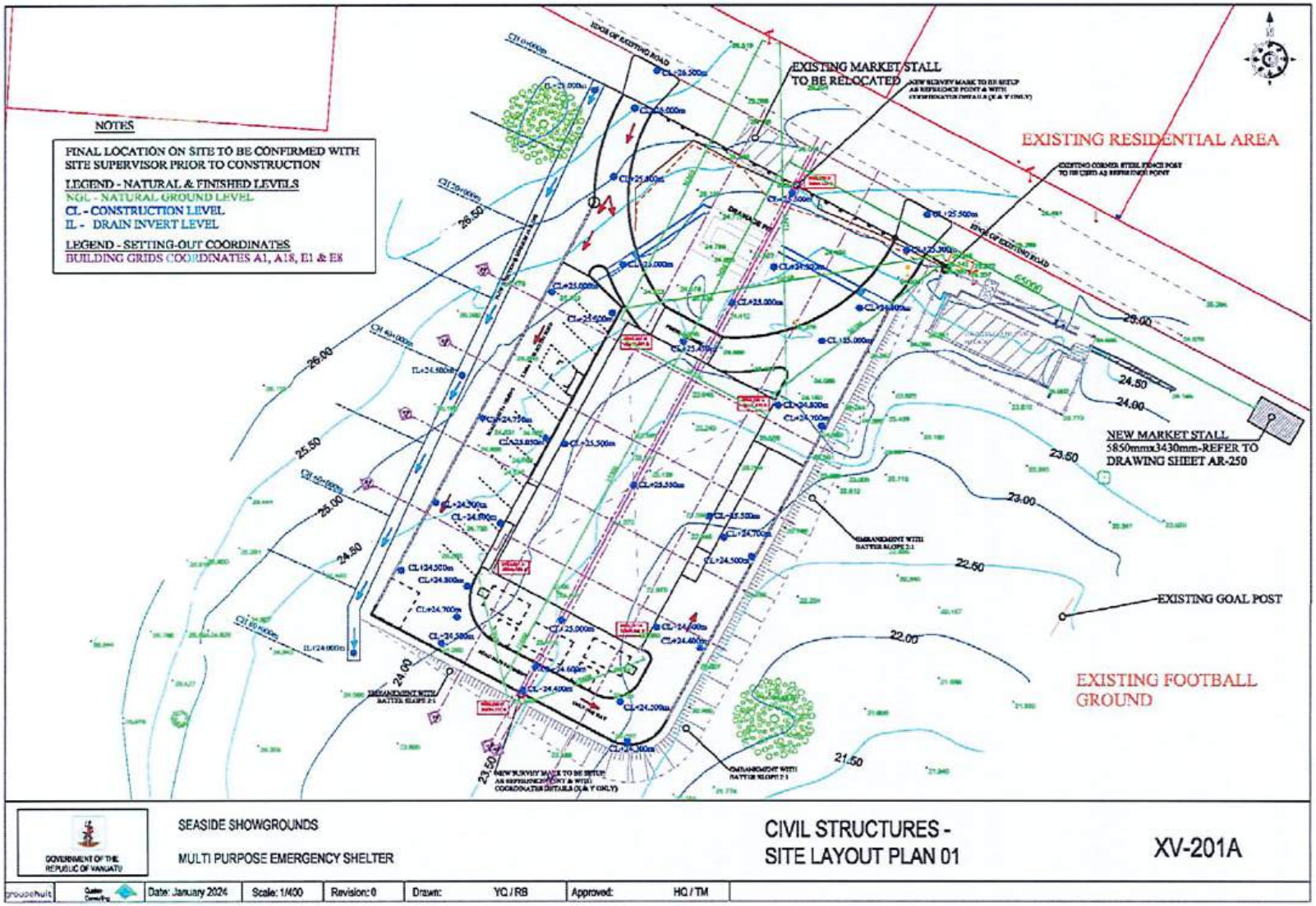


Figure 2.11: Seaside Showground - Civil structure site setout plan showing the main elevation of the construction



C. Freswota Field Multipurpose Emergency Shelter

54. The Freswota Field Multipurpose Emergency Shelter is situated in Freswota-Tassiriki Ward and will be a new building near the new football stadium and will be built mainly on open space.

55. The land is classified as Public Land with land use managed by the Department of Lands. Confirmation that the site can be used as an emergency shelter has been confirmed by the Council of Ministers. A copy of the agreement letter is included in Appendix 5.

56. A new small market stall (food stall) will be constructed to allow for the demolition of an existing small market stall (food stall) that is within the construction area. This work will be completed before beginning the construction of the shelter. The current operators will be supported to move to the newly constructed stall prior to the demolition of the current stall. If economic impacts are ascertained, financial compensation will be paid either using records of sales or minimal wage payments and ongoing costs as agreed with the stall holders

57. The total amount of land needed for the new shelter and associated equipment and facilities (such as the carpark, solid waste storage area, generator, septic tanks, soakaway, landscaping, etc.), is 2,196 m^2. In addition, 847 m2 is needed for temporary occupation during the construction phase.

58. The facility layout and setout are illustrated in Figures hereafter.

Figure 2.12: Freswota Field – Layout plan

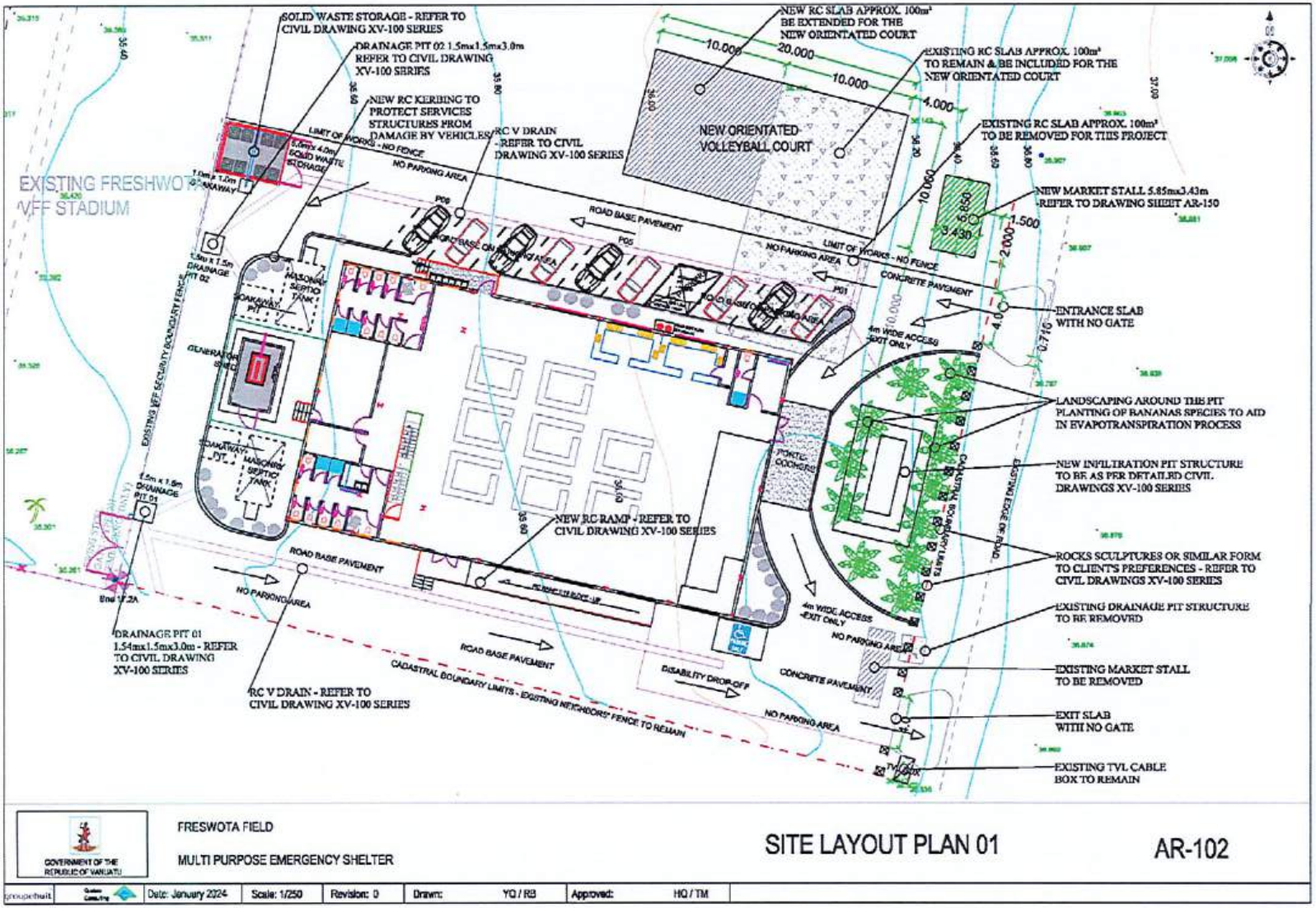


Figure 2.13: Freswota Field – Site preparation plan showing the existing trees to removed (see also photos in Sec tion C) and the additional temporary working space for the Contractor

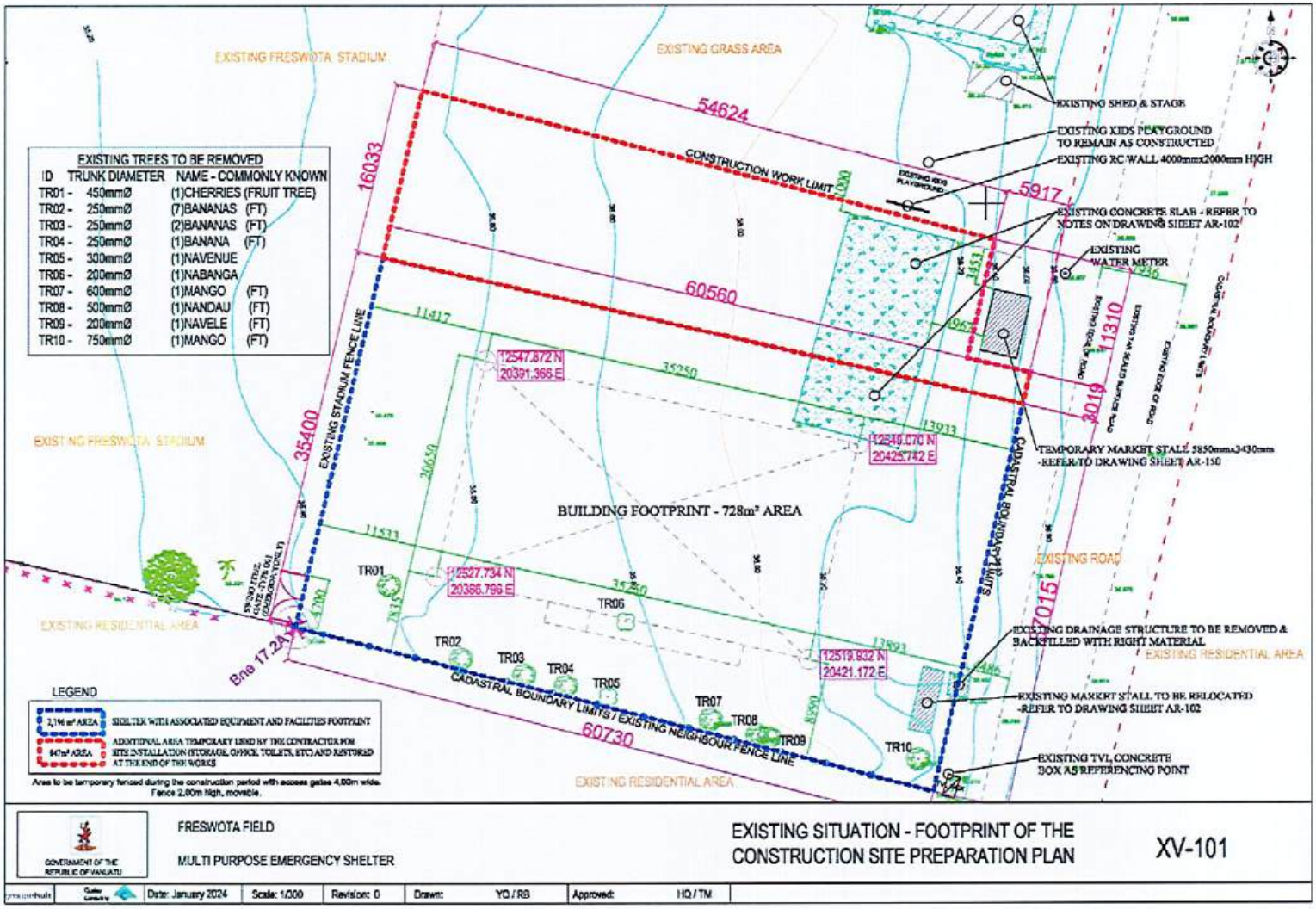
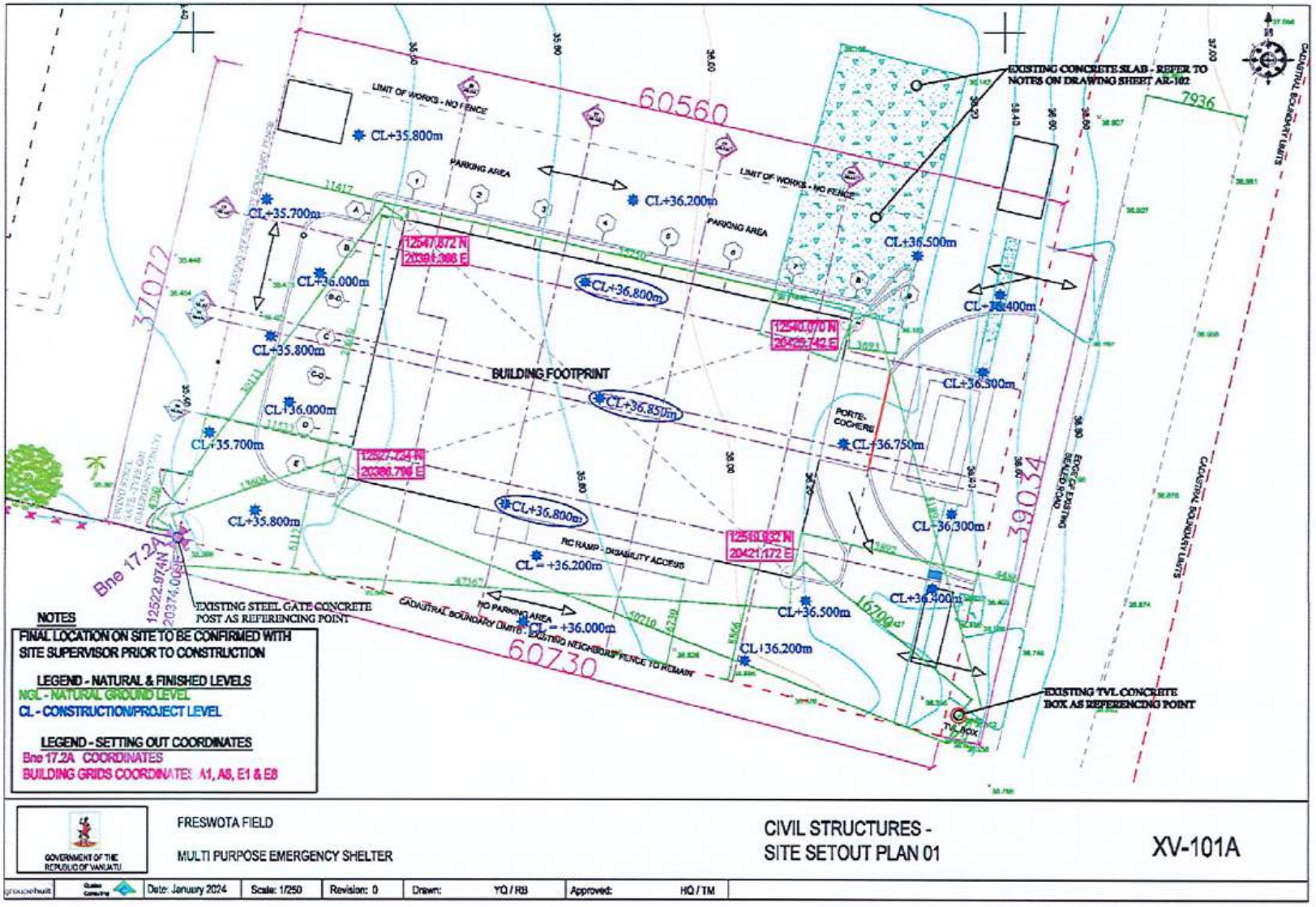


Figure 2.14: Freswota Field – Civil structure site setout plan showing the main elevation of the construction



D. Korman

59. The Korman emergency evacuation centre is situated in Freswota-Tassiriki Ward.

60. The total amount of land needed for the new shelter and associated equipment and facilities (such as the carpark, solid waste storage area, generator, septic tanks, soakaway, landscaping, etc.), is 2,584 m^2. In addition, 655 m2 is needed for temporary occupation during the construction phase.

61. The facility layout and setout are illustrated in Figures hereafter.

Figure 2.15: Korman – Layout plan

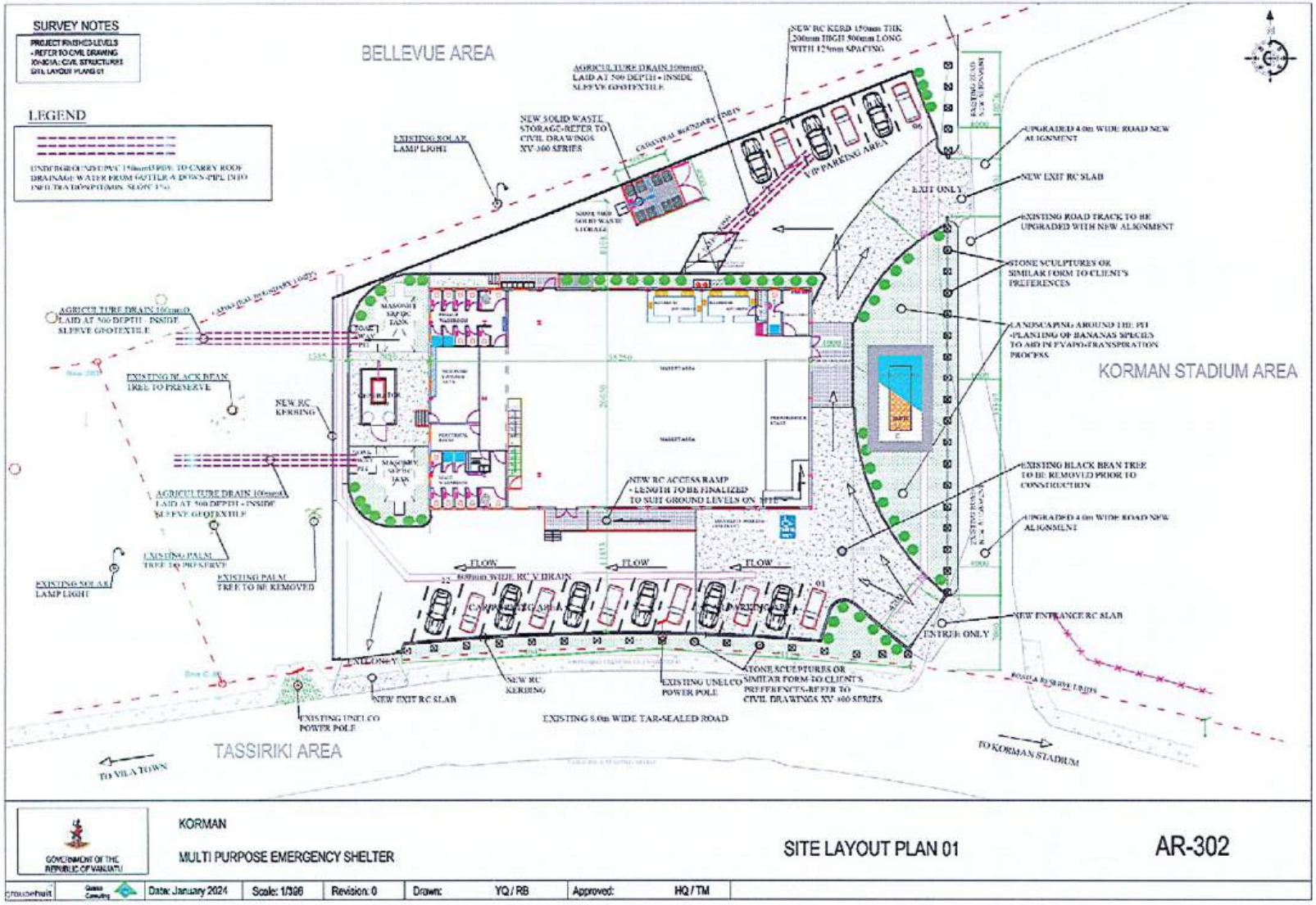


Figure 2.16: Korman – Site preparation plan showing the existing trees to removed (see also photos in Section C) and the additional temporary working space for the Contractor

