

Resettlement Framework

September 2012

PNG: Maritime and Waterways Safety Project

{as of 11 September 2012}

CURRENCY EQUIVALENTS

(as of 10 September 2012)

Currency unit	–	Kina (K)
K1.00	=	\$0.4850
\$1.00	=	K2.0619

ABBREVIATIONS

ADB	-	Asian Development Bank
AP	-	Affected persons
CDD	-	Community Development Department NMSA
CDO	-	Community Development Officer
DDR	-	Due Diligence Report
DLO	-	District Lands Officer
DLPP	-	Department of Lands and Physical Planning
DOT	-	Department of Transport
DP	-	Displaced persons
EA	-	Executing Agency
FPIC	-	Free, prior and informed consent
GAP	-	Gender Action Plan
IOL	-	Inventory of losses
LIR	-	Land Investigation Report
LLG	-	Local level government
navaids	-	navigational aids
NMSA	-	National Maritime Safety Authority
PA	-	Provincial Administration
PLO	-	Provincial Lands Officer
PIU	-	Project Implementation Unit
PNG	-	Papua New Guinea
RF	-	Resettlement Framework
RP	-	Resettlement Plan
PSA	-	Poverty and Social Assessment
VGO	-	Valuer General's Office

NOTE

In this report, "\$" refers to US dollars unless otherwise stated.

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GLOSSARY OF TERMS

Consultation	A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.
Country safeguard systems	A country's legal and institutional framework, consisting of its national, sub-national, or sectoral implementing institutions and relevant laws, regulations, rules, and procedures that pertain to the policy areas of environmental and social safeguards.
Displaced/Affected persons	In the context of involuntary resettlement, those people who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Economic displacement	Means loss of land, assets, access to assets, income sources, or means of livelihoods as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Gender mainstreaming	Means the process of ensuring that gender concerns and women's and men's needs and perspectives are explicitly considered in projects and programs, and that women as well as men participate in the decision-making process in development activities.
Gender sensitivity	Means to observe how development in general, or specific projects or programs, affect women and men differently, and to take into account their different needs and perspectives in planning future projects and programs.
Safeguards	The policies introduced to protect the environment and people (individuals and groups) from the negative impacts of certain development activities.
Significant impact	The loss of 10% or more of productive assets (income generating) or physical displacement.
Physical Displacement	Relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Resettlement	As per ADB's safeguard policy, full or partial, permanent or temporary physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) resulting from (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

A. Introduction

1. The proposed Maritime and Waterways Safety Project (the project) aims to enhance socio-economic opportunities in coastal regions, by improving the maritime safety environment, and providing safe, efficient and reliable sea transport services. The project provides for: (i) replaced, installed and maintained navigational aids (navaids); (ii) improved safety information infrastructure; (iii) improved maritime safety practice in communities; and (iv) efficient project management and capacity development of the NMSA. The Project will be implemented over a five year period from July 2013 to June 2018.

2. The project will be implemented following a sector loan modality. It will replace or maintain 99 existing navigational aids, and install 33 new ones across the 14 coastal provinces. (The list of proposed navaids is in Annex 1). It is expected to involve limited minor land acquisition (mostly of seabed, reefs, or foreshore) but is unlikely to have displacement or resettlement impacts, as most subprojects will be existing infrastructures and the rehabilitation works will be undertaken in the sea and within the existing locations. New installations are mainly sited in the sea, on rocky headlands, or on other uninhabited coastal or foreshore sites. During Project Preparatory Technical Assistance (PPTA), two sample subproject areas were investigated through desk review and site visits and a Resettlement Plan (RP) and Due Diligence Report prepared based on an assessment of impacts and consultations with affected/displaced persons.¹ These are Gesila Island, China Strait and Raluana Point, Blanche Bay, Rabaul. The confirmed location of other navaids will be finalized only during implementation, hence the due diligence and safeguard planning documents for these subprojects cannot be prepared before ADB approval of the project. If some of the subsequent subprojects do involve minor land acquisition and resettlement impacts (unlikely), the government will inform ADB and prepare resettlement plans according to the resettlement framework.

3. The project has been classified as category B for involuntary resettlement according to the *Safeguard Policy Statement* of the Asian Development Bank (ADB). This Resettlement Framework (RF) outlines land acquisition and resettlement principles, entitlements, and procedures for preparing resettlement plans, if needed, for the new navaids. It is based on applicable laws and regulations of the Government of Papua New Guinea (PNG) and the ADB's SPS.