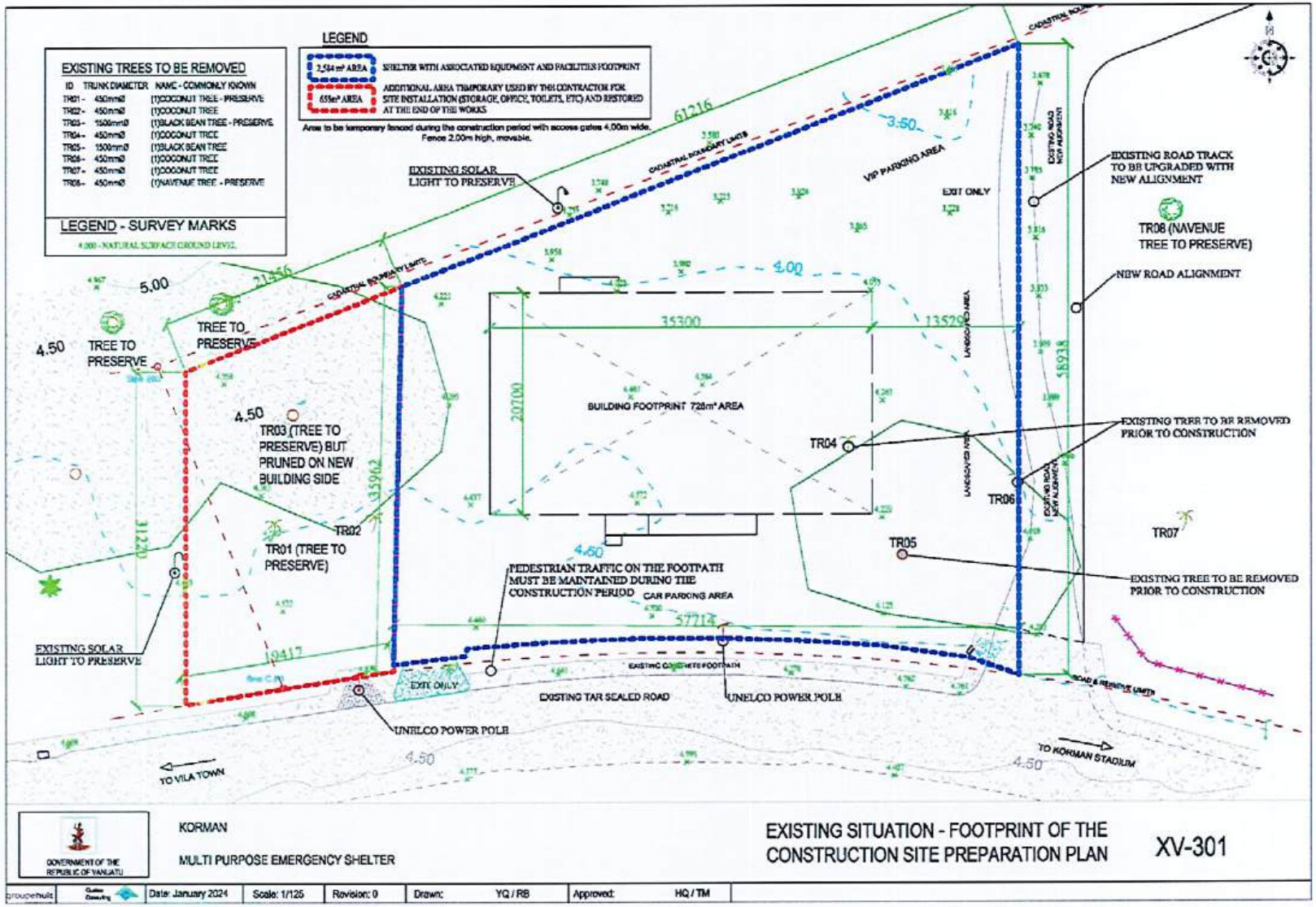
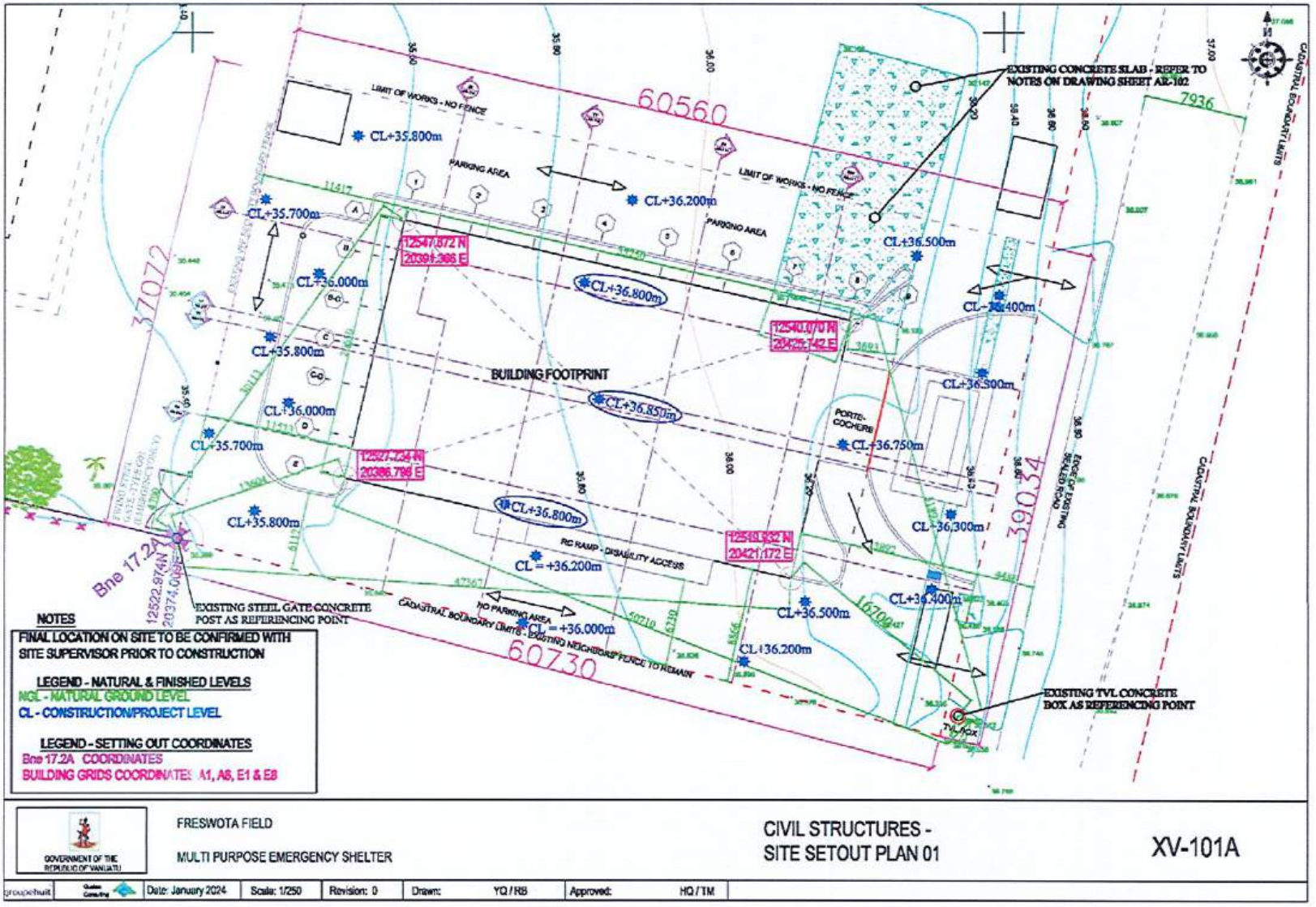


Figure 2.17: Korman – Civil structure site setout plan showing the main elevation of the construction



III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT IMPACTS

62. The construction of the multipurpose emergency shelters will not result in involuntary land acquisition. The new shelters will be located on existing government owned land and in the case of Korman, Municipal lease land held by the PVCC. No permanent physical or economic displacement impacts are expected as a result of the construction of the two shelters.

63. During consultations with the communities, a range of potential locations were discussed and initial choices for locations at Seaside and Freshwater changed as a result of community feedback and due diligence. At Seaside the location of the shelter shifted from the north east to the western side of the site in response to community feedback in 2022 in order to minimise impacts on community activities and the football field. At Freshwater, issues with the lease and adjacent lease as well as flood risk meant that the decision was made confirmed by the Council of Ministers to choose the site at Freshwater Field in preference to the original market site. Consultation with the Freshwater community representatives and leaders in June 2023 endorsed this decision.

64. The decision to build an additional shelter at Korman was made by the PVCC as it is an existing lease held by the council (Land Title 11/OE44/049) and its location on the main island ring road is ideal for providing shelter for those coming in from surrounding areas such as Erakor and Teouma.

65. On 15th December 2022, decision No 010 of the Vanuatu Council of Ministers confirmed the new sites on State Land at Freshwater Field and Seaside Showground, requesting that a request be made to ADB to provide its no objection to these locations. A copy of the decision can be found at Appendix 5.

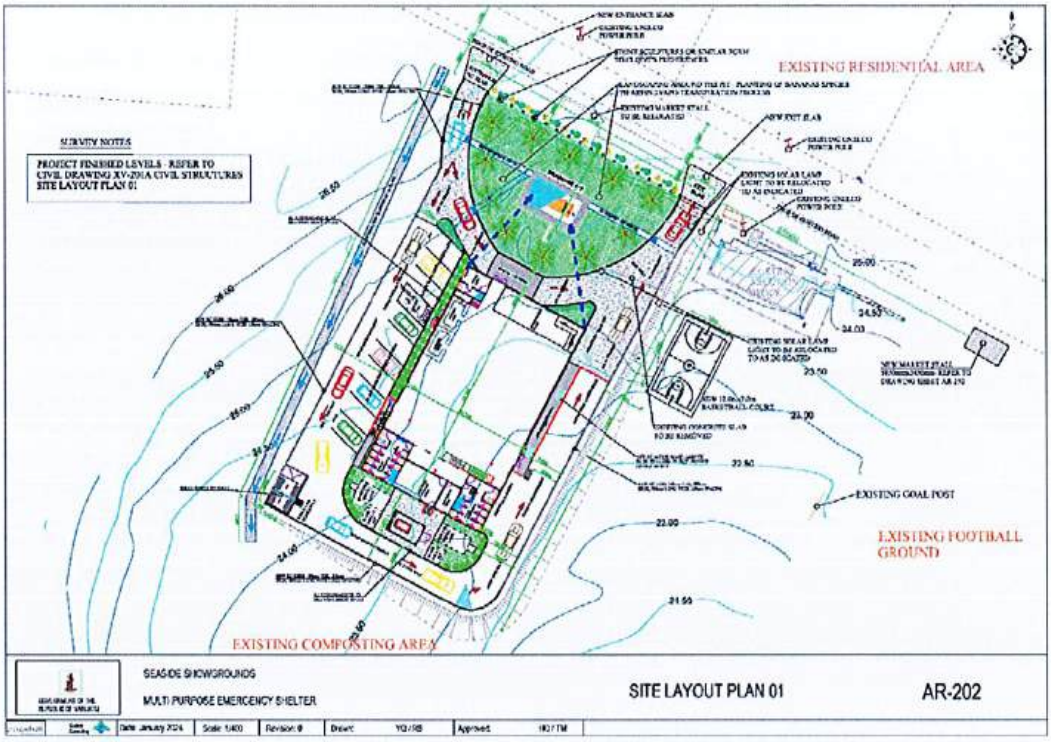
66. Table 1 below summarizes the land ownership and resettlement impacts for the three shelters.

Table 1: Summary of Land Ownership and Resettlement Impacts

	Seaside Showground	Freswota Field	Korman
Amount of land required	4,170 m^2 for the complete facility + 1,580 m^2 temporary occupation during the construction phase	2,196 m^2 for the complete facility + 847 m^2 temporary occupation during the construction phase	2,584 m^2 for the complete facility + 655 m^2 temporary occupation during the construction phase
Ownership of the land	Government (confirmed by DOL)	Government (confirmed by DOL)	Municipal lease 11/OE44/049 (PVCC)
Existing use of the land	Vacant public park	Vacant public park	Vacant public park
Land acquisition requirements	**None** No acquisition required. PVCC will be responsible to operate and maintain the new shelter.	**None** No acquisition required. PVCC will be responsible to operate and maintain the new shelter.	**None** No acquisition required. PVCC will be responsible to operate and maintain the new shelter.
Permanent physical or economic impacts	**None** The existing small concrete basketball court will be replaced by a similar sports court beside the new facility that will be used outside of emergencies. Refer Figure 3.1 An existing small market shelter beside the road will be moved: a new permanent shelter (food stall) will be constructed nearby. Refer Figure 3.1 There are some trees that will be removed. There will be no permanent impacts on livelihoods.	**None** The existing concrete volleyball court will be reoriented beside the new facility. The new concrete court will be used during emergencies as hard stand for storing emergency supplies and equipment. Refer Figure 3.2. An existing small market shelter beside the road will be moved: a new permanent shelter (food stall) will be constructed nearby. Refer Figure 3.2. There are some trees that will be removed. There will be no permanent impacts on livelihoods.	**None** There are some trees that will be removed. There will be no permanent impacts on livelihoods.
Temporary physical Economic impacts	**None** The construction activities will be within the site and there will be no or minimal temporary impacts on privately owned assets or livelihoods.	**None** The construction activities will be within the site and there will be no or minimal temporary impacts on privately owned assets or livelihoods.	**None** The construction activities will be within the site and there will be no temporary impacts on privately owned assets or livelihoods.

DOL = Department of Lands (within the Ministry of Lands and Natural Resources); PVCC = Port Vila City Council.

Figure 3.1:Seaside site layout plan showing replacement of the existing basketball court and the replacement of the existing small market stall (food stall):



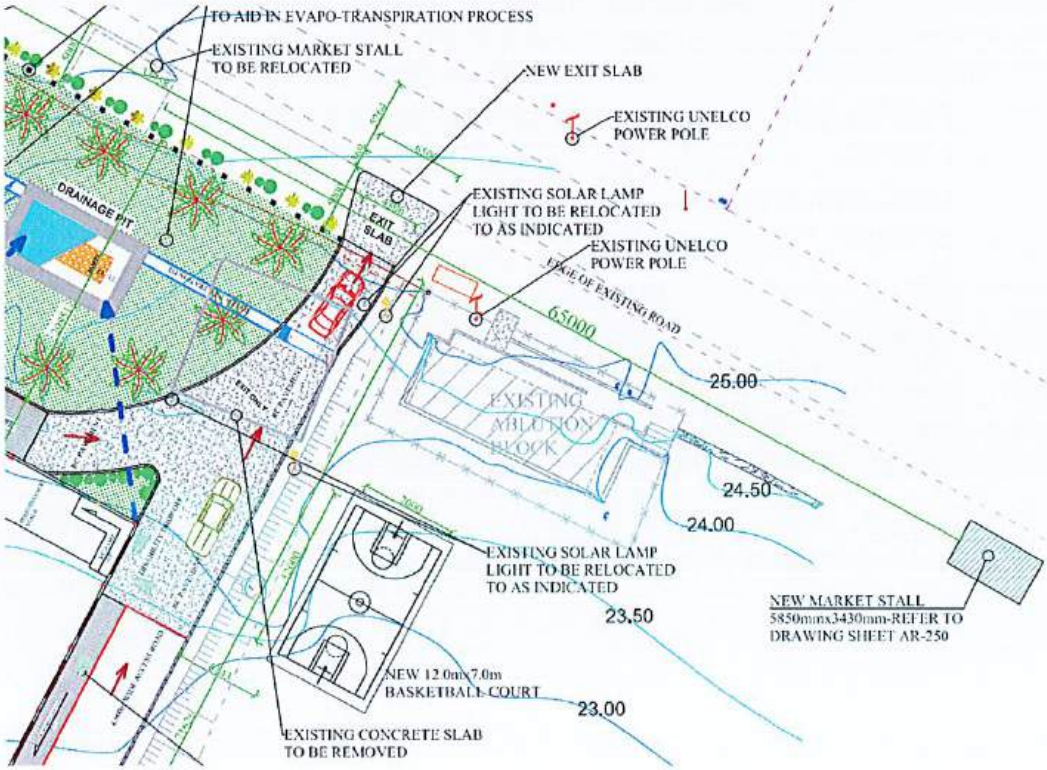
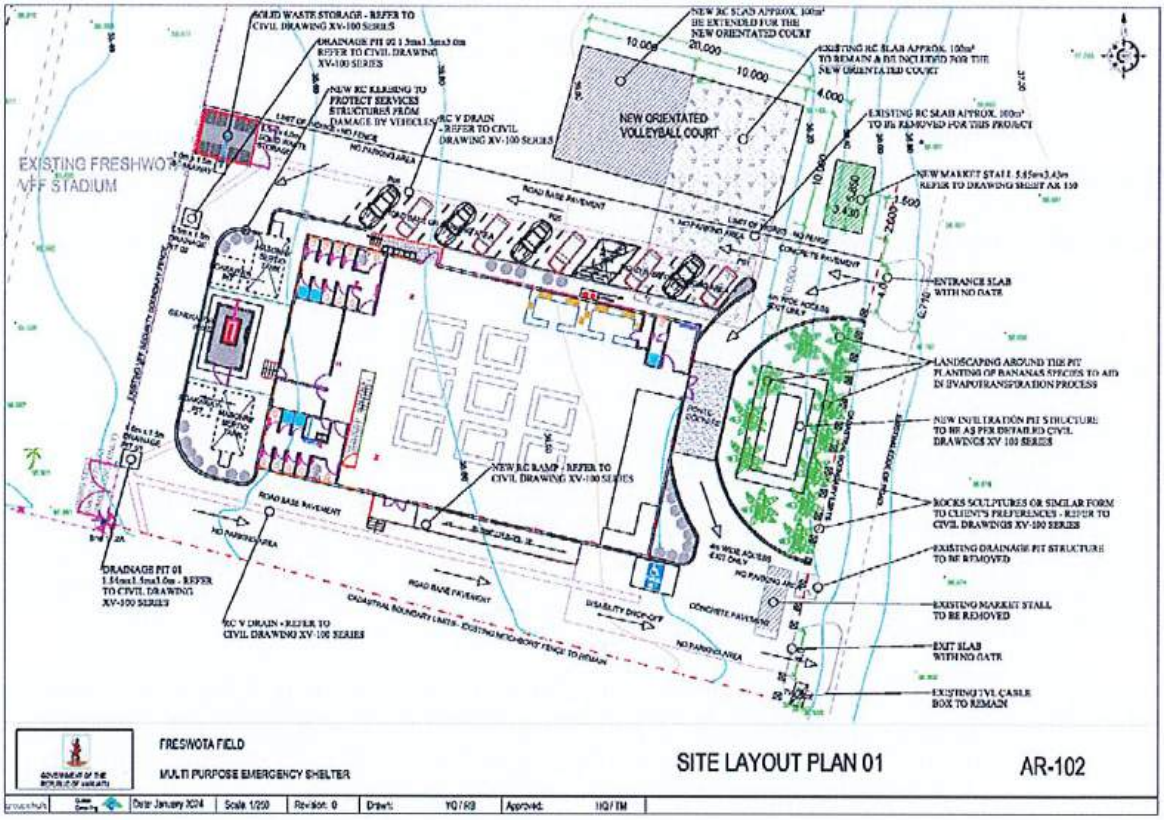
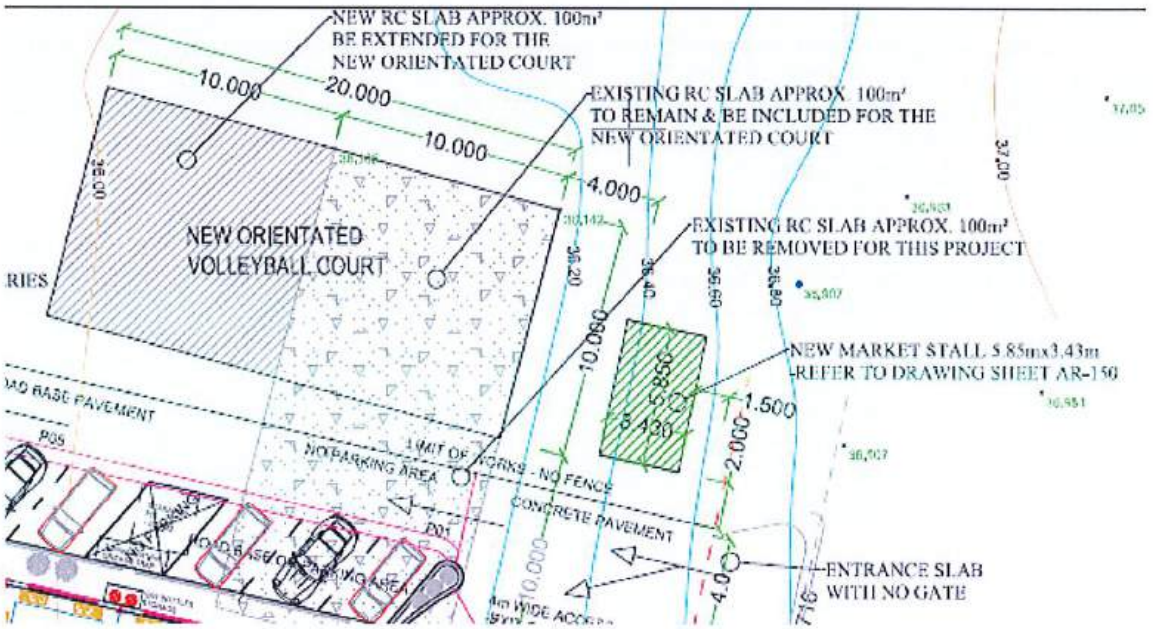


Figure 3.2: Freshwater site layout plan showing reorientated volleyball court and the replacement of the existing small market stall (food stall):





IV. SCOPE OF IMPACTS ON INDIGENOUS PEOPLES

67. Due diligence conducted with the communities has found that the proposed subprojects will not impact any distinct and vulnerable group of indigenous peoples as defined under ADB's SPS. The assessment confirms that there are no ethnic minority groups within the two wards that meet the definition of being distinct and vulnerable.

68. The population in the two wards are almost entirely ni-Vanuatu. The ni-Vanuatu are considered to be the indigenous population in Vanuatu and are recognized in the legislation. There are people of other ethnicities living in Port Vila, including the two wards, but these people make up less than 2.5% of the population.

A. Background

69. The indigenous population in Vanuatu, called ni-Vanuatu, is predominately Melanesian (99.2%).3 Other smaller ethnic groups include Wallisians, Futunans, i-Kiribati, Chinese, European and Vietnamese. The legislation in Vanuatu recognizes all ni-Vanuatu as indigenous peoples. In the project area of Port Vila, the population is similarly mostly ni-Vanuatu people from the six provinces, with some expatriates (Chinese, Vietnamese, and Europeans) and mixed descendants. The 2016 Census indicates 97.5% of Port Vila's population is Melanesian (97.5% male; 97.5% female), and 2.5% (1,267 people) are non-Melanesian.

70. Across Vanuatu, an estimated 98% of land is owned by indigenous ni-Vanuatu, in accordance with the rules of custom (kastom) and as set out in the Constitution. Only indigenous citizens who have acquired their land in accordance with the recognized system of customary land tenure can have perpetual ownership of their land. The land-owning unit is usually a family or a clan.[4]

71. Vanuatu has a representative parliamentary system where the President is the head of the Republic and the Prime Minister is the head of government. The constitution also provides for a National Council of Chiefs (Malvatumauri), composed of 22 elected kastom chiefs, who advise the government on matters relating to custom and tradition. Provincial authorities are responsible for local government functions.