4. The National Maritime Safety Authority (NMSA) is the executing agency. NMSA will establish a Project Implementation Unit (PIU) to handle the daily activities of the project, and a steering committee with representatives from relevant government department and external agencies will also be formed. NMSA and the PIU will be responsible for implementing and monitoring project activities, including safeguard aspects.

B. Objectives, Policy Framework, and Entitlements

¹ The terms "affected persons (APs)" and "displaced persons (DPs)" are used interchangeably, but the latter term is used more frequently in line with ADB's Safeguard Policy Statement (SPS). According to ADB's SPS, DPs are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. In the context of the project, the term "affected persons" is more appropriate since it is not expected that any people will be displaced or need to be resettled because of the project.

5. **PNG Legal Framework:** PNG does not have any specific policy for relocating and resettling displaced people, which is not of relevance to any of the subprojects because no people will either be relocated or resettled. However, PNG has policies and well defined procedures related to acquisition of land and assets embedded in its Constitution and laws, which are summarized in following paragraphs.

6. The **PNG Constitution** adopts customary law as part of the underlying law of the country and recognizes the property rights attached to customary land. According to the 2000 Underlying Act, customary law comprises the rules, rights and obligations pertaining to an individual or group by custom and tradition. Customary law applies and the courts recognize it where it is not inconsistent with written law. The Constitution also guarantees the right of the citizens to protection from unjust deprivation of property. No land or interest in land may be acquired compulsorily by the government except as it is required for public purposes or other justifiable reasons. In the event of expropriation of land, just compensation must be made by the expropriating authority.

7. The **Land Act (1996)** deals with ownership and use rights of customary land.² It also sets out the procedures for the government to acquire customary land required for public purposes. The key provisions of the Act are (i) the government may acquire land, including improvements on land; (ii) usually the government negotiates agreements with the customary landowners for purchase of required land, but it can also compulsorily acquire the land; and (iii) the acquisition process involves several steps, including initial investigation, land survey, land investigation report, determination of compensation value of land and improvements, payment of compensation, registration of land for state ownership and transfer of title.

8. The **Land Groups Incorporation Act (1974)** recognizes the corporate nature of customary groups, who can register as an Incorporated Land Group (ILG) with the Registrar of Incorporated Land Groups. Once registered, an ILG may acquire, hold and dispose of customary land, enter into agreements for its use and management, and distribute any product or profits from the land. Each ILG must have a dispute-settlement authority, for dealing with disputes between members or between the ILG and a member, including disputes over entitlement to membership. The dispute-settlement authority may be a person or persons specified by name or position, or determined in the manner specified in the ILG's constitution. The 1974 Act was established to encourage greater participation by local people in the national economy through the utilization of their land with greater certainty of title. The Act attempted to achieve this through the legal recognition of the corporate status of customary groups. However, ILGs as an entity do not own customary land. Ownership remains with the collective customary landholders and clans. Incorporating an ILG merely organizes landowners and clans as a corporation recognized by law, so that it can enter into commercial deals. The process of incorporation of land groups has, however, been poorly administered by the Department of Land and Physical Planning (DLPP), and as a result the mechanism was "widely misused to the detriment of those landowners who may have been excluded from the incorporated group or

² The customary land includes land owned, used or occupied by a person or community in accordance with current customary usage. Access to land and resources is embedded in social relationships and expressed as customary land rights to utilize resources. Small clan-based groups live in the villages, managing their own resources, and exercising the right to utilize them. These groups (matrilineal or patrilineal clans which are composed of sub-clans, lineage groups, and at the lowest level extended households) are typically made up of "primary rights holders" – the recognized traditional leaders of the group – who collectively have the authority to allocate use rights through their spokesperson(s). Different cultures have different ways of allocating land between primary and secondary rights holders.

who fail to receive any benefits.”³ The Act does not say anything about demarcation of customary land boundaries, or the registration of customary land titles, but assumes that the process of legal ‘incorporation’ will help customary land groups to develop their land.⁴

9. Because of problems with the ILG Act, the **Land Groups Incorporation Amendment Act 2009 and the Voluntary Customary Land Registration Act 2009** was brought into effect in 2011, following recommendations from the National Land Development Taskforce. The Act facilitates the voluntary registration of customary land, to be known as “registered clan land”, and makes that land available for development through the use of ILGs. The intention is to allow landowners who wish to develop their land, an alternative to permanent alienation under the *Land (Tenure Conversion) Act 1963*.

10. A newly created Director of Customary Land Registration will be established for the registration of clan land. Upon registration, a certificate of title is issued in the name of the ILG and the ILG can then lease or mortgage the land to raise funds for development. Customary law ceases to apply to the land, with the exception of inheritance.⁵ The strengthened consultation processes in the legislation are designed to overcome many of the breaches of customary landowner’s free and prior informed consent experienced in past development and land acquisition processes. The *Land Registration (Amendment) Act* introduces two main changes to the land registration process. The first is that on receiving an application, the Director must independently verify the membership of the ILG and make a preliminary check of the proposed boundaries to make sure that it is a legitimate application. The second improvement is that once the Director has accepted an application on a preliminary basis, there is a more thorough process to identify any boundary disputes or competing interests over the land before registration occurs. For example, the Director must place the proposed registration plan on public exhibition for up to 90 days, and must call for and resolve any objections before a Certificate of Title can be issued.⁶ The success of these more stringent provisions in the reformed process will depend on the ability and commitment of the government to administer and enforce the new laws. Landowners are typically reluctant to engage in land registration of their customary land because of the failings in the land administration systems of the past.⁷

11. The **Land Disputes Settlement Act (2000)** sets out the procedures for resolution of disputes involving customary land. The Act provides for a land disputes committee at provincial level and land courts at local, district and provincial levels. The committee can appoint land mediators. The Act promotes resolution of disputes through mediation based on the principles of traditional dispute settlement. If mediation fails, it is followed by appeal to the courts. The registration of customary landowners as an ILG has been used a lot in private sector projects in PNG. While it is not a mandatory requirement for acquisition of land in case of public sector projects, registration of ILGs may be helpful in dispute resolution and negotiation with

³ Tararia, A. and Ogle, I., 2010. *Incorporated land groups and the registration of customary land: Recent developments in PNG* in Tim Anderson and Gary Lee (Eds) in *Defence of Melanesian Customary Land*, Aid Watch, Sydney. p 21.

⁴ Filer, C. 2007. *Local Custom and the Art of Land Group Boundary Maintenance in Papua New Guinea*, in J.F. Weiner and K. Glaskin (ed.), *Customary Land Tenure and Registration in Australia and Papua New Guinea: Anthropological Perspectives*, ANU ePress, Canberra Australia, pp. 135-173. p136.

⁵ Tararia, A. and Ogle, I., 2010. *Incorporated land groups and the registration of customary land: Recent developments in PNG* in Tim Anderson and Gary Lee (Eds) In *Defence of Melanesian Customary Land*, Aid Watch, Sydney. p 21. <http://www.aidwatch.org.au/sites/aidwatch.org.au/files/Land%20report%20April2010%20for%20web.pdf>. Accessed 7 July 2012.

⁶ Ibid.

⁷ Greenpeace, *Up for Grabs: Millions of hectares of customary land in PNG stolen for logging*, Greenpeace Australia Pacific, August 2012.

landowners. On the other hand, ILGs in the past have often been fraudulently used for the interests of a small group, rather than the whole landowning clan.

12. The **Environment Act (2000)** provides the guidelines on environmental impact assessment and management. The Act was recently amended by the National Parliament. The amendments are related to approval of environment assessment reports and environment permits and are targeted mostly towards private sector projects rather than state land for public utilities. It is not expected to much affect the project as it is a public sector project and will follow the Land Act requirements, in the case of any subproject requiring land acquisition. (Further details of the Act and its implication for the project may be found in the Environmental Assessment Review Framework.)

13. **ADB's Safeguard Requirements on Land Acquisition and Resettlement:** ADB's SPS requires ADB-assisted projects to (i) avoid resettlement impacts wherever possible; (ii) minimize impacts by exploring alternatives; (iii) enhance, or at least restore, the living standards of DPs/APs in real terms relative to pre-project levels; and (iv) improve the living standards of the poor and other vulnerable groups. It covers both physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of land acquisition or restriction on land use, or on access to parks and protected areas.