72. There are more than 100 local Melanesian languages and dialects spoken in Vanuatu. Bislama, an English-based Melanesian pidgin, is the national language, and is one of the three official languages along with English and French. Bislama is spoken widely today as a bridge between different village dialects.

73. Historically, Vanuatu was colonized by both the British and the French in the 18th century. Vanuatu gained independence in 1980. During the colonial administration, systems for land registration were developed and a court established. At the time customary tenure was not recognized and land rights became a catalyst in the independence movement. Following

[3] VNSO 2017. Vanuatu 2016 Post TC Pam Mini-Census Report.
[4] Despite the Constitution and land laws, it has been challenging to enact land rights due to the variety of customary systems and beliefs concerning land use and ownership, absence of records, varying inheritance practices and other issues.

independence, the new Constitution returned land to custom owners. Since this time, ni-Vanuatu gained the rights to land, territories and other productive resources, and have not been restricted in their ability to participate and benefit from development.

74. For most ni-Vanuatu, 'absolute poverty' such as hunger and destitution is not seen as existing. Poverty is defined as a state of "having nothing", "being hopeless", and "struggling for survival".[5] Hardship, however, is widely perceived to exist, characterized primarily by lack of and/or limited access to basic services such as education, health, good roads, and safe water supply. Limited income sources and unemployment are the most cited hardships in the urban areas. Even though poverty incidence has declined slightly between 2006 and 2010, the data shows that the proportion of people and households living below the basic needs poverty is much higher in Port Vila than rural areas. Other research shows that women have better access to resources and social/family support networks in rural areas compared to urban areas of the country, particularly single mothers, and female heads of households, widows and elderly women, and the unemployed poor and people with disabilities.6 Overall, however, social divisions are more pronounced between urban and rural areas and between educated and uneducated people than between different ethnic groups.

75. Based on ADB SPS (paragraph 6, p. 56), the term "Indigenous Peoples" refers to a distinct, vulnerable, social, and cultural group possessing the following four characteristics in varying degrees:

(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 to 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.

B. Distinctiveness

76. **Self-identification.** The ni-Vanuatu people in Port Vila share comparable customs and tradition with the mainstream ni-Vanuatu society. Although ni-Vanuatu people living in Port Vila may self-identify as belonging to distinct clans, they also refer to their ethnic identity as being part of the mainstream Indigenous Peoples of Vanuatu.

77. **Collective attachment.** Clans typically have collective attachment to specific territories, which are communally owned, and there is custom owned land in Port Vila.

78. **Separate institutions.** The ni-Vanuatu Melanesian people in Port Vila participate and are equally recognized in the mainstream cultural, economic, social and political institutions in the country. Clans may have differing customary institutions, however, nominated kastom chiefs are recognized at the local and national levels (Malvatumauri), and despite the differing kastom beliefs and practices among clans, kastom retains respect and authority in the country.

[5] ADB 2003. Priorities of the People, Hardship in Vanuatu. Asian Development Bank: Manila
[6] UNDP, 2013. Vanuatu Hardship and Poverty Report – Analysis of the 2010 Household Income and Expenditure Report

79. **Distinct language.** Clans may have distinct dialects or languages, however, these coexist in Port Vila with Bislama, which is the most commonly used language in the capital (as well as French and English).

C. Vulnerability

80. To trigger the ADB safeguard policies on Indigenous People in the context of ADB-supported projects, an Indigenous people's group or community also needs to be deemed vulnerable. Vulnerability in the context of an indigenous community means a group who might suffer disproportionately or face the risk of being marginalized from the effects of a development project. As opposed to the mainstream groups, vulnerability is present when an indigenous people's group is typically socially excluded, frequently disadvantaged by discriminatory practices, and limited in their capacity to access or take advantage of development opportunities because of their social characteristics. As explained above, the mainstream or 'dominant' group in Vanuatu is indeed the Indigenous Peoples, ni-Vanuatu. Regardless of clan membership, all ni-Vanuatu in Port Vila have the same equal rights. There are no clans or Indigenous Peoples communities of Vanuatu living in Port Vila who are socially excluded and discriminated against. Customs and traditions play an important role in Vanuatu society, including in urban areas. Child rearing, health, education and governance practices are well established, and as a result, subprojects are unlikely to directly or indirectly affect ni-Vanuatu traditional socio-cultural and belief practices. People of all ethnicities within the sub-project areas will receive the full benefits of the project.

D. Conclusion

81. According to ADB's policy context, sociocultural groups need to be both distinct and vulnerable to trigger the application of safeguards requirements for "Indigenous Peoples" in the SPS for ADB-financed projects. Based on the explanation above, while the ni-Vanuatu Melanesian clans in Port Vila may have distinct characteristics that are different to other ni-Vanuatu clans, their institutions are not separate from mainstream society. In terms of the ADB requirement that vulnerability be considered, ni-Vanuatu clans in Port Vila are not vulnerable or particularly disadvantaged by virtue of their ethnicity. The impact of the project and all of its subprojects will be mainly positive, benefiting people of all ethnicities without posing disproportionate risks for any particular group of people.

82. The two requirements to trigger the Indigenous Peoples safeguards—namely, distinctiveness and vulnerability of sociocultural groups in the project area—do not apply, and the project has been categorized as Category C for Indigenous Peoples, as per the SPS (i.e. Indigenous Peoples safeguards are not triggered). There will be no impacts on the dignity of people of any ethnic group, and as a result, no special action is needed to protect beneficiaries' interests in regard to their status as Indigenous Peoples.

83. Although the people living in the two wards may self-identify as belonging to distinct clans, they similarly refer to their ethnic identity as being a part of the mainstream indigenous peoples of Vanuatu. The ni-Vanuatu people living in the two wards participate in the mainstream cultural, economic, social, and political institutions in the country. Nominated chiefs are recognized at the local and national levels, and despite the differing beliefs and practices among clans in the country, customary practices and beliefs are recognized in the legislature and are respected. The construction of the two multipurpose emergency shelters is not expected to directly or indirectly affect any of the clans traditional socio-cultural and belief practices. There are no ni-Vanuatu clans living in the two wards who are socially excluded and discriminated against, and all have equal rights.

V. SOCIOECONOMIC PROFILE

84. There are five urban wards within PVCC. They are Malapoa/Tagabe Ward, Anabrou/Melcoffee Ward, Freswota-Tassiriki Ward, Centre Ward, and South Ward. In 2016, the urban population within PVCC is estimated at 41,326 in 2019. At an annual growth rate of 2.2%, the 2019 population for the urban wards within PVCC is estimated at over 41,000. A breakdown of 2016 population by ward is shown in Table 2.

85. Central Ward encompasses Port Vila's central business district (CBD), including the waterfront and Central Market, the Vila Central Hospital, National Parliament, PVCC Headquarters, and a number of schools. The area covers the CBD coastal strip, low lying areas adjoining Erakor Lagoon, and steep elevated areas. The ward also features Port Vila's most densely populated informal settlements including Seaside Futuna, Seaside Tongoa, Seaside Paama, some of which are administered under formal lease arrangements. The Seaside Showground Multipurpose Emergency Shelter is to be located in Centre Ward, and will serve the people of the Central Ward, which has a population of 9,892.

86. Freswota-Tassiriki Ward has varied topography as high as 100m and as low as 10m above sea level where the ward abuts Erakor Lagoon. The ward includes residential areas and agricultural areas, as well as the University of the South Pacific (USP) Vanuatu Campus and the national athletics stadium at Korman. The Freswota Market Multipurpose Emergency Shelter will serve the population of the Freswota Tassiriki ward, estimated at 9,892 people.[7]

Table 2: Port Vila Population Data (2016 and 2019)

Ward Name	Male	Female	Total Population (2016)	Number of Households (2016)	Total Population (2019)
Malapoa-Tagabe	7,003	6,764	13,767	2,918	14,696
Anabrou-Melcoffee	3,138	3,121	6,259	1,429	6,681
Fresh Wota-Tassiriki	4,701	4,566	9,267	1,976	9,892
Centre	2,873	2,662	5,535	1,090	5,908
South	2,034	1,852	3,886	905	4,148
Total Port Vila municipal area	**19,749**	**18,965**	**38,714**	**8,318**	**41,326**
Rural	6,413	6,310	12,723	2,647	13,741
Total Port Vila Area Council	**26,162**	**25,275**	**51,437**	**10,965**	**55,067**

Source: 2016 data provided by National Statistics office based on enumeration areas within Port Vila urban wards.
Notes: Annual growth rates of 2.2% for urban wards and 2.6% for rural areas (as advised by VNSO) have been applied to obtain 2020 population estimates.

87. The communities include a significant portion of poor families, approximately 13% of Port Vila households were below the basic needs poverty line (BNPL) in 2010.[8] The majority have access to clean water but less than half have access to improved sanitation. For sanitation, only around 45% have access to improved sanitation (pour flush to septic tanks and pit latrines with slabs), and some 80% have access to handwashing facilities.

[7] 2016 data provided by National Statistics office based on enumeration areas within Port Vila urban wards.
[8] UNDP 2013. Vanuatu Hardship and Poverty Report – Analysis of the 2010 Household Income and Expenditure Report.

88. Information on the incidence of disease is sparse, but it is known that conditions associated with limited sanitation infrastructure, such as diarrhea and skin diseases, are prevalent. Respiratory infections, diarrheal disease and neonatal conditions account for most childhood illnesses and under-five deaths.[9] The prevalence of stunting in under five-year olds is 28.5%.[10] Malaria is a major public health issue in the country, with an incidence rate of 14.7/1,000 people [11] Other communicable disease concerns include tuberculosis, sexually transmitted infections, acute respiratory tract infections including pneumonia, diarrheal diseases, viral hepatitis, typhoid fever and measles. Major non communicable diseases include diabetes, heart disease and stroke. Women over 20 years of age have higher levels of obesity (36.8%) than men (22.9%) while more men (43%) use tobacco than women (8%).[12] People are living longer, but often with the burden of chronic illness and disability. Gender based violence is a recurrent problem, with 60% of women reporting experience of sexual and physical violence.

89. The 2016 mini census shows that 81% of Port Vila City Council households used mains electricity as their main source of lighting. The quality of electricity is reported by local residents as good. Mobile phones are now ubiquitous throughout Vanuatu with 95% of households in Port Vila owning a mobile phone. The communities have access to at least primary education, which is free.

90. Vanuatu is yet to record a case of COVID-19.[13] According to a recent assessment,[14] Vanuatu has put in place strong preventative measures to limit potential transmission of COVID-19. These include closing of borders with international and domestic travel bans. On 26 March 2020, the President of Vanuatu signed a declaration for a State of Emergency over the whole of Vanuatu for a 2-week period, to strengthen COVID-19 prevention and containment measures. The Ministry of Health has produced awareness materials on hand washing, sanitation, and physical distancing. Community awareness activities have reached 11,755 people in five wards in Port Vila as of the 8 April 2020.

[9] WHO. Country Cooperation Strategy at a glance – Vanuatu. May 2018.
[10] VNSO (Vanuatu National Statistics Office) and SPC (Secretariat of the Pacific Community). 2014. Vanuatu Demographic and Health Survey, 2013.
[11] UNDP, 2018, Human Development Indices and Indicators: 2018 Statistical Update – Vanuatu.
[12] WHO, 2015, Vanuatu: WHO Statistical Profile.
[13] WHO COVID Stats, 21/6/2020. https://covid19.who.int/region/wpro/country/vu
[14] Williams, M, and Laboukly, B. 2020. Rapid Gender Analysis COVID-19 Vanuatu. CARE.

VI. INFORMATION DISCLOSURES, CONSULTATION, AND PARTICIPATION

91. To conduct due diligence, consultations were held with the Department of Lands, the Port Vila City Council, Police Commissioner, the Ministry of Internal Affairs, and ward Council members. Consultation with communities in Port Vila has occurred since 2018, with a number of follow up meetings with communities and settlements in the project areas. These meetings were held initially to identify candidate sites for multipurpose emergency shelters, and then to disclose plans for the construction of the shelters, verify ownership of the land, ownership of the assets, and management arrangements. Meetings were held in respect of four sites, and based on funding, this was reduced to two and the Korman site was added in 2022 in response to additional external funding becoming available. A list and summaries of meetings, including with community members involved in the two sites that were not included in the project, is provided in Appendix 1.

92. Both communities and leaders have confirmed their support for the project. Some of the initial concerns raised were in relation to access and other plans for Freswota Market. The Freswota site was subsequently changed to the Freswota Field, also public land which is close by, more central to the Freswota community and adjacent to the football stadium.

93. Concerns were raised by the Seaside Showground Community at subsequent consultations that the original location on the site was not acceptable to the community as it encroached on the main football field and also blocked the south easterly sea breezes that cool the community at Seaside Paama. The community's proposed alternative, to locate a larger shelter the same size as the other shelters to the western end of the site adjacent to the school was accepted by the project proponents and carried through to the detailed design.

94. The Korman site has no surrounding community and is located on a municipal lease on an infrequently used linear park at the eastern end of the municipality. At the eastern end of the municipality the shelter has the potential to be used by evacuees from outside the municipal boundary during declared emergencies.

95. Information was disseminated at the outset of site investigations to prepare for feasibility studies, and as part of site selection, through meetings and onsite discussions. Initial and subsequent meetings and discussions were conducted in Bislama. The initial meetings took place over a 3-month period, ensuring that stakeholder communities were able to understand the proposed developments, voice any concerns, and have these addressed in concept designs. Subsequent meetings were held over 2022 and I 2023 as the designs progressed into more detail. A list of the meetings is recorded in Appendix 1 and reports in respect of each site are provided in Appendix 2. The meetings took place at different times of the day and over an extended period and were facilitated by an experienced community engagement specialist. Care was taken to ensure the involvement of women and members of different communities with an interest in each site. Meetings were held in a non-coercive manner.

96. **Disclosure**. Following the requirements of the ADB's Access to Information Policy 2018, a draft of this DDR has been disclosed locally and the Resettlement Plan will be uploaded to the ADB and GoV project websites.

VII. GRIEVANCE REDRESS MECHANISM

97. Grievance and complaints procedures are set up to: (i) provide support to people on problems arising from the project and any associated impacts; and (ii) provide a means by which the various conflicting stakeholders may be consulted, and a negotiated agreement reached.

98. A grievance redress mechanism (GRM) has been set up for the project by the PIAC and has been approved by ADB. The GRM is based on procedures used successfully in other ADB funded projects in Vanuatu, incudes specific measures for SEAH complaints and grievances and will be established by the PCU prior to design and construction of the shelters. The GRM is attached to this IEE under Appendix 8.

A. ADB's Accountability Mechanism

99. In addition to the project GRM, once all the GRM measures have been exhausted, ADB's Accountability Mechanism also applies to the subprojects. However, while the project level GRM is the responsibility of the EA, the Accountability Mechanism is the responsibility of ADB. The accountability mechanism provides opportunities for people (2 or more complainants) that are adversely affected by ADB-financed projects to express their grievances, seek solutions, and report alleged violations of ADB's operational policies and procedures, including safeguard policies. ADB's accountability mechanism comprises of (i) consultation led by ADB's special project facilitator to assist people adversely affected by ADB-assisted projects in finding solutions to their concerns and (ii) providing a process through which those affected by projects can file requests for compliance review by ADB's Compliance Review Panel. Details of the Accountability Mechanism can be found at: https://www.adb.org/documents/accountability-mechanism-policy-2012.

VIII. LEGAL AND POLICY FRAMEWORK

A. Vanuatu Laws

100. Land acquisition, resettlement, Indigenous Peoples and associated land matters are recognized, in legal terms in Vanuatu, by the Constitution and more than 10 laws (or Acts). These laws include the relevant provisions of the Constitution of the Republic of Vanuatu, legislation relating to land leases and management of customary land. These are detailed below.

(i) Constitution of Vanuatu

101. The Constitution of the Republic of Vanuatu (the Constitution) is the source of modern land law and sets up the key provisions for land ownership, land management and land status. Under Article 74, the Constitution provides that "the rules of custom" form the basis of land ownership in Vanuatu and all land was nominally returned to customary ownership at independence from colonial rule in 1980. Further Articles of the Constitution emphasize importance to custom and custom owners in land tenure and land use. Article 80 also allows the government to own land acquired by it in the public interest. In general, there are two distinct categories of land in Vanuatu: (a) customary land which is land identified, marked and known by its owners and occupiers and the ownership is based on custom (*kastom*), and (b) leased land which is land converted into a lease, but ownership still rest with custom owners, have been surveyed and marked and registered in the land records of Vanuatu and have placed on them a modern legal status of 'indefensibility' of title.

102. 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. Chapter 5, Articles 29-32, of the Constitution (6th Amendment 2013) refers to the "Malvatumauri Council of Chiefs."[15] Of relevance is Article 30, which recognizes the Malvatumauri 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. Chapter 12 of the Constitution is devoted to land. Most discussions related to land have centered on Articles 30 (Chapter 5) and Articles 73, 74, 75 and 76 of Chapter 12. However, of relevance to land acquisition and resettlement are Articles 73-81. These state 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 will be resolved through appropriate processes.

103. **State Land**. Within the category of leased lands there is one category where land is classed as 'state land' (or 'Public land)'. These are land spaces which are marked and identified and mapped and are recorded in the same manner as leases, but are owned controlled by the State (government). These are spaces that usually accommodate services and facilities such as roads,

[15] The Malvatumauri comprises chiefs who are elected every four years from every region in Vanuatu and it meets only twice a year. The role given to the Malvatumauri by the constitution is limited. Vaturisu Council of Chiefs is the name given to the Council of Chiefs in Efate Province just outside the capital of Port Vila.

hospitals, schools, airports, wharves, public facilities, sports fields and similar infrastructure, meant for public purposes. The shelters at Seaside and Freswota are on Public (State) land. State lands are often classified as "special leases." There are other lease types such as commercial, industrial, residential and agricultural. Infrastructure such as roads is envisaged to be built on state land.

(ii) Land Reform Act No. 35 (1980 and updated 1981, 1983, 1985, 1992, 2000, 2013, 2014 and 2017)

104. The Land Reform Act specifies that all land titles will be customary held by traditional owners, whose lineage can be traced back 200 years. It separates and makes important distinctions between indigenous owners and non-indigenous land users. This was a law that was enacted in the early 1980s to allow the Minister of Lands to act on behalf of customary landowners on lands which are in dispute but have actual developments and dealings occurring on them. It outlines specifically about indigenous owners and non-indigenous land users; negotiation with custom owners and the role of the Land Ombudsman. In any case where there is doubt as to who are the custom owners of land occupied by an alienator, one of the custom groups who claim the land may apply to an Island Court or the Minister may decide. Compensation is determined by Government valuers. The 2013 Amendment sets out the responsibilities of the Custom Lands Officer in dealing with and informing custom owners about applications to negotiate leases; and the Minister's authority to declare public reserves. Section 6 states that:

> *No other person may enter into negotiations with any custom owners concerning land unless he applies to the Minister and receives a certificate from the Minister that he is a registered negotiator.*

105. The 2017 Amendment outlines representation on the Land Management Planning Committee.

(iii) The Land Acquisition Act No. 5 of 1992 (Amendment 2000, 2014, and 2017)

106. The Land Acquisition Act sets out procedures for exercising the government's powers to acquire land in the public interest. The first step is a decision by the Minister that particular land is required for a "public purpose", which the Act defines as "utilization of land necessary or expedient in the public interest and includes a purpose which under any other written law is deemed to be a public purpose."[16] It establishes a procedure, from initial notification and investigation to notice of intended acquisition, appeals, inquiry into compensation, further appeals, payment of compensation and taking of possession. The Act allows the government to acquire both customary and leased or alienated land, but in practice the government usually negotiates with landowners to avoid compulsory acquisition.

107. **Land Acquisition (Amendment) Act 2014 (No. 31 of 2014).** The Land Acquisition (Amendment) Act 2014 amends the Land Acquisition Act 1992, with the inclusion of a new section (7A), which gives power to the Minister to stop an acquisition process if he or she is satisfied that the proposed acquisition could be detrimental to the State. It also amends Section 9 on matters to be considered in determining compensation. This is the key law directly related to land acquisition and resettlement. It gives the Minster for Lands and Natural Resources (MLNR)

[16] Republic of Vanuatu, 1992, Land Acquisition Act, Part I, Interpretation of "public purpose"

powers to acquire land on the Government's behalf for public purpose. The 2017 Amendment clarifies the definition of public purpose:

> *Public purpose means the utilisation of land necessary or expedient in the interests of defence, public safety, public order, public morality, public health, town and country planning, or the utilisation of any property in such manner as to promote the public benefit.*

108. The Minister may direct the acquiring officer to investigate 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. Where the Minister decides under Section 4 that a particular land or easement should be acquired under this Act, he or she shall make a written declaration to that effect.

109. The Act also provides for the compensation for damages made during the process of land valuation, compensation entitlements for land and for rents and business losses (section 9), basic rights for grievance and appeals, and notice periods. This Act recognizes market value compensation for land. Section 12 provides a judicial appeal mechanism to the Supreme Court for cases where affected landowners are not satisfied with the compensation.

(iv) Customary Land Tribunal Act No. 7 of 2001 [CAP. 271]

110. The Customary Land Tribunal Act legislated a new system for dealing with customary land disputes. It establishes the process for Land Tribunals to be set up from Village, Area and Island Land Tribunals. However, this Act was since repealed in 2013, and new legislation for managing customary land disputes is now in place (below).

(v) Customary Land Management Act No. 33 of 2013 (updated 2014)

111. The Customary Land Management Act passed in 2013, to install a new system and procedures for the resolution of land disputes over customary land between disputing parties. It establishes a process of managing and resolving land disputes. It required a new office to oversee, implement and enforce the new legislation, called the Customary Land Management Office (CLMO). It has now formalized that customary institutions termed 'nakamals' and 'custom area land tribunals' will resolve customary disputes. This Act substitutes the jurisdiction of the formal courts to resolve customary land matters. Formal courts still have jurisdiction to deal with matters relating to land that are subject to the Land Leases Act [CAP. 163]. When a properly constituted decision from a nakamal becomes recorded, interests in land that are binding in law and are not subject to appeal to, or judicial review by, any Court of Law. Any new and fresh disputes by parties over customary land must be channeled through the CLMO.

112. Based on the above Acts, there are five options available within the laws of Vanuatu to obtain customary ownership and use of land in the country: (i) Through bloodline or. descendants; (ii) Through "a will" of a custom land owner; (iii) Perpetual right to use the land through the consent of the land owner; (iv) By a formal lease to the land owner; and (v) Through the Compulsory Acquisition Act for public interest. The first three options are transactions through the traditional governance system, and the government could use Options (ii) and (iii) process for acquiring land for public interest. Both had been used for public institutions such as schools,

health centres, etc. Option (ii) will involve voluntary transfer of ownership to the government, through custom ceremonies, involving exchanging custom gifts (e.g., pigs, mats food, etc., according to the custom of a particular area) in exchange for the land. There is also a process that guides the decision making in disputed customary lands through the local land courts (Nakamals) under this Act. It legislated a new system for dealing with customary land disputes. It also establishes the process for Land Tribunals to be set up from Village, Area and Island Land Tribunals. This process allows land disputes to be elevated to the Supreme Court if local customary land courts could not make a determination on customary ownership.

113. This Act details the determination of custom owners and the resolution of disputes over ownership of custom land by customary institutions. The Act states that Malvatumauri Council of Chiefs and the Island Council of Chiefs are responsible for providing awareness and support for the peaceful and effective determination of custom owners and resolution of land disputes. Determination of custom owners is made by nakamals, with recourse to the Customary Area Land Tribunals (CALT) and the process for affected persons to appeal the Nakamal and CALT decisions. Part 3 division 2 outlines procedures for determination of custom owners and creation of a Recorded Interest in Land. Part 4 details the process for determination of land disputes by a nakamal. Part 11 deals with measures to avoid future land disputes including recording customary interests in land by the National Coordinator of Land Dispute Management. The final decisions reached by these customary institutions become recorded interests in land which are binding in law and are not subject to appeal to, or judicial review by, any Court of law. The National Coordinator is responsible for maintaining a list of all of the decisions that have become a determination of custom owners or a recorded interest in land and where requested by a custom owner will provide a certification of the names of the custom owners and the representatives of the custom owners.

114. The Act allows for mediation to progress the resolution of land disputes, and for an Island Court (Land) to review the decisions of a nakamal or custom area land tribunal on grounds of an incorrect composition, improper process or fraud. These areas of review are matters of process and not substance within the meaning of Article 78 of the Constitution. Island Courts can rule on process only, not substance.

(vi) Valuation of Land Act No. 22 of 2002 (Amendment 2012)

115. This law relates to the organization of the Valuer-General's Office and its role. The Act does not stipulate a minimum approach to valuation of land, which is more directly specified in the Land Acquisition Act.

(vii) Land Leases Act of 1983 (amended 1985, 1987, 1988, 1989, 2003, 2014 and 2017)

116. 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.

117. The Act details the rights and obligations of person or entities entering into an arrangement or agreement with another person and/or entity for the use of land under a lease or rent agreement. Land can be leased from three years up to 75 years, administered by the Government on behalf of the customary landowners and registered in the Land Leases Register. Leases for

development on customary land require the free, prior and informed consent of the custom owner group.

118. 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, organization 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.

119. 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 possible relevance to the project are the discussion on requirements to provide rights of way, rights of water, rights to sites for government infrastructure such as easements.

120. The Land Leases Act 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." 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.

(viii) Public Roads Act 2013

121. The Public Roads Act provides for the designation, planning, administration, construction, and maintenance of public roads. The Act defines the ***road reserve*** as:[17]

(a) land that is set aside for the purposes of a road and within the boundaries of the road,

(b) Where there are not clearly defined boundaries identifiable by cadastral map or by a survey recognised and recorded by the Department of Lands, the boundaries of the road is to be determined as:

(i) 15 metres either side of the centreline for an arterial road; or

(ii) 10 metres either side of the centreline for a feeder road or an urban road, unless there is an existing agreement on boundaries between the Road Administrator and the landowner adjoining the road

122. The Act defines ***road users*** as "people who use the road including drivers and passengers of vehicle transport, public transport users, pedestrians and cyclists."[18] Although the Act was gazetted in 2013, the Minister of Infrastructure and Public Utilities is still to commence implementation of this Act as it will require significant budget support.

123. Section 6(3) states that the Director General of the Ministry of Infrastructure and Public Utilities (MIPU) may classify a public road according to its function, that is:

[17] Republic of Vanuatu, 2013, Interpretation of road reserve
[18] Republic of Vanuatu, 2013, Interpretation of "road users"

a.) a public road whose main function is to link nationally important industries to ports and markets or which facilitate regionally based trips are more likely to be classified as arterial roads;

b.) a public road in a Local Government area whose main function is to facilitate local trips within communities, or to link to local services or markets or link to an arterial road, are more likely to be classified as feeder roads;

c.) a public road in a Municipal Council area whose main function is to facilitate local trips within the Municipal Council, or link to local services and markets or link to an arterial road, are more likely to be classified as urban roads.

124. The Act covers utility works such as drainage and sewerage, and the application process for any encroachment into the road reserve.

(ix) Foreshore Development (Amendment) Act 2013

125. This Act requires the written consent of the Minister for town and country planning before any development is undertaken on the foreshore of the coast of any island in Vanuatu. "Development" means the carrying out of any building, engineering, mining or other operations in, on, over or under the land, or the making of any material change in the use of buildings or other land whether or not such land is covered by water. "Foreshore" means the land below mean high water mark and the bed of the sea within the territorial waters of Vanuatu (including the ports and harbours thereof) and includes land below mean high water mark in any lagoon having direct access to the open sea. The applicant must publicly advertise any proposed development.

(x) Public Health (Amendment) Act 2018

126. This Act defines sanitation systems and requires building owners to connect to sanitation systems and discharge waste according to the Act requirements. A building owner can include the proprietor of a sub-lease, lessee, customary land owner, or strata title lessee or proprietor. The Act provides legal rights for authorized officers to inspect and take samples from sanitation systems, and issue notices and penalties for non-compliance.

(xi) Urban Lands Act No. 23 of 1993

127. This Act made the determination of urban land and definition of a community and recognized by the Government as a municipality or a custom group. It also laid out requirement for custom land within urban areas and communities where:

(i) All custom lands situated in urban areas must be registered within a one-year period after the promulgation of the declaration by Ministerial order.
(ii) All custom land situated within Urban Communities must be registered with a 3 year period after the promulgation of the declaration by Ministerial order.
(iii) No land within the areas and communities mentioned maybe transferred to third parties or occupied by third parties, with or without lease, without the filing of a development plan and its approval by the authorities in charge of urban matters in each community.
(iv) To this end, the communities must individually submit, within a one year period, their master settlement plan showing areas reserved for community and individual housing, for garden developments, for green areas and the commercial, recreational,

educational and cultural type, according to a classification by group or categories published by the National Physical Planning Department.

(v) When a custom parcel of land situated within an urban or community area has not been subject to any lease on the date of the commencement of this law, any new leases shall be negotiated with the representatives of the custom owners assisted by the appropriate urban authorities, according to the Settlement Plan. The agreed cost for the transfer of the lease shall be paid directly to the custom owners.

B. Current Practices in Resettlement and Land Acquisition for Government Purposes in Vanuatu

128. Identification **of Areas for Acquisition.** A majority of government land acquisition in Vanuatu has been for smaller social service projects, such as for village health facilities and educational institutions. Apart from Tanna airport, in Port Vila, the government has acquired land along the river at Freswota in order to maintain a level of river protection and reduce urban encroachment. In Port Vila however, the land acquisition legislation and process have not been utilized for urban development infrastructure projects. Experience from the ADB Port Vila Urban Development Project highlights the need for extensive and informed consultation with affected communities, including on rights and obligations.

129. In the year prior to an infrastructure development project, each Ministry and other Government agencies develop work plans for the following fiscal year. This is inclusive of the other feasibility study requirements such as budgeting, environmental assessments and engineering studies, etc. At this time proposals for projects where land acquisition is involved should be submitted. This is subject to the approval of the Council of Ministers. There is no minimum standard in the national laws that requires the projects to minimize land acquisition and impacts on the community.

130. The MLNR is in the process of developing "Customary Lands Tribunals" in each province of the country, especially to assist in settling customary land disputes. Customary lands identification is still an ongoing process since 1980, made challenging as there are limited records to prove the ties of people to a certain plot(s) of land over 200 years.

131. **Process for Land Acquisition.** Currently the Government allocates in its national budget Vatu 100 million for government land acquisition projects. In the event that the budget is expended, with finances still required, the government and ministry executing a project are responsible to find further finances to cover the necessary land acquisition budget requirement. Once an area of land is selected by the Government for the government project, a notice signed by the Minister of MLNR is provided to the customary owners/title holders and a public notice is erected in full public view. The notice is made for a minimum of 30 days.

132. After this period, the land is assessed and valued. The land valuation is stipulated by Law, but generally involves valuing the following:

Lease type – residential/agricultural/commercial/special industrial

Marketability – number of properties marketed nearby in recent times and price range of those transactions

Physical characteristics – terrain, vegetation, soil type, improvements made, and area

Intangibles – interest, customary and other resource rights attached

133. According to MLNR, valuations include both land and structures affected and may include value of income produced from the land. However, this does not include "nonland producing" incomes such as income from shops, businesses, etc.

134. Any damage to the land, caused by valuation investigations is by law liable for compensation to the existing owners. Once the valuation has been made and signed by the minister, the owners have 30 days to file objections. At the same time, MLNR must disclose information on the valuation and proposed land acquisition over a 30-day period by radio at least three times on separate occasions, in one national newspaper each week, on the main notice boards, and on the land itself. Objections must be lodged within this 30-day period. On the decision by the Minister, the objector, if dissatisfied, may appeal the Minister's decision through the Supreme Court of Vanuatu. However, if the issues are related to tradition and custom, then the National Council of Chiefs may be consulted if necessary.

135. **Carrying out the acquisition of land/structures.** After a 30-day notice period, and as long as all conflicting claims and complaints are resolved, the actual compensation processes can then commence. MLNR is responsible for this process, monitored by the MFEM. This stage may include complaints about the process of valuation through to compensation itself; and process of the assessment of disputes. This is generally to be settled through the Customary Lands Tribunal or if unresolved through the Supreme Court system.

136. **Negotiation process in land acquisition.** The Land Acquisition Act No. 5 of 1992 (amendment 2000, 2017) stipulates the processes and procedures on negotiation for land acquisition. It involves the following:

i) The Government to serve a 30-day notice of its intention to acquire land.

ii) The Notice would be posted in public conspicuous places near the land to be acquired in three languages (Bislama, English and French) as well as published in newspapers both local and national.

iii) The notice will include specification that if there are objections to the proposed acquisition such would have to be conveyed to the land officer not less than 30 days from the date on which such notice is given.

iv) Furthermore the notice will state that claims for compensation for the acquisition of that land or easement may be made to the acquiring officer;

v) In case there are conflicts in terms of land ownership and claims, the issue shall be referred to the local land tribunal for review and resolution. A notice is given to the landowners/claimants to make known their claim to the local land tribunal. At the end of the specified period the land tribunal will then proceed to make its decision on who the rightful customary landowners are.

vi) The Government through the acquiring officer will request the customary landowners to propose compensation taking into consideration market value of land during the time of publication of notice, damage to the land resulting from project investigation activities, loss of income as result of the loss of land as well as displacement or relocation as a result of land acquisition. The acquiring officer through his principals shall likewise prepare his own estimate.

vii) The Government would compare the requested compensation package of the customary landowners with that of the Government (Valuer-General). The estimate to be provided by the Valuer-General is the final valuation of the Government; if the custom owners still reject the said valuation their recourse is to appeal to the Supreme Court.

viii) If a determination on compensation is made and no appeal is made, the decision of the acquiring officer is final.

137. **Use of Custom Owners Trust Account.** Where compensation has been determined but there is a dispute about the customary ownership of the land, compensation will be held in the Custom Owners Trust Account (COTA). COTA is a trust account managed by the Director General of the Ministry of Finance and Economic Management intended for the purpose of keeping land acquisition payments while customary ownership of land is in dispute. Funds may be withdrawn from the COTA and paid to the custom owner(s) of the land that have been determined as the custom owner by the courts under the Custom Land Management Act No. 33 of 2013. The use of COTA will apply to those project sites with existing land disputes. Once the parties claiming ownership have been informed that compensation payments have been made to COTA, project works can commence.

C. ADB's Policy on Involuntary Resettlement

138. The ADB Safeguards Policy Statement (SPS) (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 Affected Persons (APs) in real terms relative to pre-project levels; and (iv) improve the standards of living of the affected poor and other vulnerable groups. The policy covers both economic and physical displacement. The key principles of the ADB safeguards policy on resettlement are as follows:

(i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks.

(ii) Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.

(iii) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.

(iv) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash

compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.

(v) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.

(vi) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.

(vii) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.

(viii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.

(ix) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.

(x) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.

(xi) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.

(xii) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.

(xiii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

D. ADB's Policy on Indigenous Peoples

139. The objectives of ADB's SPS (2009) in relation to indigenous peoples is to design and implement projects in a way that fosters full respect for indigenous people/ethnic minority identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the indigenous people themselves so that they: (i) receive culturally appropriate social and economic benefits; (ii) do not suffer adverse impacts as a result of projects; and (iii) can participate actively in projects that affect them.

140. The term indigenous people is used in a generic sense to refer to a distinct, vulnerable, social, and cultural group possessing the following characteristics in varying degrees: (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 to 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. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy. ADB Indigenous Peoples Policy Principles include the following:

(i) Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely.

(ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and intergenerationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.

(iii) Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.

(iv) Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the

identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities

(v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.

(vi) Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.

(vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.

(viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.

(ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

E. Policy Differences and Reconciliation

141. A comparison between ADB policies and the laws and practices used by the Government of Vanuatu has been conducted, and a summary has been prepared (Table 3). Any differences between the laws and practices of the Government of Vanuatu and ADB's SPS (2009) will be resolved in favour of the more stringent policy (more benefits to affected persons) and by adopting gap filling measures.

Table 3: Comparison of Vanuatu Laws and ADB's SPS, 2009

SN	ADB SPS (2009) Safeguards	Comparison to Vanuatu Law	Gap filling measures
1	Avoid resettlement and Indigenous Peoples impacts wherever possible.	There is no minimum standard that requires projects to avoid resettlement and Indigenous Peoples impacts.	The Project will ensure that resettlement, land acquisition and Indigenous Peoples adverse impacts are avoided..
2	Minimize adverse impacts by exploring project design alternatives.	There is no minimum standard that requires projects to minimize land acquisition and impact on the community.	The Project will ensure that resettlement, land acquisition and Indigenous Peoples adverse impacts are minimized wherever possible by exploring design options.
3	Enhance, or at least restore, the livelihoods of all APs in real terms relative to pre-project levels.	Compensation is determined based on factors including land type, crops etc. However, this does not include "non-land producing" incomes such as income from shops, businesses, etc. It also does not necessarily require that conditions of the APs be the same or better than the pre-project situation.	The Project will enhance, or at least restore, the livelihoods of those whose income/livelihood is affected. This will include compensation for loss of income, including compensation for losses by affected businesses and for employees' salaries. Land, assets and income losses are generally valued by Valuer-General (VG) in MLNR. The VG will be used (refer to SN 6 below) to assist in compensation valuation and RP implementation, as per Vanuatu law. Where incomes are impacted by 10% or more, affected people will be supported by a livelihood restoration and improvement program or activities, tailored to their needs.
4	Improve the standards of living of the affected poor and other vulnerable groups. This covers both economic and physical displacement.	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.	Assistance and/or entitlements will be provided to vulnerable APs to improve living standards.
5	Screen the project's resettlement and Indigenous Peoples impacts and risks early	Laws and practices in Vanuatu relating to Government Capital Works Projects require that the Project budget considers and includes associated resettlement and land acquisition costs. However, there are no other assessments of impacts required prior to budget approval, hence capital works commencing.	The project will screen the resettlement and Indigenous Peoples impacts early for each phase and sub-projects, and prepare the required safeguard documents.
6	Carry out meaningful consultations with participation of APs, inform all APs of their entitlements and resettlement options. Pay particular	The law and current practices require the land acquisition and relocation notices to be disclosed several times over radio and	The project will carry out meaningful consultations with affected people on the project, affected people's entitlements and their options. The project will also comply with national

	attention to the needs of vulnerable groups. Ascertain the consent of affected Indigenous Peoples communities.	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 at any part of the process, except in the case of people given the opportunity to make objections.	laws regarding disclosure requirements, and disclose the project and land acquisition several times over the radio and in the printed media over a 1-month period, as well as signage at the site. Separate meaningful consultations will be conducted with vulnerable groups if needed. If there are Indigenous People (as defined by ADB) present in the project area, the project will ascertain their consent in line with ADB requirements.
7	Establish a grievance mechanism	Vanuatu already has a traditional grievance redress system for general village matters. MLNR has also recently set up a Customary Land Tribunal at the Provincial level.	The project will use the existing systems, as well as establish a project level grievance redress system.
8	Improve, or at least restore, the livelihoods of all APs 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 of the 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, the law does not provide any clauses for compensation, income restoration and entitlements to be provided to the AP in a "prompt" manner.	For the project, land will be valued by the Valuer-General in MLNR. The Valuer-General will be determine compensation requirements. All compensation will be at replacement cost based on existing market rates, including entitlements and support for loss of income. Compensation will be provided promptly and before land clearing and/or civil works commence. Land-based resettlement will be assessed as an option.
9	Provide APs with needed assistance including i) if there is relocation, secured tenure to relocation and better housing; ii) transitional support and development assistance; and iii) access to 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 recognisable transitional support mechanism under the law.	The Project will provide APs with needed assistance if there are physical displacement impacts, supplementing the national laws. This includes secured tenure to relocation, transitional support and other assistance, and access to civic infrastructure and community services at the relocation site.
10	Develop procedure in a transparent, consistent and equitable manner if land	Vanuatu laws provide procedures on negotiation for land acquisition, lease or purchase.	Vanuatu laws and practices as well as SPS provision on negotiated settlements will be followed by the project.

	acquisition is through negotiated settlement		
11	Ensure that APs without titles are eligible for resettlement assistance and compensation for loss of non-land assets	Laws have no clauses that recognise informal settlers to entitlements.	The Project will ensure that APs without titles are eligible for resettlement assistance and compensation for loss of non-land assets, and income.
12	Prepare an RP elaborating on APs entitlements, income and livelihood restoration strategy and other compensation, or if required prepare an IPP that includes	Under Vanuatu Law, land acquisition and resettlement and compensation is carried out focusing on households affected and the values of the land and structures affected. However, an RP or an IPP is not necessarily required.	The project will prepare an RP if there are involuntary land acquisition and/or resettlement impacts, or prepare an IPP if there are impacts on Indigenous Peoples communities (as defined by ADB) and will update these plans at the time of detailed design and prior to awarding contracts for civil works (unless they are design and build contracts, in which case the documents will be cleared by ADB at the same time at the detailed engineering designs and before civil works can begin).
13	Disclose the RP and/or IPP in an accessible place and a form and in languages understandable to the APs and other stakeholders	Although the Law does not require an actual RP or IPP to be prepared, its clauses do necessitate notices and official valuations by the MLNR to be prepared. The law and current practices also require that land acquisition and relocation notices 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.	The Project will disclose the RP or IPP at the local level through community/public meetings, as well as post it on the ADB website. A summary will be prepared in Bislama and French languages (if deemed required). The Project will also follow the national laws regarding project disclosures on radio and printed media.
14	Conceive and execute resettlement and Indigenous Peoples planning (if triggered) as part of a development project or programme	The MLNR does have a 100 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.	The Project and its phases/subprojects will be listed in the workplan of the implementing agency when required, for approval of the Council of Ministers. DOE will ensure that the RP and/or IPP costs are included in its annual budget and approved by the government on time.
15	Provide compensation and other entitlements before	Compensation is to be provided after a period of	All land acquisition, resettlement and / or compensation measures will be

	physical or economic displacement	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.	completed prior to construction commencing. Any RP will include this measure.
16	Monitor and assess resettlement and Indigenous Peoples outcomes and their impacts on the standards of living of APs.	There is no specific clause in the law of practice in Vanuatu that requires monitoring and assessment of APs during or after land acquisition and resettlement commences.	The project land acquisition and resettlement activities will be monitored and assessed to determine outcomes and the standard of living of APs. The frequency and methods of the monitoring and assessments will be detailed in the RP/DDR/IPP.

F. Principles and Policies for the Project

142. Given the assessment of the Vanuatu laws and practices and the ADB policy differences referred to above, some additions have been made to the provisions set out under the Vanuatu laws in order to ensure consistency with the resettlement principles of the ADB's SPS (2009) requirements on land acquisition and resettlement. Although not identified during the feasibility study stage, if there will be land acquisition or resettlement related impacts under the project, the following project principles and policies will apply:

1) Involuntary resettlement and loss of land, structures, and other assets and incomes will be avoided and minimized by exploring all viable options.

2) APs will be provided with compensation for their lost assets, incomes, and businesses, and provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income levels, and productive capacity.

3) Lack of legal rights to the assets lost will not preclude APs receiving entitlement in the form of compensation for non-land assets and/or rehabilitation measures.

4) Affected land and assets shall be replaced or compensated at replacement cost based on their current market values.

5) Preparation of resettlement plans and their implementation will be carried out with the participation and consultation of APs, key stakeholders such as NGOs and the Vanuatu government and MLNR.

6) Schedule of budget for resettlement planning and implementation must be incorporated into MFEM's phase-by-phase implementation budgetary cycle as required. This will require close consultation with MIA, and MLNR, and approvals by the Council of Ministers of Vanuatu.

7) Payment of compensation or replacement of affected assets and any resettlement to new locations will be completed prior to civil works implementation. Payment for lands with outstanding land disputes or court cases will be deposited into the COTA according to the government mandated processes.

8) Rehabilitation measures will also be in place before the start of civil works, but not necessarily completed, as these may be ongoing activities.

9) Compensation and rehabilitation assistance for socially disadvantaged such as households headed by women, the disabled, and the elderly will be carried out with respect for their cultural values and specific needs.

10) APs 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 at replacement cost. The contractor shall also ensure that all temporarily acquired land and structures are returned in its pre-project state.

11) If a house or other structure is only partly affected by the project and the remaining structure is rendered unviable for continued use or in area less than the minimum relevant structure size under the prevailing standards, the AP will be entitled to surrender the entire structure and to compensation for the entire structure at full replacement cost without depreciation or deductions for salvaged material.

12) APs will be systematically informed and consulted about the project, the rights and options available to them, and proposed mitigating measures.

13) Adequate budget support will be committed and made available to finalise and implement resettlement plans. Clear budget commitments are required for critical activities such as formal detailed physical surveys and administrative functions associated with compensation and resettlement.

14) Any community facilities and infrastructure damaged due to the project will be restored or repaired, as the case may be, at no cost to the community.

15) While the Government has the option to pursue compulsory acquisition, negotiated land purchase or lease agreement or acquisition of other assets shall be attempted first wherever possible, based on meaningful consultation with affected persons, including those without legal title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Any negotiations with displaced persons must openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. An independent external party is to be engaged to document the negotiation and settlement processes. The Government will agree with ADB on consultation processes, policies, and laws that are applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements.

16) Where local communities or individuals elect to make voluntary contributions of affected land without compensation, or in accordance with traditional practices, this will be acceptable only if the following safeguards are in place:

    (i) full consultation with landowners and any non-titled affected people on site selection, and are conducted in a free and transparent manner;

    (ii) voluntary donations should not severely affect the living standards of affected people and should never exceed 5-10% of a donor's land holding size;

(iii) the impacts are marginal and do not result in displacement of households or cause loss of household's incomes and livelihoods

(iv) the households making voluntary donations are direct beneficiaries of the subproject

(v) the land donated is free from any dispute on ownership or any other encumbrances

(vi) any voluntary donation will be confirmed through written record and verified by an independent third party such as a nongovernment organization (NGO) or legal authority, with all consultations documented; and

(vii) adequate grievance redress mechanism should be in place and actions taken to address any grievances.

17) Early screening to determine (i) presence of indigenous peoples, and/or collective attachment to the subproject area as well as (ii) potential project impacts on indigenous peoples.

18) If required, conduct culturally appropriate and gender-sensitive social impact assessment (SIA), wherein full consideration to indigenous peoples generated options will be given with regards to subproject's social and economic benefits, and impacts on these groups of people adequately identified.

19) Undertake meaningful consultations with affected indigenous peoples and households to maximize their participation across the project cycle and to avoid adverse impacts, tailoring the project benefits to these people in a culturally appropriate manner, and establish a culturally appropriate grievance redress mechanism.

20) Prepare an IPP in accordance with the ADB SPS, if deemed required. The IPP should be prepared based on the SIA with the assistance of qualified and experienced experts, that is based on participation of Indigenous Peoples, and addresses their needs in order to fully participate in the project activities. Disclose the IPP, including documentation of the consultation process and the results of the SIA in a timely manner, in an accessible place and in a form and local languages understandable to affected indigenous peoples and ethnic minority communities and other stakeholders. Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring.

21) Prepare semi-annual safeguard monitoring reports and submit to ADB for clearance. Disclose the monitoring reports on the ADB website.

IX. ENTITLEMENTS, ASSISTANCE AND BENEFITS

143. The entitlement matrix (Table 4) provides the project's policies relating to compensation and entitlements for temporary and permanent impacts of the project. It has been left as a broad summary of entitlements, even though almost most of the impacts identified are not envisaged. This is because it allows for early disclosure of such details, in the case that there may be unanticipated impacts during implementation. The impacts of construction of the three sheltes will be re-assessed once the detailed designs have been carried out. This matrix may be adapted to be more specific to the losses recorded if the Updated Resettlement Plan if required. The standards set in the entitlement matrix outlined in this Resettlement Plan cannot be lowered when the resettlement plan is updated and finalized.

Table 4: Entitlement Matrix

No.	Type of Loss/ Impacts	Application	Eligible Persons	Entitlements	# of persons
1A	**Permanent loss of land**	State land	Registered leaseholder	1. Replacement value of affected land in cash compensation 2. All applicable taxes and transaction costs 3. Compensation if remaining land is no longer viable 4. Change of title to reflect land transferred to government, and to reflect appropriate land use type (agricultural, residential, etc.). without cost to the land holder's account 5. Additional cash allowance for vulnerable households	0
1B		Customary land	Owner(s) of land	1. Replacement value of affected land in cash compensation to be provided to the landowner or through government trustee for future landowner claimant. 2. All applicable taxes and transaction costs 3. Compensation if remaining land is no longer viable 4. Change 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. 5. Additional cash allowance for vulnerable households	0
2A	**Loss of structures**	Full or partial loss of residential, commercial and other structures (eg. fences, gates, sheds, verandahs)	Structure owners (with/without house or building registration)	1. Cash compensation at full replacement rate for affected structure/fixed asset free of, depreciation and transaction costs (including labor costs) 2. Includes right to salvage materials from structure without deduction from compensation 3. Cost of replacing existing water, electricity, gas and phone connections 4. For partial impacts (structure wall, fences etc), cash	0

				compensation at replacement rates to restore remaining structure. 5. Where structures have encroached into road easements, after construction these will restored to outside the legal road reserve. 6. Unaffected portions of the structure will also be compensated if they become unviable after impact occurs 7. Provision of transitional allowance (if residential or commercial/business) 8. Provision of basic housing and access to land tenure for informal settler households living below the poverty line. 9. Additional cash allowance for vulnerable households 10. Reconstruction of small structures (as existing market stall or sports courts) that can be moved to another suitable location.	
2B			Tenant (renting the affected structure)	1. Transitional allowance and assistance to find another residential/commercial structure to rent. 2. Additional cash allowance for vulnerable households	0
2C		Loss of community or common property	Structure owners or users and cultural / religious structures	1. Physical replacement of structure 2. Temporary facilities will be provided between time of demolishing and rebuilding of replacement structure 3. Assistance for religious and cultural rights will be provided for new structures.	3 Basketball court at Seaside Showground and Volleyball court at Freswota Field are to be replaced with sports courts (marked up concrete slabs) at both locations. Food stalls at Freshwater and Seaside are to be rebuilt in new, agreed locations before demolishing the existing stalls. .
3A	**Loss of crops, trees etc**	Gardens, trees, crops, perennials, productive trees/plants	Owners of crops, trees, regardless of legal status	1. Provision of 30 day's notice to harvest standing seasonal crops. If harvest is not possible, cash compensation for crops (or share of crops) equivalent to prevailing market price. 2. Cash compensation at replacement cost as determined by MALFFB for crops or productive plants/trees, and gardens. a. Wood trees – cash compensation based on volume multiplied by the market value of the wood. b. Fruit-bearing trees: current market rate plus 5-year yield	0

				c. Young trees, not yet at economically productive stage, will be compensated at 2x sapling replacement cost (i.e., for one tree lost, two trees replaced).	
4A	**Livelihood losses**	Loss of income	The leaseholder – earning income through land use for agriculture or business purposes (eg., storage, vehicle parking, etc.)	1. Cash payment for loss of rents (up to three months) and loss of any financial gains from the period of the date of the notice of acquisition until compensation is paid in full. 2. Change in the lease removing land area from the leasehold, including government administrative fees, at no cost to the leaseholder. 3. Assistance (non-cash) to the leaseholder to find replacement leased land of equal value. 4. Provision of transitional allowance while restoring the source of income. 5. Additional cash allowance for vulnerable households	0
4B		Loss of income	Agricultural tenants losing income – including grass, fodder and other agricultural income	1. Compensation for income loss during acquisition and resettlement process equal to replacement value of income (up to three months), based on average from previous year. 2. Distribution will be in same proportions as leasing agreements 3. Assistance to find an alternative site for agriculture 4. Provision of transitional allowance while restoring the source of income. 5. Additional cash allowance for vulnerable households	0
4C		Loss of business income	Business owners losing income	1. Temporary loss of business – lump sum equal to value of income for period of loss (up to three months), based on previous yearly income. 2. Permanent loss of business – replacement of structure and land and transitional allowance while business is being re-established. 3. Additional cash allowance for vulnerable households	0
4D		Loss of income	Business employees	1. Lump sum compensation for loss of income for two months. 2. Assistance to find employment/ alternative livelihood.	0
5A	**Temporary impacts**	State and customary land	Landowners, users	1. Rent as negotiated with landowners (up to three months). All temporary use of land will be through written negotiated agreement with the landowner/lease-holder. 2. Assistance to mobile vendors/hawkers and their employees to temporarily shift for continued economic activity.	0

				3. Restoration by contractor of affected land, structure, gardens, utilities, common property resources to the same or better than pre-project standard.	
6A	**Vulnerable households**		Affected poor/elderly/ disabled/ female-headed/solo-headed households with dependents, and those living on or below the poverty line.	One-off additional cash allowance per significantly affected vulnerable household	0
7A	**Any other loss not identified**		Unanticipated involuntary resettlement impacts shall be documented and mitigated based on the principles provided in this Resettlement Plan and the ADB's safeguards policies.		0

X. BUDGET AND FINANCING

144. The executing agency (MFEM) will be responsible for all costs relating to the implementation of social safeguards mitigation measures and provision of compensation for unanticipated impacts. Costs for conducting consultations, operating the GRM and for monitoring of both social and environmental safeguards are included in the budget for the Project Coordination Unit (PCU). Costs related to the establishment of the multipurpose courts at Seaside Showground, Freswota Field and Korman will be included in the project costs as these concrete pads will be used during emergencies for storage of emergency supplies. The construction of these courts is to be included as a specific item(s) within the construction contracts and to be confirmed in the project Completion Report. These are shown in figures 3.1 & 3.2.

145. The relocation of the current food stall at the entrance to the Freshwater site and Seaside site will be in the location indicated by the community committee (refer Figure 3.1 & 3.2 and Appendix 3 & 4 of this document). These works (demolition and reconstruction of the market stall) are included in the Construction works contracts. There will not be any economic losses as the new market stall will be built at the beginning of the works and prior to the demolition of the existing one.

XI. INSTITUTIONAL ARRANGEMENTS

146. MFEM will be the executing agency responsible for overall guidance and project implementation. MoIA will implement the project and will be responsible for overall planning, management, coordination, supervision, and progress monitoring of the project including updating the Resettlement Plan and implementation through a Project Coordination Unit (PCU). MoIA will be supported by a team of international and national consultants. MoIA will ensure compliance with assurances, including safeguards and preparing and submitting safeguard documents and reports. More specifically, MoIA, with the assistance of the PCU, is responsible for the following (as it relates to the two subprojects):

(i) undertake meaningful consultations and information dissemination to the communities near the three subprojects during detailed engineering design stage and construction stages, including with other key stakeholder such as civil society organizations (CSOs) and government, inclusive of public disclosure in accordance with ADB safeguard policies;
(ii) ensure that the detailed engineering designs for the two subprojects taking into account safeguard issues and stakeholder concerns, especially by avoiding, or at least minimizing, impacts;
(iii) following detailed engineering designs for the three subprojects, MoIA will update this DDR or prepare RPs if there will be additional impacts not anticipated at the concept design stage. The planning documents will meet the requirements of ADB's SPS (2009) and the laws of Vanuatu;
(iv) address project-related grievances in a timely and culturally appropriate and gender-sensitive manner in line with the GRM. Facilitate and monitor all grievances until acceptable resolutions are implemented;
(v) during construction, coordinate with the civil works contractors to ensure that communities are aware of the construction program and any disruptions that may be caused to their daily life. Ensure that contractors are aware of safeguard requirements; and

(vi) conduct regular monitoring and reporting on the progress of construction and report any unanticipated social safeguard impacts to ADB immediately.

147. The Project Coordination Unit (PCU) for the project, assisted by the Project Implementation Assistance Consultants (PIAC) and Detailed Design and Supervision Consultants, who will provide support to implement the activities outlined above and supervise the construction for the two subprojects. The team will include one national safeguards specialist to assist MoIA in re-assessing impacts of the subprojects and preparing/updating the Resettlement Plan – if required.

148. It will be the responsibility of the PCU to ensure that the temporary food stall at Freshwater is constructed before the current stall is removed and that the concrete pads for the two dual purpose emergency materials storage and community sports courts are included in the construction contracts. Reporting on the implementation and monitoring of these mitigation measures must be included within safeguard monitoring and project completion reports.

149. Construction contractors implementing the three subprojects will have the responsibility to avoid social safeguards impacts, wherever possible. During civil works, contractors will actively participate in the implementation of the Grievance Redress Mechanism. Corrective actions will be taken when necessary based on close monitoring and results of the grievance redress process.

150. MFEM will submit project progress reports on a quarterly basis to ADB. The PVCC shall take responsibility for operation of the facilities, according to an Operation and Maintenance (O&M) plan to be prepared for each facility. The PVCC provided written confirmation of commitment undertake O&M (see Appendix 6).

XII. MONITORING AND REPORTING

151. MoIA will ensure that procedures and methods are established and carried out to conduct monitoring of social safeguards for the three subprojects, as well as all consultations. This monitoring will be carried out by the PCU, with support from the DSC, as part of regular site inspections for construction supervision, requiring inspectors to identify and report any impacts that may arise.

152. Summaries of consultations, observations of construction inspectors and records of grievances shall be compiled in semi-annual safeguard monitoring reports prepared by the PCU and submitted to ADB for clearance. These monitoring reports will be locally disclosed, as well as posted on the ADB website. If there are unanticipated safeguard impacts, the incidents will be discussed with ADB, and there may be a need to prepare a corrective action plan. Regular review missions and the midterm review mission of ADB and MFEM will also review reporting including addressal of grievances.

Appendix 1: Record of Consultations

RECORD OF CONSULTATIONS RELATING TO ENVIRONMENTAL AND SOCIAL SAFEGUARDS

Date	Location	Venue	Name of person (or group) consulted	No. Participants (Male/Female)[i]			Key Outcomes of consultation
				M	F	Total	
2018							
25/9/2018	Port Vila	MIA office	[redacted], Social safeguards officer, VPMU	0	1	1	Initial contact, to be followed up by TA Team's social safeguards specialist
3/10/2018	Port Vila	DLA Meeting Room, MIA	[redacted], [redacted], [redacted], [redacted], [redacted] Port Vila Land Transport Association Executive Members, MIA	5	1	6	Identification of location of flooding hotspots, priority projects and issues
4/10/2018	Port Vila	Nambawan Cafe	[redacted], former Safeguards Officer, VPMU	0	1	1	Resettlement challenges, role of VPMU
7/10/2018	Port Vila	Nambawan Cafe	[redacted], Social safeguards officer, VPMU	0	1	1	Land acquisition and resettlement experience
16/10/2018	Port Vila	MLNR	[redacted], Acting Director, Department of Land, Survey and Registry	1	0	1	Resettlement and compensation processes, customary land, framework, differences with ADB policy
16/10/2018	Port Vila	DWA	[redacted], Gender Officer, Department of Women's Affairs	0	1	1	Role of DWA, ways to mainstream gender in project eg. Training, monitoring.
14/11/18	Port Vila	MOLWNR	[redacted]	1	0	1	Water resources oversees the WASH cluster group with UNICEF. Sanitation is under Public Health Department (contact Director Len Tarivolta) Major concern is with the contamination of a) the groundwater source at Tagabe, b) the groundwater and bay along the coast (Vila Bay). There is need to regulate the illegal connections (wastewater to stormwater drains) and poor maintenance of septic tanks. Their "ridge to reef" water resources management approach has been supported by GEF and SPC (Pacific Community). Important sub-projects that need funding support are: a) boreholes along the coast to monitor ground water

Date	Location	Venue	Name of person (or group) consulted	No. Participants (Male/Female)[i]			Key Outcomes of consultation
				M	F	Total	
							quality, b) regulation of septic tanks and illegal connections (under Public Health Department)
5/12/2018	Port Vila	DEPC	[redacted]	0	1	1	Overview of community based coastal restoration. Discussion of approaches for mangrove restoration – encouraging natural regeneration has had some success. Patterns of ownership of coastal areas.
2019							
19/02/19	Port Vila	MLNR	[redacted], Director General,	1	0	1	Project and subprojects outlined to DG. Process for and timing of declaration of state land for WWTP, foreshore consent. Potential land site opp Independence Park. Need to work out how much time is available for land process under project. Can land be procured now? If public land it requires the minister of lands to make a declarations that the land will be for the purpose stated. This is officially gazetted, then 30 days for public feedback. Allow 2 month window for this.
26/2/2019	Port Vila	VPMU	[redacted], Social Safeguards	0	1	1	Committed to supporting consultation with Paramount Chief of Ifira. Advised on water quality monitoring program.
15/03/2019	Port Vila	DEPC	[redacted], Pollution Control Manager	1	0	1	Update on progress of water quality standards for Vanuatu – still not prepared and request that assistance be provided from the project in this area. Discussion on permit processes – currently being assessed. Existing practice is for DEPC to issue permits under both EPC and Pollution Control Acts. DEPC aims to streamline the process. Update on water quality resources management taskforce.
11/04/2019	Port Vila	DEPC	[redacted], EIA officer	0	1	1	Update on current legislation and status for revisions

Date	Location	Venue	Name of person (or group) consulted	No. Participants (Male/Female)[i]			Key Outcomes of consultation
				M	F	Total	
11/4/2019	Port Vila	Jill's Cafe	[redacted], Social Safeguards	0	1	1	Update on sewerage scheme and likely resettlement impacts. Advised on liaison with Lands, need to obtain land records for WWTP site, check declared purpose, demarcate site. Offered support to MIA.
2020							
13/05/20	Port Vila	QCL office	National Disaster Management Office, Port Vila Municipal Council, Department of Local Authorities, Department of Health	7	1	8	Briefing on proposed screening of candidate sites for emergency shelters leading to feasibility study
15/05/20	Port Vila	Numerous	Visited Tokyo Paama & Buninga, Nagire church, AOG church, Seaside Paama, Show ground, Tongoa seaside, Futuna seaside, Epauto School Freswota 1 market, Ex-FOL,Anambrou market, Selime church hall, ManPles market, & Anglican church	12	4	16	Visits to existing halls and churches; consultations with caretakers on potential use as emergency shelter and where people in the area normally go when there is disaster.
18/05/20	Port Vila	Numerous	Visited the Korman Market site & consulted care takers of churches and schools. Beverly Hills, Malasi tapu, Freswota school, Pakaroa church and Vila North school.	5	1	6	Visits to existing halls and churches; consultations with caretakers on potential use as emergency shelter and where people in the area normally go when there is disaster.
19/05/20	Port Vila	MoIA	Department of Local Authorities (DLA), Ministry of Internal Affairs (MoIA): Director Leith Veremaito, Jeffrey Kaitip; secretary	2	1	3	Briefing on ward sub projects, evacuation centres and letter of Access.
20/05/20	Port Vila	PVMC Office	PVMC secretary; Town Clerk [redacted], [redacted] [redacted] & [redacted]	2	2	4	Consultations on purpose of Ward Sub projects, evacuation centres& letter of Access.
22/05/20	Port Vila	Seaside School, Central School, Vila North School	School principals.	2	1	3	Consulted them on how their schools had been affected by evacuees & whether the government covered the cost of damages incurred by evacuees and disasters.

Date	Location	Venue	Name of person (or group) consulted	No. Participants (Male/Female)[i]			Key Outcomes of consultation
				M	F	Total	
25/05/20	Port Vila	PVMC office	Ward Secretaries & Town Clerk.	3	3	6	Consulted Ward Secretaries at 1:30pm on ward sub project, evacuation centres' 'Asked them to submit urgent priority needs in their wards
26/05/20	Port Vila	National Statistics Office	[redacted] and colleagues	3	3	6	Consulted the staff on 2016 population Census in each ward.
29/05/20	Port Vila	Laken Community	Chiefs of Laken community near Septic Treatment facility.	4	4	8	Consultations on the status of land and the settlement.
1/06/20	Port Vila	Seaside Futuna	Chairman of Futuna Land Trust on Land matters. Also consulted lands dept. officers for land Title	4	1	5	Discussed matters concerning use of Futuna land, determined that the Futuna Land Trust is agreeable to the development of an emergency shelter facility.
1/06/20	Port Vila	Tokyo Paama community	Paama Chief [redacted] and his people	5	3	8	Consultations on land and evacuation centre. [redacted] said he and his people will not interfere with the government concerning State land.
2/06/20	Port Vila	Numerous	Labour Dept, Vanuatu Tourism Office and Vanuatu Chamber of Commerce and Industry on statistics of Laid off workers due to Covid 19.	3	5	8	Consultations on any statistics they could provide on Laid off workers or closed businesses.
4/06/20	Port Vila	Seaside community	Ward representatives at Seaside area.	4	1	5	Consultations on ward statistics for Pentecost & Paama communities.
9/06/20	Port Vila	Seaside Futuna	Futuna Chief on ground works to be done by engineers at Futuna seaside.	3	1	4	Understanding on scope of feasibility study and concept for the facility at Futuna Seaside.
18/06/20	Port Vila	Southern Ward	Southern Ward Secretary; Acting Commissioner of Police on Ward sub projects and evacuation centres.	2	1	1	Consultation on ward subprojects. Agreement on concept and to proceed with feasibility studies
29/06/20	Port Vila	Tokyo Paama	Tokyo Paama community	12	1	10	Consultations on scope and key features of the emergency shelter / community facility
30/06/20	Port Vila	Tokyo Paama	Tokyo Buninga Rep.	1		1	Confirmation on hall improvement project.

Date	Location	Venue	Name of person (or group) consulted	No. Participants (Male/Female)[i]			Key Outcomes of consultation
				M	F	Total	
1/07/20	Port Vila	Tokyo Paama	Tokyo Paama leaders.	5	1	6	No objection from community, confirmation of land availability to be confirmed by Lands Department.
3/07/20	Port Vila	Department of Lands office	Director of Lands Dept Mr. [redacted]	3	1	4	The Director confirmed that land at Tokyo Paama, Seaside Showground and Freswota Market is state land and that Ministry of Lands will sort out the land issue.
10/07/20	Port Vila	Seaside Futuna	Seaside Futuna Community representative [redacted] [redacted]	0	1	1	[redacted] organised signing of a letter from the community on behalf of Futuna Land Trust Assoc.
14/07/20	Port Vila	Department of Lands office	Director of Lands Dept Mr. [redacted]	2	2	4	Confirmation on Access to Tokyo site.
27/07/20	Port Vila	Seaside Futuna	Chairman of Futuna Land Trust Board Mr. [redacted] [redacted], Mr. [redacted]	5	0	5	Clarification and confirmation of ownership of Seaside Futuna Site. Site was purchased by the islanders of Futuna island over a period, following an initiative by Mr. [redacted] [redacted] who made the initial deposit. The land title was transferred from Mr. [redacted] 's name to the Futuna Land Trust Board in 1997.
27/07/20 – 03/08/20	Port Vila	Seaside Showground	Chief [redacted], assistant chief [redacted] and site attendants, [redacted], [redacted] and [redacted]	2	3	5	PVUDP built sanitation facility currently in difficulty as communities are unable to make regular contributions due to unemployment in hotel sector, resulting from COVID 19 state of emergency / tourist travel restrictions. Difficulty meeting septage removal charge of VUV 30,000
2021 - no recorded consultations							
2022							
19/08/22	Port Vila	Seaside	Seaside community leaders and members	14	13	27	Confirming preferred & final location for shelter at the site
19/09/22	Port Vila	Freshwater	Freshwater community leaders and representatives	No record			Consultation on site suitability, issues with current market site, other items of interest.
2023							

Date	Location	Venue	Name of person (or group) consulted	No. Participants (Male/Female)[i]			Key Outcomes of consultation
				M	F	Total	
23/06/23	Port Vila	DEPC	[redacted], Principal EIA Officer	1	1	2	DEPC Environment Permit requirements (x3 required)
27/06/23	Port Vila	Seaside	Community members & Leaders	9	14	23	Information confirming design and location (ref 19/08/22 meeting), safeguards controls, tender process, construction, GRM etc.
29/06/23	Port Vila	Freshwater	Community leaders, members, councillors	19	9	28	With PIAC and PVCC, advising COM decision on new site and outline of project incl. Korman shelter, project safeguards controls, GRM etc.
4/08/23	Port Vila	Freshwater house	Mrs [redacted]	0	1	1	Adjacent neighbour to food stall and shelter.
8/08/23	Port Vila	Freshwater School	[redacted], Deputy Principal	1	0	1	Request for temporary stall as used by students for lunches
8/08/23	Port Vila	Freshwater School	[redacted], Deputy Principal	1	0	1	Request for temporary stall as used by students for lunches
9/08/23	Port Vila	Phone	Councillor [redacted]	1	0	1	Ward councilor requests temporary stall, confirm Korman shelter comes under Freshwater-Tassiriki governance arrangements.
18/08/23	Port Vila	Freshwater site & Phone	Councillor [redacted] (phone), [redacted] [redacted] Chairman of Freshwater Council of chiefs, and Mrs. [redacted] President of the Freshwater Shelter committee.	2	1	3	Agreement on the location of the new replacement food stall.
15/12/23	Port Vila	Seaside	Community members & Leaders & Mamas using the existing small market stall (food stall)	1	3	4	Confirming preferred location for the new small market stall (the existing one must be removed)
13/01/24	Port Vila	Seaside	Mamas using the existing small market stall (food stall)	0	15	15	Confirming preferred location for the new market stall (the existing one must be removed)
16/01/24	Port Vila	Seaside	Mamas using the existing small market stall (food stall)	0	7	7	Confirming preferred & final location for the new market stall.

Appendix 2: Summary Consultation Reports

SUMMARY CONSULTATION REPORTS

A. Seaside Showground

1. The former show ground is situated on state land. It is owned by the government and lies within the PVCC boundary. When [redacted] and his people were consulted about this ward subproject, he said that he did not feel that his community should interfere with what the government's plans are for the ward sub project.

2. However at subsequent consultation in September 2022, the community made clear that the originally proposed location of the building on site was unsuitable as it encroached on the football field and blocked sea breezes with the trees at that location providing welcome shade to community members. A preferred location at the western end of the site to the west of the existing sanitation block was identified and is large enough for a full-sized shelter to be built.

3. During consultation in June 2023, the existence of a small concrete pad and basketball hoop at the new location was noted and a request made by community members to include a similar facility beside the new building. This will be in the form of a multipurpose concrete slab for use during an emergency for storage of emergency supplies and materials but marked to be able to be used for basketball.

4. The June 2023 consultation around the new site for the building also identified the significance of the location from an historical perspective as it was in this area where Walter Lini in 1979 committed to gathered kastom chiefs that Vanuatu would become an independent nation. The community would welcome the opportunity to formally recognize this event in the opening of the building, possibly with a commemorative plaque or similar was suggested and has been passed to the DUAP for consideration and discussion with the Vanuatu Cultural Centre.

5. The June 2023 consultation also informed on likely timescales for the shelter construction and the existence of a project GRM for any community issues. The shelter was welcomed and requested to be built and operational as soon as possible.

6. During December 2023 and January 2024 consultation also identified the need to remove the existing small market stall (food stall) in front of the construction site and to build a new permanent one a little further down in the street on the same side. A report on this is included as Appendix 4 to the Resettlement Plan. Provision will be made in the tender documents to ensure that the new structure is built and able to be used prior to the demolition of the current shelter.

B. Freswota Market

1. The Freswota Field shelter is to be erected on government land. This area is a green space, part of the larger Freshwater Field which has a small playground, an occasionally used volleyball court and a stage which includes a small community health centre/clinic. The main part of the green space is occupied by a large football stadium located to the west of the prosed shelter location. This site was chosen after some issues became apparent at the original site at Freshwater Market that meant it was not suitable for the shelter.

2. Consultations in 2022 identified the issues with the former site and also a proposal to locate at the new site which was in the vicinity and also government land. This option progressed and was confirmed along with the Seaside Showground location by the Vanuatu Council of Ministers on 15 December 2022.

3. Further community consultation in 2023 at a public meeting held at the stag on the site with community chiefs and leaders, women's and other representatives, ward councilors, PVCC [redacted] and officers, community members, neighbours and others in attendance. The site was formally confirmed along with the design drawings and presentations on the project, how it will progress and other aspects such as the project GRM were all covered. Attendees gave overwhelming support for the project and the addition of the facility to the community of Freshwater.

4. There is an existing volleyball court that will be encroached on by the new shelter. The court will be reorientated from its current position parallel to the road to perpendicular to the road. The slab will be used during times of emergency for storage of emergency supplies and materials.

5. During consultation and final design, it was noted that the small food stall just to the west of the site entrance will need to be removed and a new permanent one to be built a little bit further up in the street on the same side. A report on this is included as Appendix 3 to the Resettlement Plan. Provision will be made in the tender documents to ensure that the new structure is built and able to be used prior to the demolition of the current shelter.

C. Korman

1. The Korman shelter is located in a linear park with no obvious surrounding local community as it is on the main round island road, adjacent to the main athletics stadium with some shops and a road junction opposite. Impacts are limited to those of constructing the building with no adverse effects or resettlement issues.

2. Consultation on the Korman shelter was included in the June 2023 consultation at Freshwater Fields and subsequently with PVCC councilor and Freshwater Chiefs. As part of the Freswota-Tassiriki ward, the same councilors and community and chiefly representatives apply to Korman and are included as an appendix to this document and also the project's community consultation plan.

Figure 7: 2023 Consultations with the Community at Seaside and Freswota

Seaside



Community leaders



Women's representatives



Chief [redacted] (June 2023)



Seaside basketball court to be replaced

Freswota



Deputy Principal Freshwater School



Stall users 29 June 2023



Community consultation 29 June 2023



Mrs [redacted] adjacent neighbour

Appendix 3: Permanent Relocation of Food Stall at Freshwater

Report and proposals for the relocation of the food stall at Freshwater Fields

A small covered shelter used as a food stall and also for the sale of kava in the evenings is located to the south of the shelter site, next the site entrance. Partly located on road reserve, the original shelter was built in 2008 with the support of a local councilor and has been progressively upgraded and repaired in 2016 and 2020 from user and external donations, including the current Prime Minister [redacted]. The shelter comprises a slab floor, milled timber framing and an iron roof. There is a central table built on cement blocks.



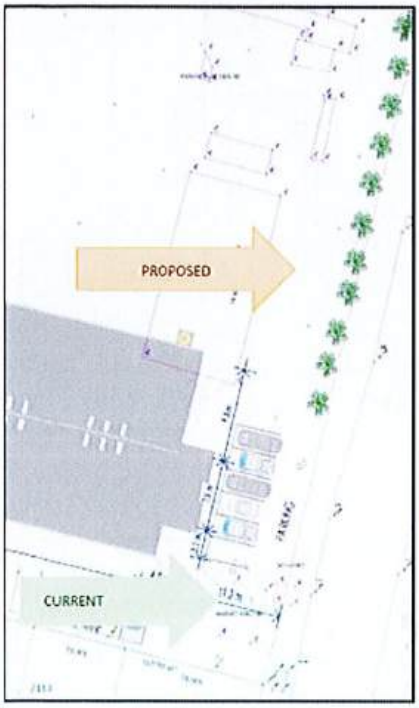
The shelter is used as a food stall by local women to sell food at weekday lunchtimes and also in the evenings. The stall is relied on by many children at the local school to provide lunches. In the evenings kava is sold by youth from a separate table outside the shelter. Discussions with the sellers and users of the shelter took place on site in August and also with the Chairman of the Freshwater Council of Chiefs, the Deputy Principal of the school, the Ward Councilor and the Women's Representative for the Freshwater shelter. The owners of neighbouring properties were also consulted.

It was agreed by all that the food stall will need to remain operational for the duration of the works until the new shelter and facilities can be used for this purpose. If the shelter is demolished without an alternative then the current sellers will suffer a loss of income.

A site for the new stall approximately 60 metres north of the current site was suggested as suitable by the Ward Councilor and Chairman of the Council of Chiefs. This was also agreed by the Women's Representative for the Freshwater Shelter. The closest neighbour to the stall is happy that the stall is to be relocated away from their property as this will reduce the ongoing nuisance from rubbish and antisocial behaviour at nights, especially weekends. The photo below shows the proposed location and the current and proposed locations for the shelter are marked on a section extract from the site plan.



[redacted] at proposed location for the new stall

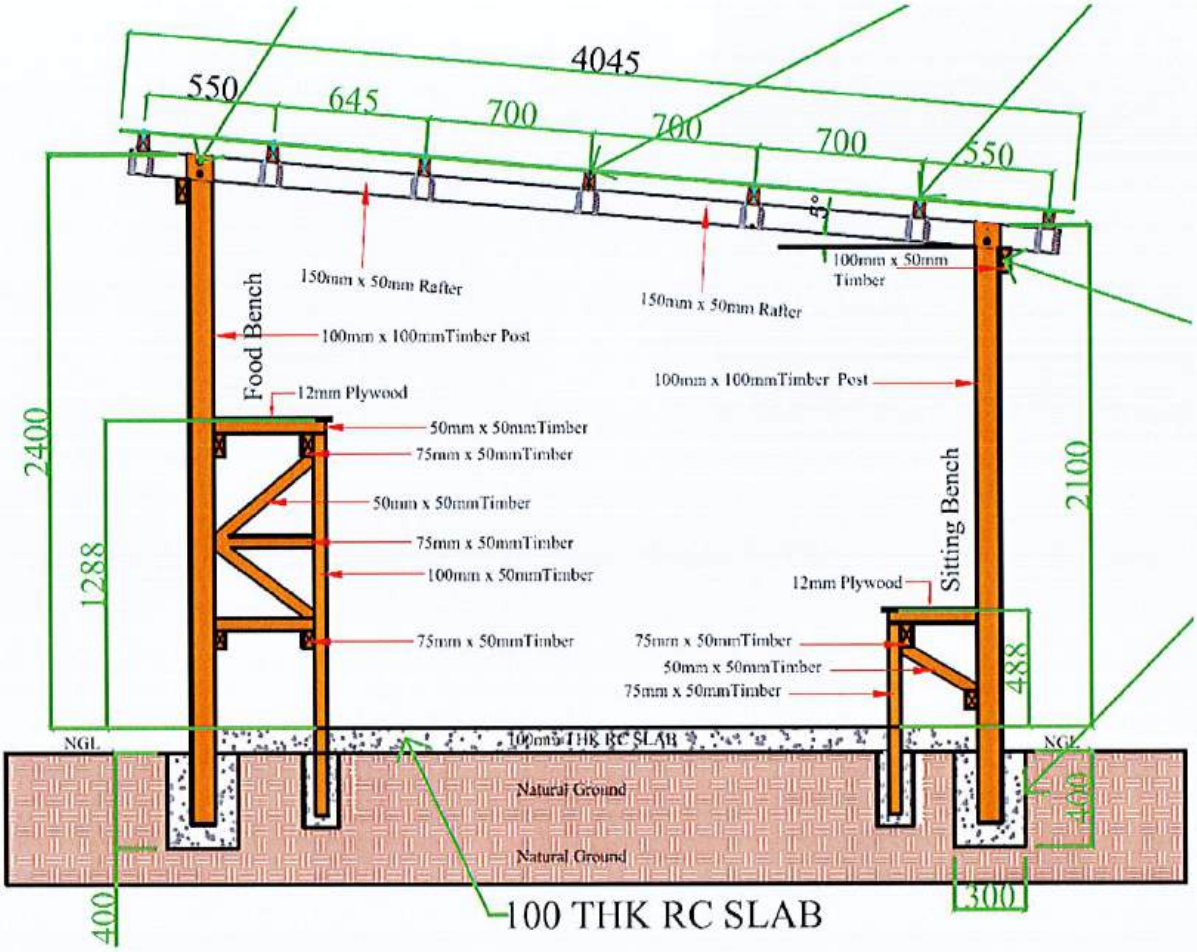


Extract for Site Plan showing current and proposed site for the relocated stall.

Next Steps

Design drawings have been prepared for the new stall along with a Bill of Quantities (BoQ). The estimated cost of the construction is USD 5,000.00 (VT 605,000).

Extract from drawing AR-150: the same typical drawing will be used for each new market stall



Extract from the BoQ:

2.5	**Demolition of a market shed** This lump-sum price covers the demolition of the existing market shed shown on the drawings (Size of the concrete slab: 5.90m x 4.00m)and the disposal of material. The demolition should be done after construction of the new stall and the intended program of works has to be communicated to local community users at least one week in advance of works commencing. Lump-sum price:
2.6	**Reconstruction of a market shed** This lump-sum price covers the reconstruction of a permanent market shed as per drawings. The construction of the new market stall should be completed before the demolition of the existing stall and the intended program of works has to be communicated to local community users at least one week in advance of works commencing. Lump-sum price:

The drawings and BoQ are included in the tender and contract documents as a clearly marked billable item, separate from the remainder of site works.

The construction of the new stall will be undertaken by the contractor ahead of any demolition and other works at the Freshwater site to allow for continuous operation of the stall.

The cost of the work will be paid by the Government of Vanuatu from funds previously set aside for the establishment for a new relocated Freshwater Market, now no longer required (due to the change of site to Freshwater Field).

This relocation will need to be completed to allow for 'no objection' to be received from ADB and before possession of site is granted to the Contractor.

Appendix 4: Permanent Relocation of Food Stall at Seaside

Report and proposals for the relocation of the food stall at Seaside Showgrounds

A small covered shelter used as a food stall and also for the sale of kava in the evenings is located in front of the shelter site, next the site entrance. Partly located on road reserve, the original shelter was built in 2015 right after Cyclone Pam by Mrs [redacted], a resort owner just down the road. The shelter comprises a slab floor, milled timber framing and an iron roof. There is a central wooden table.



The main purpose of the shelter was for mamas to sell food but this is now being used as an all purpose shelter.

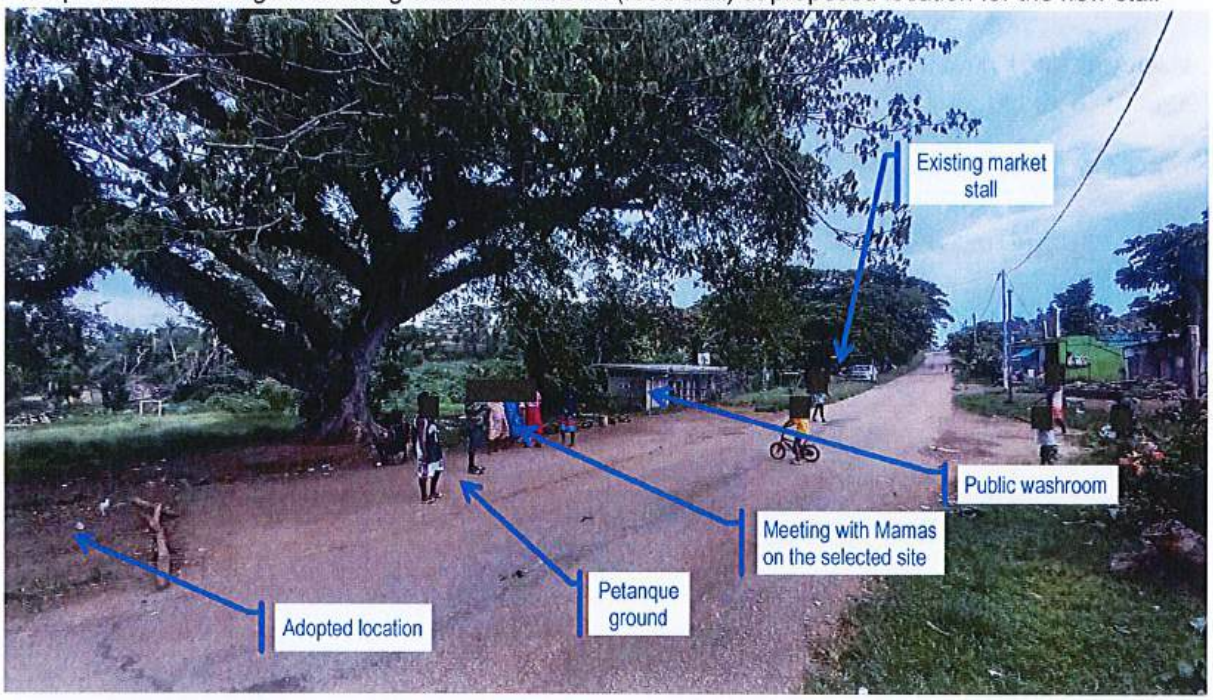
Discussions with the sellers and users of the shelter took place on site in December 2023 and January 2024 and also with the Women's Representative for the Seaside shelter. The owners of neighbouring properties were also consulted.

It was agreed by all that the food stall will need to remain operational for the duration of the works until the new shelter and facilities can be used for this purpose. If the shelter is demolished without an alternative then the current sellers will suffer a loss of income.

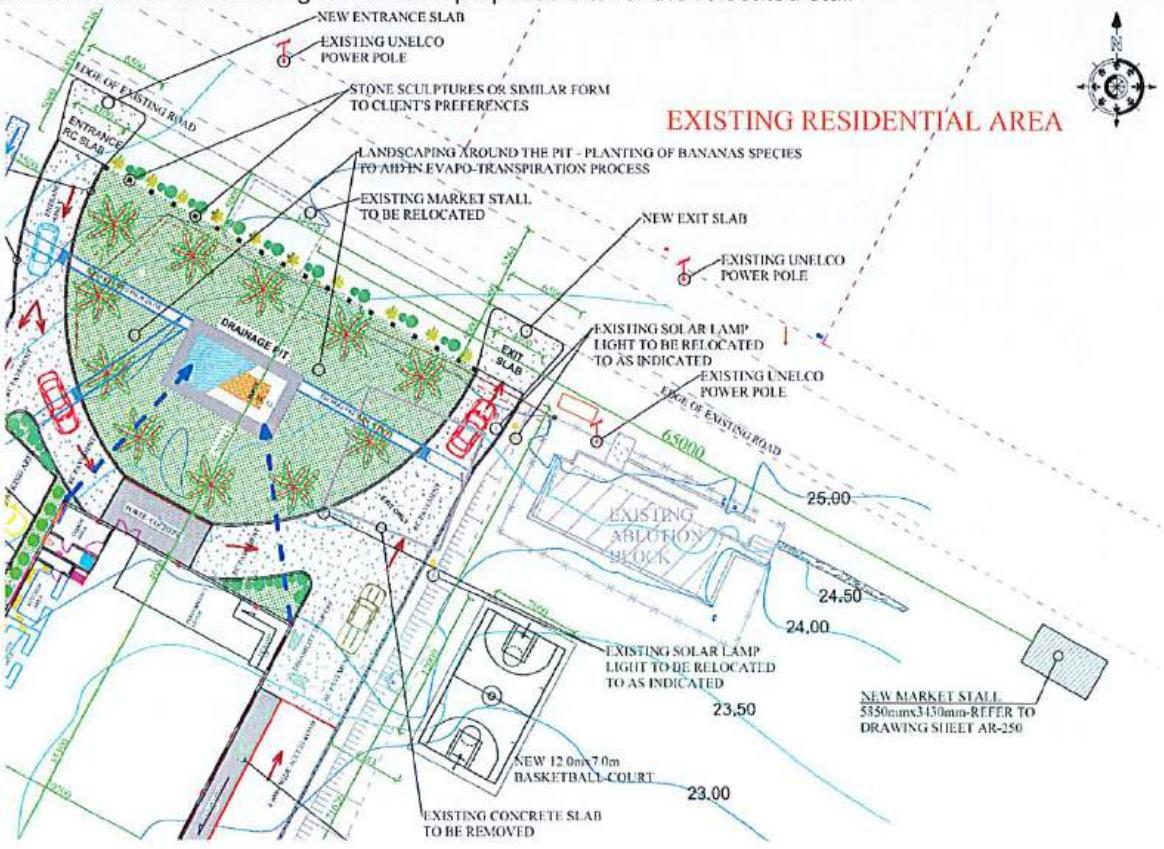
A site for the new stall approximately 65 metres south of the current site was agreed by the Women's Representative for the Seaside Shelter. The photo below shows the current and agreed locations for the shelter are marked on a section extract from the site plan.

The new small market stall (food stall) should be installed away from the existing public washroom (ablution) because of odour nuisance.

Group of Mamas using the existing small market stall (food stall) at proposed location for the new stall



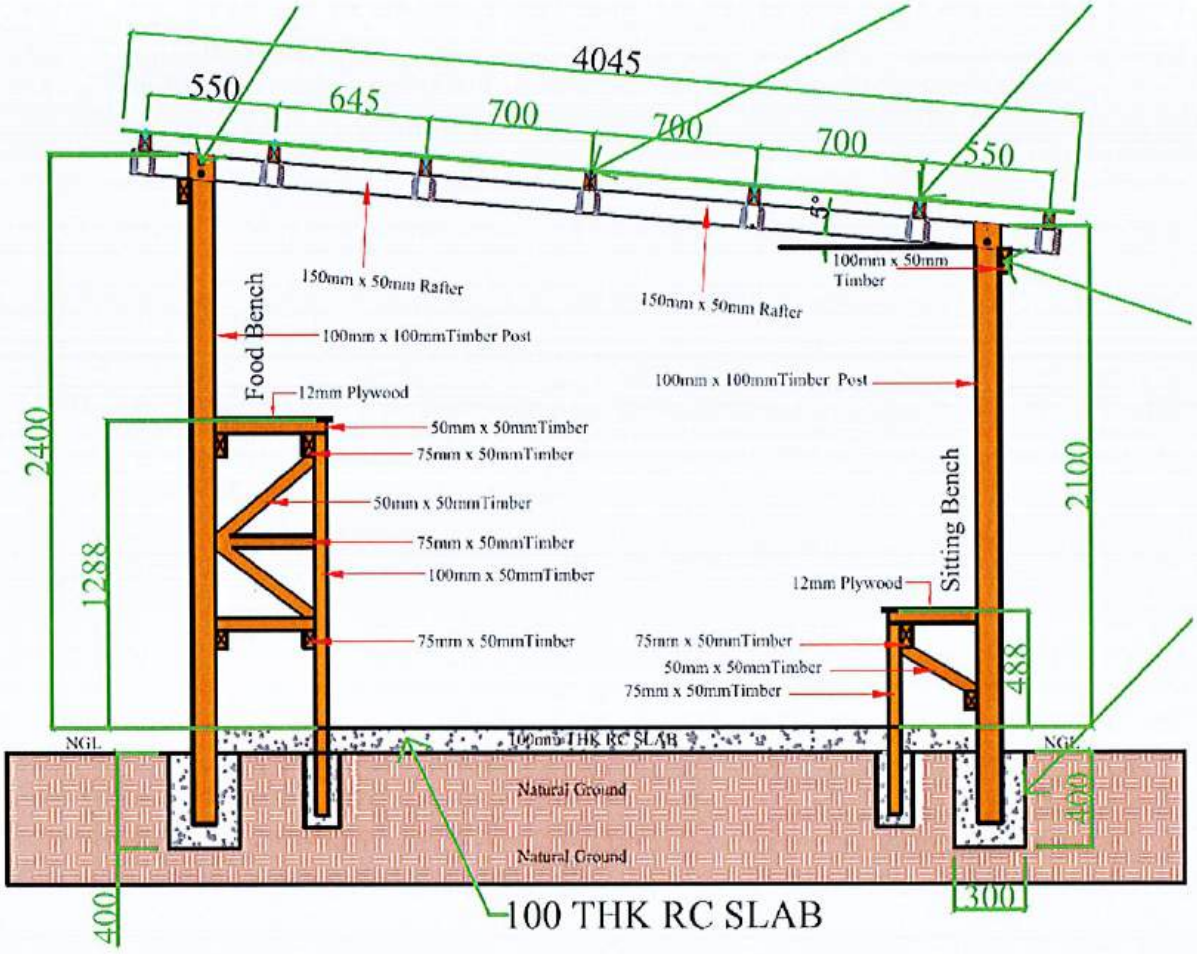
Extract for Site Plan showing current and proposed site for the relocated stall



Next Steps

Design drawings have been prepared for the new stall along with a Bill of Quantities (BoQ). The estimated cost of the construction is USD 5,000.00 (VT 605,000).

Extract from drawing AR-250: the same typical drawing will be used for each new market stall



Extract from the BoQ:

2.5	**Demolition of a market shed** This lump-sum price covers the demolition of the existing market shed shown on the drawings (Size of the concrete slab: 5.90m x 4.00m)and the disposal of material. The demolition should be done after construction of the new stall and the intended program of works has to be communicated to local community users at least one week in advance of works commencing. Lump-sum price
2.6	**Reconstruction of a market shed** This lump-sum price covers the reconstruction of a permanent market shed as per drawings. The construction of the new market stall should be completed before the demolition of the existing stall and the intended program of works has to be communicated to local community users at least one week in advance of works commencing. Lump-sum price:

The drawings and BoQ are included in the tender and contract documents as a clearly marked billable item, separate from the remainder of site works.

The construction of the new stall will be undertaken by the contractor ahead of any demolition and other works at the Seaside site to allow for continuous operation of the stall.

The cost of the work will be paid under the shelter construction budget.

This relocation will need to be completed to allow for 'no objection' to be received from ADB and before possession of site is granted to the Contractor.

Appendix 5: Council of Ministers Decision

Council of Ministers Decision 010 of 15 December 2022 confirming new Seaside and Freshwater locations

GOUVERNEMENT DE LA RÉPUBLIQUE DE VANUATU

LA SECRÉTAIRE-GÉNÉRALE

GOVERNMENT OF THE REPUBLIC OF VANUATU

COUNCIL OF MINISTERS

Thursday 15th December 2022

Honourable [redacted] **(MP), Minister of Internal Affairs (MOIA)**
Government of the Republic of Vanuatu.

Dear Hon. Minister,

DECISION N° 010: GREATER PORT-VILA URBAN RESILIENCE PROJECT (GVURP) SHELTER LOCATIONS WITHIN THE STATE LAND IN PORT-VILA.

Council of Minister (COM – 13th Legislature) held its N°002nd (Second) ORDINARY COM Meeting on Thursday 15th December 2022.

Here are the decisions made during this meeting:

1. COM approve the location of the two evacuation shelters as describe in this COM Paper, as the suitable sites for the construction of the two evacuation shelters;
2. COM mandate the Ministry of Internal Affairs to inform the ADB of COM's decisions and request ADB to provide its NO Objections; and
3. COM mandate the Ministry of Internal Affairs, Ministry of Lands, Ministry of Infrastructure & Public Utilities & Ministry of Climate Change to ensure the evacuation shelters are design and constructed immediately.

Thank you,

SPR 9053, Port Vila, Vanuatu – Téléphone (678) 22413 – Facsimile: (678) 26301 – E-mail: cmry@vanuatu.gov.vu

COM Secretary
[redacted]

CC: Hon. Prime Minister
Hon. DPM
All Hon. Ministers
All DGs
All 1st PA
Attorney General
Chairman of the Public Service Commission
Acting Director Finance
Treasury Unit
DSPPAC
PRO

SPR 9053, Port Vila, Vanuatu – Telephone (678) 22413 – Facsimile (678) 26301 – E-mail, cromy@vanuatu.gov.vu

Appendix 6: Letter from Port Vila City Council

LETTER OF CONFIRMATION FROM THE PORT VILA CITY COUNCIL
(that Operation and Maintenance of the Freswota Market, Seaside Showground and Korman sites are the responsibility of PVCC)

CITY OF PORT VILA
Emile Mercet Street
P.O.BOX 99

VILLE DE PORT VILA
Rue Emile Mercet
B.P 99

Port Vila, Vanuatu
Phone : (678) 22 113 – Email [redacted] .vu

TO WHOM THIS MAY CONCERN

This note serves to inform you that the project of Evacuation Centres Under the Greater Port Vila Urban Resilience Project (GPVURP) is designed and supervised by SAS Groupe Huit of Nante, France and its sub-consultant Qualsa Consulting Limited of Port Vila, Vanuatu of the Department of Urban Affairs and Planning (DUAP) and to be managed by the Port Vila City Council (PVCC)

These sites have been confirmed by the PVCC to be the official sites of where these Evacuation Centers will be constructed.

1. Freshwater (next to the stage behind the VFF Stadium)
2. Seaside Show ground
3. Korman, Tagcoki Park

On the completion of the above Evacuation Centers, PVCC will resume full responsibility and management of these Centers.

This note is made on this 3rd Day of July 2023.

[redacted]
Acting Town Clerk

Port Vila City Council

Our Vision: "A cultural, traditional, safe, vibrant, and resilient city that enhances access and equal opportunities for all".

Appendix 7: Evacuation Center Checklist

Government of the Republic of Vanuatu
National Disaster Management Office
Phone: +678 22699 / +678 23035 **Email:** ndmo@vanuatu.gov.vu
Post: NDMO, Private Mail Bag 9107, Port Vila, Vanuatu

Evacuation Centre Checklist for planning, assessment & classification

LOCATION AND ACCESSIBILITY

- ☐ Be elevated above likely impact from high tide storm surge level 10m
- ☐ Minimum 500mm above identified flood level
- ☐ Equally accessible for the disabled (ramp for wheel chairs)
- ☐ Provision of emergency door/exit
- ☐ Centrally located in the community
- ☐ No nearby large trees, structures use/store hazardous materials or high voltage power lines
- ☐ Building to be less than 9 meter height and designed in accordance with earthquake load standards
- ☐ Be close to a health facility (where possible)
- ☐ Perimeter fencing adequate main entrance/exit gate
- ☐ Be located on geotechnical stable land, not subject to potential landslides nor exposed to potential land slide of adjacent land

STRUCTURAL & ARCHITECTURAL MINIMUM REQUIREMENTS

- ☐ Engineer's cyclone certificate
- ☐ Structure engineer's certification that the design can withstand earthquake loads (Vanuatu buildings code or equivalent international e.g. New Zealand or Australia) New, but recommended for old also wherever possible
- ☐ Building is not more than 9 meter high
- ☐ Building is square or rectangular shape
- ☐ Fitted with cyclone shutters for windows and doors
- ☐ Fitted with provision for people with disabilities, including ramps where necessary and adequate design for unimpeded wheel chair access
- ☐ Provision of all services and facilities to cover the gender and protection aspects

OCCUPANCY CAPACITY

- ☐ Minimum 1.5 Sq.m/person for the shelter 1 to 3 days (Short term)
- ☐ Minimum 3.5 Sq.m/person for the shelter 4 days & above (Long term)

COOKING FACILITIES (LONG TERM)

- ☐ Kitchen should be equipped for the hygienic food preparation
- ☐ Provision of utensils
- ☐ Provision of water tap inside kitchen
- ☐ Sinks for washing utensils
- ☐ If using gas cylinders, must be installed outside
- ☐ Gas cylinders regulators must be positioned outside in secure cages away from building (Recommended in safety point of view)
- ☐ If wood will be used for fire, an adequate arrangement of wood storage must be made available (Preferred, this storage is for preparedness)
- ☐ Kitchen must be provided with adequate ventilation to exhaust the fume/ventilation

WATER SANITATION AND HYGIENE

- Minimum 3-5 liter per person per day drinking water
- Minimum 2liter per person per day for basic hygiene
- Minimum 3 liters per day per person for cooking
- 10-20 liter water per person per day if the conventional flushing toilet is provided
- 1.5-3.0 liter per person per day if pour flushing is used
- Minimum one toilet per 30 female
- Minimum one toilet plus one urinal per 50 male or one toilet per 40 male
- Gender segregated toilets
- Conventional handwashing facilities one hand washbasin per 10 toilets
- Minimum one toilet for people with disabilities
- Gender segregated shower facility one shower/ 30 person
- Toilet should be at least 20m away from kitchen but no more than 30 meter away from main building and ideally be all weather accessible.
- Laundry block be provided where possible
- Protection and gender aspects should not be overlooked during the design and site planning facilities (for instance male & female toilets should not be face to face, water point should not be in dark areas etc. general guidance protection & gender principles)
- Toilets are internally lockable
- External lock key should remain with Evacuation Center manager.

ELECTRICAL INSTALATIONS AND EMERGENCY POWER SUPPLIES

- Adequate electrical installation
- An alternate/emergency backup system (Alternate not necessarily generator or UPS, it can also be a Kerosene lamp)
- If alternate/emergency backup is a generator a manual changeover switch at the switch board to connect the generator should be provided
- If alternate/emergency backup is a solar panel, batteries/UPS are to be provided with an adequate inlet for the battery/UPS to connect with the switch board.
- Generator and fuel tank ideally be located outside and should be protected from rain, wind born debris. Access to fuel and generator should be all weather
- Inspection of electrical installation should be done upon completion by an electrical engineer to issue a certificate (despite new or old, an old installation could be vulnerable and inspection can help to know and mitigate the risk)
- All corridors, toilet areas, shower points, drinking water points and hand washbasin areas should be lit during the night
- Provide exhaust fan/ventilation in the evacuation center to avoid suffocation due to large number of people inside

SAFETY AND PROTECTION

- Ensure building properly secured with night latches for doors
- Ensure burglar proof bars for windows
- Ideally an Evacuation Center should be small for an easy operations and management from activation to closure.
- Ensure all dark areas, toilets washrooms, showers ,water points are provided with appropriate lighting
- Where possible provide moveable partitions to give privacy for women and girls in the evacuation center.
- Ensure an adequate emergency exit

Appendix 8: Grievance Redress Mechanism

GREATER PORT VILA URBAN RESILIENCE PROJECT GRIEVANCE REDRESS MECHANISM

1. Introduction

The Grievance Redress Mechanism (GRM) for the Greater Port Vila Urban Resilience Project (GPVURP) aims to provide an effective and transparent process for community members, stakeholders, and project beneficiaries to raise and resolve concerns, complaints, and grievances related to the project's activities. This mechanism ensures that the project remains accountable, responsive, and inclusive while fostering a positive and constructive relationship between the project and the local communities. It describes the scope and procedural steps and specifies roles and responsibilities of the parties involved. The GRM is subject to revision based on experience and feedback from stakeholders. The GRM process is shown in Table 1.

2. Principles for Grievance Redress:

A GRM is proposed to address any complaints and grievances arising during implementation of the project. Members of the public may perceive risks to themselves or their property, or have concerns about the environmental performance of the project. Any concerns or grievances should be addressed quickly and transparently, and without retribution to the Affected Person (AP) or Complainant.

Primary principles are that all complaints and grievances are resolved as quickly as possible. It therefore follows that, where possible, the resolution of complaints and grievances should be at the lowest possible level for resolution.

All minor complaints that can be resolved, should be resolved immediately on the site. The focus of the GRM is to resolve issues in a customarily appropriate fashion at community level and record details of the complaint, the complainant and the resolution.

It should be noted that Sexual Exploitation, Abuse and Harassment (SEAH) or child protection related complaints require a specific procedure for resolution as outlined in Section 9 below.

The GRM for the GPVURP is built upon the following principles:

- Accessibility: The mechanism is accessible to all stakeholders, irrespective of their background, language, or physical abilities.
- Transparency: The process is transparent, with clear guidelines and steps outlined for submitting and addressing grievances.
- Fairness: Grievances are treated fairly and impartially, with no discrimination based on gender, age, ethnicity, or social status.
- Accountability: All parties involved, including project implementers, are accountable for addressing grievances promptly and effectively.

3. Objectives of Grievance Mechanism:

The GRM has the following objectives:

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

4. GRM Definitions:

An **Affected Person** (AP) is a person that is adversely affected temporarily or permanently as a result of project works under the GPVURP.

A **Complaint** is a statement (verbal or written) or expression of displeasure that an impact or effect arising from a sub-project is unsatisfactory or unacceptable to the complainant. Such a complaint is a concern about a minor impact or effect that is short term, low in risk, often temporary, that typically does not require an investigation but does require a specific response to remove or remediate the unsatisfactory or unacceptable impact or effect. Unresolved complaints may become grievances if not dealt with appropriately and within a short (typically 2 days but a maximum of 14 days) timeframe. Complaints able to be dealt with or resolved immediately can be referred to as minor complaints.

A **Grievance** is a statement about an action, impact or effect arising from a sub-project that adversely affect the rights, health and/or well-being of an affected person or people to the extent that it forms legitimate grounds for grievance and if upheld, may result in compensation, legal action, or a change to the sub-project in order to resolve the grievance. Such a grievance will require specific response and potentially and formal intervention by supervisor or client for resolution and such resolution must be formally agreed and recorded. Grievances may be raised verbally or in writing but must be reported using the Grievance Report Form (Appendix 1) which must be completed in every instance.

5. Publicizing Grievance Mechanism:

The GRM will be widely publicized to ensure appropriate accessibility for locals and other stakeholders. This will involve:

- Information Campaigns: Launching an awareness campaign using local media, community meetings, and public spaces to inform residents about the mechanism's existence and how to access it.
- Multilingual Information: Providing information materials in local languages to ensure inclusivity and understanding.
- Community Liaisons: Appointing community liaisons who can help explain the mechanism and assist individuals in submitting grievances.

The PCU will inform the Port Vila City Council (PVCC), local councils of Chiefs, local Chiefs, communities, project teams, contractors and key agencies on the GRM. Communities and potentially affected persons will be advised of the GRM in the early stages of engagement on a proposed subproject, and be made aware of:

- The potential impacts of the project and how these impacts are to be minimized;
- How they can access the GRM (i.e. key people and complaint forms);
- Who to speak to and how to make a complaint;
- Who to speak to and how to lodge a grievance;
- The timeframes for each stage of the process;
- The GRM being confidential, responsive and transparent; and
- Alternative avenues of dispute resolution where conflicts of interest exist.

A project website will be developed to share information about the project, its implementation progress and results, procurement packages, etc. Information about the GRM mechanism and procedures will be posted on the website, with contact details of persons from MOIA responsible for receiving grievances.

6. Complaint Process:

Generally, complaints and grievances will be resolved at the community level as much as possible (except in the case of SEAH or child protection issues) under the management of the contractors and the Supervising Consultant (SC) representative. Assistance may be offered by the Ministry of Internal Affairs (MOIA) primarily the Department of Urban Affairs and Planning (DUAP).

Grievances may be firstly referred to customary conflict mediation arrangements where appropriate, with the assistance of the Area Chief or so long as they are not directly affiliated with leaders who are party to the grievance. If the issue cannot be resolved at this level, it will be raised to the next level and so on.

The GRM aims to address all complaints received, regardless of whether they arise from real or perceived issues. Any stakeholder (man or woman) who considers themselves affected by the project activities will have access to this procedure at no cost or threat of any negative repercussions.

The statutory rights of the Complainant to undertake legal proceedings remain unaffected by participation in this process. The structures of the GRM will include women's representatives to allow female stakeholders to more easily make complaints or lodge grievances. The use of representatives is also available to any affected party and may be used in situations where the affected party cannot represent themselves (for example when the affected party is a child or disabled). Representatives can include but are not limited to women, youth, Church or Non-Government Organisation (NGO) representatives as seen as appropriate by the affected party.

7. Arrangements for Complaints and Grievances

Complaints

In practice, complaints can be made to anyone involved in GPVURP or perceived to be in authority including Ministers, Members of Parliament, Provincial Authorities, MOIA or GPVURP Officers. Irrespective of the initial receiver of the complaint, the following will happen for Contractor related Complaints:

- All Complaints will be communicated to and registered by the Contractor's nominated representative usually the Contractor's Community Liaison Officer (CLO) in the site daybook immediately upon receipt, including details of the Complainant, attempts to resolve the complaint, the resolution of the complaint and outcome.
- The complaints record or daybook will be made available for inspection by any authorized representatives of MOIA, including the SC.
- The Contractor will inform the MOIA representative or SC within 2 days of all complaints received including those that have been resolved.
- The SC supported by the Community Partnership Officer (CPO) from DUAP or others may also assist the contractor in resolving a complaint.
- The Contractor will have a maximum of one week to resolve the complaint and convey a decision to the Complainant. The complaint and decisions on its resolution can be heard and agreed at the relevant local nakamal. Once resolved, the resolution should be entered accordingly into the site daybook and the SC informed of the outcome and details included in the next Contractor's report for review and analysis by PCU.
- Should the Contractor or the Complainant not be satisfied with the proposed resolution of an issue or any aspect of communication around the issue, the matter will then be passed to the relevant DUAP representative and the PCU for resolution.
- If the complaint escalates, that is becomes more serious over time or it appears that the Complainant may have a grievance as defined above or the complaint cannot be resolved through initial intervention and efforts by PCU, it must be recorded as a grievance and the procedure for grievance redress be followed.
- Regular community representative meetings will be held for all GPVURP sub-project activities. These meetings will include consideration of all aspects of the GPVURP sub-project and include discussions on nuisance, analysis of complaints and confirmation of steps to prevent or reduce nuisance and confirmation that all complaints have been resolved. Inherent causes of complaints that cannot be resolved by changes to work practices or simple on-site solutions require to be referred to the PCU for resolution.
- Any other complaints not necessarily relating to the Contractor shall be dealt with in the first instance by the CPO and recorded and sent to PCU.
- Results of complaints records and meetings across GPVURP subprojects will be reviewed regularly by the PCU to identify opportunities to reduce impacts of project activities and reduce complaints.

Grievances

- All grievances must be referred by the SC or Contractor directly to the MOIA (DUAP) representative for resolution and details recorded using a Grievance Report Form.
- When a grievance is reported, it will be referred to the PCU who may delegate this responsibility to a suitable Officer until the grievance is resolved. The GRM process, responsibilities and timeframes is set out in the next section.

Important Notes

- **Concerns, complaints and grievances from affected women, children or other disadvantage groups in the community may be raised by a representative on an AP's behalf and in the same manner as a community complaint or grievance.**
- Should a dispute arise that cannot be resolved and it is serious enough to prevent the project works taking place, then work will stop and the Contractor will be instructed to stop work on that element of the contract until the matter is resolved. This resolution may include handling through legal processes.

Community Consultation

The Contractor, supported by either DUAP or SC will confirm with project stakeholders (including community representatives) details of the project works taking place. An agreement will be sought that sets out the controls and measures to be adopted by the Contractor to minimize socio-environmental impacts of the project including but not limited to:

- Hours of work
- Noise
- Air Quality
- Waste management
- Location of construction camps
- Traffic management
- Public Health and Safety

The agreement will also identify and nominate the community representatives who are authorized to speak on behalf of the community members.

Regular meetings will take place between the Contractor, DUAP or SC representative and community representatives. The purpose of these meetings is to review that all minor complaints have been resolved and identify and if possible, resolve any ongoing complaints or grievances.

All works under GPVURP are subject to an Environmental Management Plan (EMP) that has a set of conditions to be met by the Contractor. Any breaches of the EMP conditions will also be entered into the daybook at the relevant site(s) and the resolution of the breach will be recorded.

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

Disclosure

For it to function as intended, the potential complainants must be aware of how to access the GRM. Therefore, it is important that the GRM and how it functions are presented to potentially impacted parties. Key details requiring to be disclosed include:

- How to make complaint

This includes the different methods of making a complaint or grievance (face to face, phone, email, through intermediary or representative) as well as specific mechanisms for SEAH complaints.

- Contact details

Where to complain to which will include contact details of people responsible for the specific sub-project as well as PCU.

- Responsibilities

Who is responsible for recording and resolving a complaint, (includes the responsibility of the complainant to be accurate and specific about their complaint). Timeframes for responding to complainant.

A summary of the GRM, including the information above will be displayed at every GPVURP work site and will also be distributed to communities in Bislama as well as English or French.

8. Grievances Procedure

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

The intention is to resolve a complaint as quickly and at as low a level as possible to avoid a minor issue becoming a significant grievance. Unresolved complaints may be treated as grievances only if, in the opinion of the PCU that they fall within the definition of grievance under GPVURP.

Irrespective of the stage of the process, a Complainant can pursue the grievance through the court as is his or her legal right.

i. Receive

Relevant personnel in each project site (SC and Contractor) will be required to accept formal grievances and ensure avenues for lodging grievances are accessible to the public and affected persons. Avenues will include: face to face with the contractor, government representative or community representative, by telephone or in writing to the above or via email.

The first point of contact for all potential grievances from community members is usually the Contractor or CPO. The grievance may be made directly by the aggrieved party or through the local chief or a community women's representative.

A grievance may also be made by directly to anyone involved in GPVURP or perceived to be in authority including Ministers, Member of Parliament, Provincial Authorities, MOIA or GPVURP Officers, however the grievance must be passed to the Contractor for it to be formally recorded and received into the GRM.

Irrespective of the source, the Contractor will record all grievances on the Grievance Report Form and inform the SC immediately passing a copy of the form to the SC. Depending on the circumstance, SC may also fill out the Grievance Report Form with the Contractor. The grievance will be acknowledged within two days to the Complainant confirming that the grievance has been received and is under investigation.

ii. Investigate / Enquire

The SC will investigate the details of and grounds for the grievance with assistance from the DUAP if required. Additional support or information may be gathered from any other sources in order to describe the cause and effects of grievance more clearly, its level of urgency or severity and its relationship to GPVURP.

The SC may require that a community representative (chief or women's representative) supports the grievance in order to assist investigations and confirm details of the grievance.

Investigations may include site visits and meetings to determine: the scale and impact of the grievance and what options there may be for appropriate responses or resolutions.

iii. Respond and Resolve

After investigation, all grievances will be responded to by a GPVURP representative directly to the Complainant within one week after the completion of the investigation to discuss and identify potential resolutions. If additional time is needed, the Complainant will be advised of this in advance. Any other representatives that may be required by either the SC, DUAP or the Complainant to be present in order to provide input to developing an appropriate response or resolution.

The severity of each grievance and subsequent course of action shall be determined by the relevant supervisor (contractor or engineer). If the issue is easily resolvable, the responsible parties should endeavor to address the issue directly on site. If the grievance is a more complex issue, it may require additional meetings and further investigation, and may need to be managed by the PCU rather than the SC.

If a grievance is dismissed as groundless or resolved at any stage, the Complainant will be informed of their rights in taking it to the next stage. A copy of the decision is to be given to the Complainant in writing and a further copy sent to next level of authority to inform them of the complaint.

The records shall be kept and filed into the Grievance database managed by the PCU. All responsible parties involved in the GRM process are to keep complete records of their activities. These records of the grievance redress mechanism will be monitored by the SC and PCU and included in regular project reports.

If an agreement is not reached between the Complainant and the PCU, the grievance will be escalated to the Technical Advisory Roundtable (TAR) for review and a final decision. If necessary, further action will be taken to resolve the issue. If the Complainant is still dissatisfied with the outcome, they may be referred to the legal process. However, courts should be the last avenue for addressing grievances.

iv. Follow up/Close Out

A grievance is closed out when no further action can or needs to be taken. All grievances should be closed out within the initial 30 days or as soon as possible thereafter and after all reasonable attempts to resolve the grievance have been attempted.

The response should communicate findings of the investigation and resolution, and seek approval from the Complainant. If the Complainant is satisfied with the outcome then the grievance is closed out and they provide their signature (or fingerprint) on the agreement as confirmation.

Should the Complainant either reject or appeal the outcome then the closure status will be recorded

Closure status will be entered into the Grievance database as follows:

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

All grievances will be reviewed for opportunities to help identify and reduce future, similar occurrences across GPVURP subprojects.

Table 1 below outlines the timeframes for each stage of the Grievance process, a flowchart showing the process is attached as Appendix 2.

Table 1: Grievance Process

Timeframe	Stage
Within 1 day	• Grievance reported to Contractor through nominated person by Complainant or community representative (School Principal for issues on school property) or if received via PCU immediately upon receipt. • Contractor with support of SC prepares **Grievance Report Form** providing full details of the alleged grievance.
Within 2 days	• SC investigates and confirms details of the grievance and ensures that details are entered onto the **Grievance Report Form**. • SC confirms subject of the complaint is still relevant and contacts PCU. • SC sends **Grievance Report Form** to PCU.

Timeframe	Stage
	• PCU logs grievance into the GRM register.
Within 7 days	• PCU confirms who will have delegated authority to resolve grievance. • PCU representative meets with relevant parties, village leaders etc. • Depending on nature or severity of the grievance PCU representative attempts to identify acceptable resolutions. • Confirm resolution with Affected Party (or representative) and seek their approval or confirmation that the grievance is resolved. • Grievance closed out by PCU in writing.
30 days	• If unresolved then Grievance including an update of all actions to date is or referred to TAR for further action. • Database updated by PCU.
As soon as possible thereafter	• PCU undertakes further action. • If grievance remains unresolved the grievance can be closed out by TAR on behalf of the project. • Database updated by PCU. • Complainant may initiate legal process through courts.

9. Sexual Exploitation, Abuse and Harassment:

In consideration of matters concerning SEAH, complaints should be addressed in line with the flowchart attached as Appendix 3 which is developed from the ADB's good practice note (April 2023).

In order to address SEAH, a worker code of conduct will be adopted, and a code of conduct agreed with the community. Training and awareness raising sessions will be conducted with all project personnel, including contractor personnel, as well as with local communities. A standard operating procedure will be developed and adopted for SEAH complaint handling and response. The SOP will include the following elements: (i) definition of SEAH and application of national legislation including any mandatory reporting requirements; (ii) who can receive complaints (this may include for example the contractor and/or PMU CLO, the head of the PMU, HR etc); (iii) referral to support services such as GBV services, health and police (noting that this is subject to the wishes of the victim/survivor and cannot be done without their consent); (iv) confidentiality and privacy of information (no reporting details of SEAH complaints in the GRM register); (v) notification of complaints to ADB, and (vi) template for SEAH case reporting.

There is a significant role for the Contractor's CLO to identify a potential SEAH case upon notification and for women's representatives to allow female stakeholders to make complaints or lodge grievances more easily. A gender focal person will be assigned by the PCU to assist with the SEAH response, working closely with local service providers or international specialists to produce a survivor centered approach.

10. Responsibilities:

- Community Project Officer (CPO): these are DUAP officers. Their responsibilities include

community liaison and identifying relevant community stakeholders potentially affected by project works. It is anticipated that many complaints not made directly to contractor may be made via the CPO. The CPO, along with the SC will be responsible for clarifying complaints and verifying that agreed solutions to complaints are agreed to and implemented.

- Project Coordinating Unit (PCU): Located within DUAP and responsible for initial assessment of grievance complaint and implementing corrective actions. The PCU will be responsible for managing the GRM including updating the grievance database to track the progress of formal grievances for the duration of projects. This involves coordinating between key agencies on a regular basis. It is responsible for oversight of community consultation and grievance management and will administer the grievance database. Nominated PCU staff will regularly update the grievance database in consultation with key agencies where Grievance Report Forms have been completed. All project-related grievances should be captured in the database regardless of the agency with whom they were raised.
- Technical Advisory Roundtable (TAR) for review of processes and action and providing a final decision from the government on grievance cases.
- Affected Person or Complainant. The affected person (AP) or Complainant has the responsibility to fairly represent their concern and to do so through a community representative (women, church, youth or other) as well as through customary (Chiefs) or formal channels.
- Community Liaisons: Act as intermediaries between the affected parties and the grievance redressal system, guiding locals through the process. They have the responsibility to represent the AP or Complainant's concerns accurately and fairly, as described to them. The community representatives for each community (either in a geographical location or of a particular interest such as women's or church representative) will be identified in advance as part of awareness raising and disclosure of the GRM and other GOVURP subproject elements to local communities.
- Independent Third Party: For complex grievances, an independent third party can be engaged to assess the situation and recommend appropriate actions.
- Contractors: they will be briefed on the GRM and are expected to follow its requirements as part of the oversight of their subprojects. The Contractor's representative (typically Site Engineer or CLO) will attend community sessions on GRM and safeguards awareness or training run by MOIA representatives.
- The Contractor is responsible for logging all complaints and other safeguards non-compliance incidents in the site daybook (or equivalent) for inspection by the SC or MOIA representative. The Contractor is also responsible for ensuring that all minor complaints are dealt with and resolved directly without any undue delays.

Implementing a comprehensive GRM promotes transparency, accountability, and community engagement in the GPURP, fostering a positive relationship between project stakeholders and local residents.

This GRM is intended to be used throughout the GPVURP. While every effort has been made to ensure that the provisions of this GRM will lead to the equitable resolution of grievances arising from project activities, it is recognized that amendments may be required to the GRM for it to work across multiple projects in both roading, schools and public buildings.

It is intended that the GRM be reviewed if or when necessary to ensure that it can deal with a complex range of sub-projects in a manner that is appropriate and suits the social, cultural and legal situation in Vanuatu.

GRM Appendix 1: Grievance Report Form

GRIEVANCE REPORT FORM

Received by: _____ **Date Received:** _____

Reported by: _____ **Database ID:** _____

Responsible Agency: _____ Staff Name: _____

Location: _____

	Village	First Name, Last Name/ Prefers to be anonymous	Contact Details
Complainant(s) or Representative			
Chief			

Acknowledged by: _____ Date Acknowledged: _____

Description of Concern:

.....

Category:

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

Proposed Resolution or Feedback:

.....

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

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

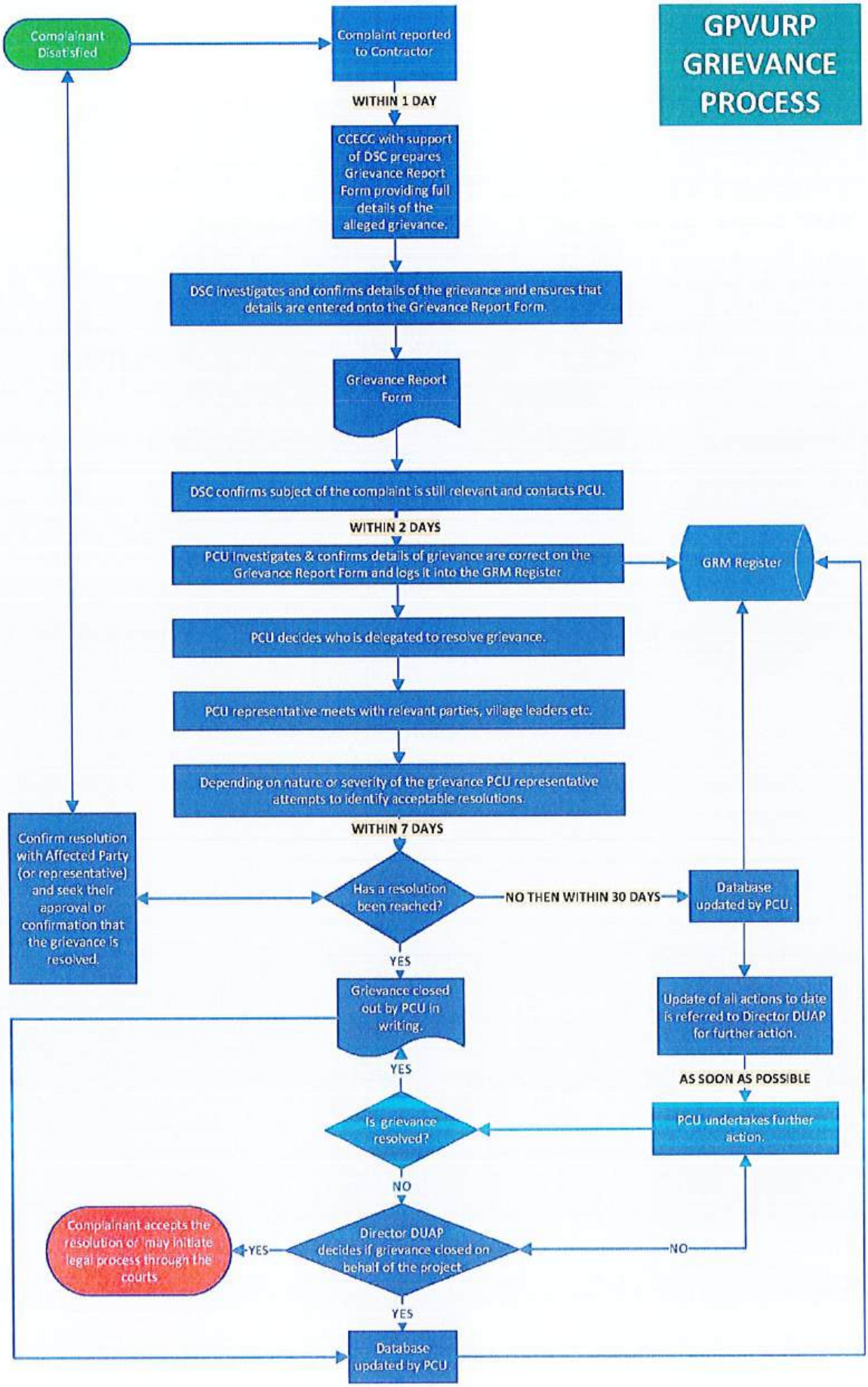
Print Name (Complainant): _____

Signed (Complainant): _____ Date:_____

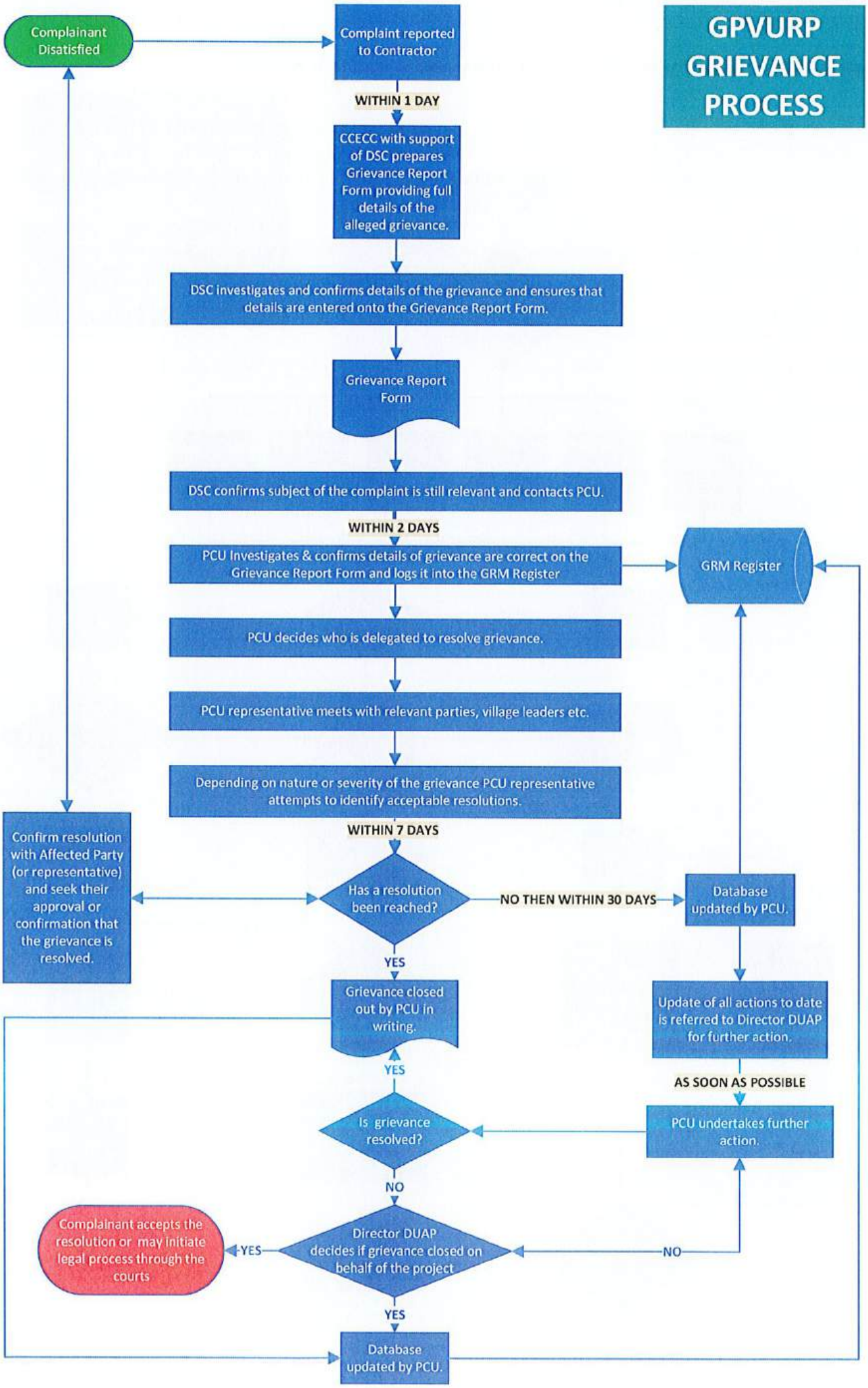
Signed (Recipient): _____ Date:_____

Copied to: _____

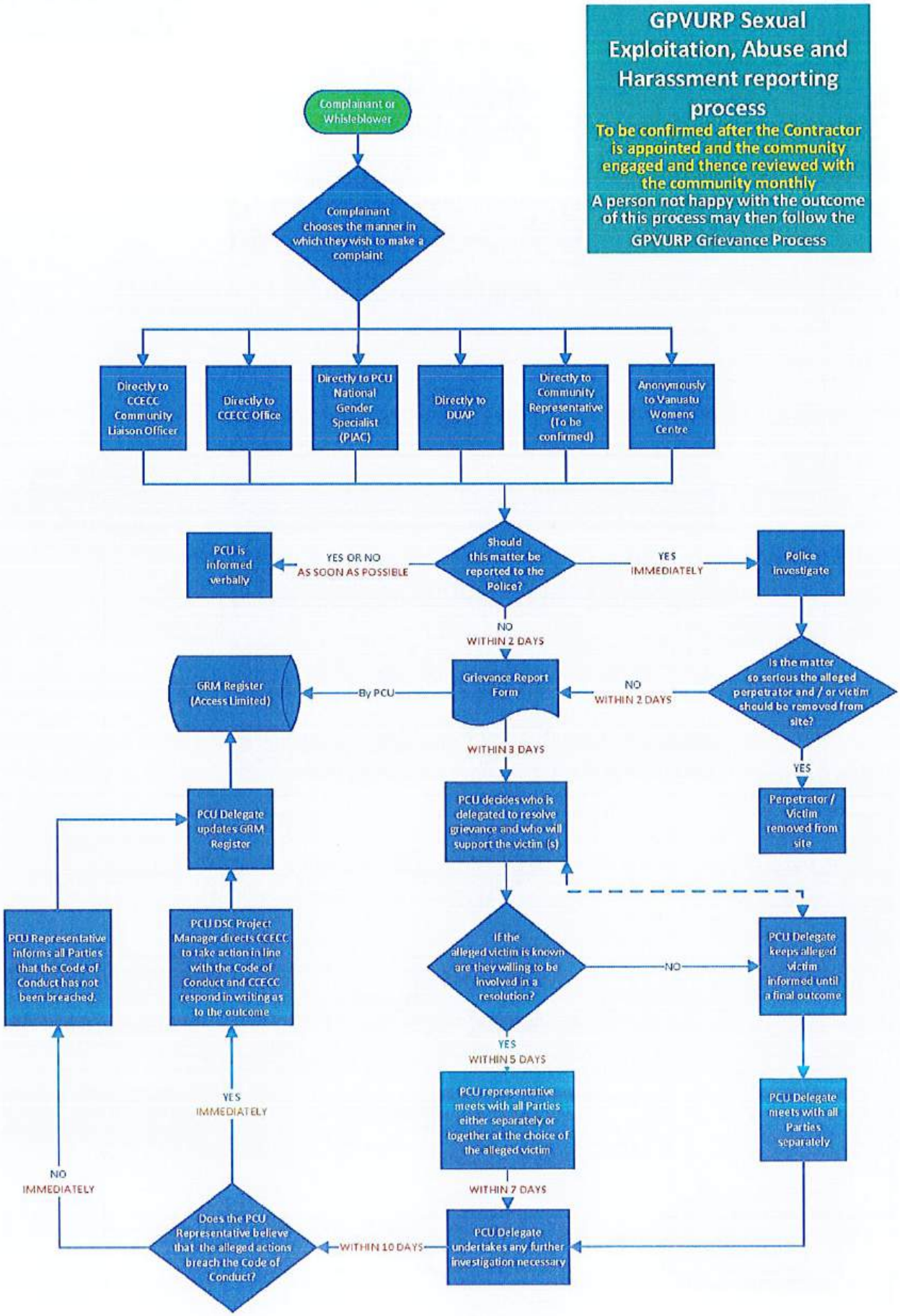
GRM Appendix 2: Grievance Mechanism flowchart



GPVURP GRIEVANCE PROCESS



GRM Appendix 3: Sexual Exploitation, Abuse and Harassment complaint process



GPVURP Sexual Exploitation, Abuse and Harassment reporting process

To be confirmed after the Contractor is appointed and the community engaged and thence reviewed with the community monthly

A person not happy with the outcome of this process may then follow the GPVURP Grievance Process