14. The SPS's key policy principles are: (1) Screen early and assess resettlement impacts; (2) Carry out consultations with DPs/APs and develop a grievance redress mechanism; (3) Improve/restore livelihoods of DPs/APs through land-based strategies, replacement of lost assets, compensation at replacement cost, and additional benefits, as appropriate; (4) Provide appropriate assistance to physically displaced DPs/APs; (5) Improve living standards of poor DPs/APs and other vulnerable groups; (6) develop transparent procedures for negotiations; (7) provide assistance and compensation to non-titled DPs/APs for loss of non-land assets; (8) Prepare Resettlement Plans (RPs) or due diligence reports (DDR), with necessary provisions; (9) disclose RPs to DPs/APs and other stakeholders and document the consultation process; (10) conceive and execute resettlement as part of the project; (11) deliver entitlements to DPs/APs before their physical or economic displacement; and (12) monitor and assess resettlement outcomes.

15. The ADB's SPS also states that if there are impacts on indigenous peoples, their identity, dignity, human rights, livelihood systems, and cultural uniqueness must be safeguarded so they can receive culturally appropriate social and economic benefits. The other relevant policy is ADB's Policy on Gender and Development, which requires all ADB financed projects to enhance involvement of and benefits to women.

16. Where there are gaps between PNG laws and the ADB SPS requirements on land acquisition and resettlement, the project will ensure that these gaps are filled by measures to meet the minimum SPS stipulations. For example, PNG law does not specifically require monitoring and assessment of land acquisition or resettlement outcomes, but any Resettlement Plans (RPs) for subprojects will include indicators and baseline data to monitor the impacts on APs. The monitoring reports will also be publicly disclosed, including to those affected by the development of navajds

17. **Resettlement Policy Principles for the Project:** The project will comply with both ADB's safeguard requirements and PNG's laws and regulations applicable to land acquisition

and resettlement. The resettlement objectives and policy principles adopted for the project are as follows:

- Land⁸ acquisition and resettlement will be minimized through careful engineering design. In particular there will be no physical displacement of people. Where possible the navaid will be installed in the seabed.
- APs will be consulted meaningfully over the project cycle, and effective mechanisms will be established for hearing and resolving grievances.
- The RPs or DDRs for the two subprojects prepared by the PPTA will be updated after the detailed design, and, if needed, new RPs/DDRs will be prepared for sites selected during implementation.
- APs who are customary landowners will receive compensation at replacement cost for their loss of assets to ensure that they will be as well off as without the project.
- Such compensation will be paid to APs prior to commencement of civil works.
- Absence of formal title will not be a bar to compensation and assistance for loss of non-land assets. Particular attention will be paid to women, women-headed households, the elderly and other vulnerable people's customary land and property and inheritance rights.
- Land acquisition and resettlement will be conceived of as part of the project and related costs will be included in and financed out of the project cost.
- Resettlement impacts (if any), including any unforeseen losses that may occur during construction will be monitored and remedial steps taken as required

18. Principles and Methodologies for Determining Compensation Rates: For most public works in PNG, the government authorities will consult with landowners who claim an interest in the land and obtain land through negotiation. The project will continue this tradition of land negotiation as appropriate. Any land required for the navaid will be fully acquired following the Land Act, and may be either purchased outright or leased for an annual fee⁹. NMSA's preference is to lease the land, but landowner preferences will be taken into consideration where possible. To ensure that the land acquisition is truly voluntary, the project will follow adequate safeguards, using the principles of free, prior and informed consent including: (i) consultation with local communities on the purpose of the navaid, the selection of sites and options to minimize impacts; (ii) applicable national laws and regulations will be followed; (iii) landowners or any other people will not experience major impacts from land acquisition; (iv) access to natural resources such as fishing grounds, and foreshore seafood sources will be protected; (v) customary landowners' will receive compensation for land acquired and (vi) a written memorandum of agreement (MOA) will be signed with representatives of communities living in the vicinity of the navaid, for services in monitoring the lights and protecting the navaid from wilful damage, for which an annual fee will be paid.

19. As market rates for land are largely absent in project areas, the Valuer-General's Office (VGO) will determine compensation rates for affected land and other assets in consultation with affected landowners/users. The valuation will be based on (i) information about recent land transactions; (ii) land types; (iii) cropping patterns and crop production; and (iv) availability of land in subproject areas. The VGO will ensure that compensation rates are based on the replacement cost principle.

⁸ For the purposes of this RF, all references to "land" refers also to reefs, seabed, and foreshore.

⁹ In only one province (Milne Bay) were all sites for navaid purchased outright from landowners, rather than leased by NMSA, in the belief that this would minimize disputes over compensation and benefit sharing. The project will ensure that local laws in this respect are followed.

20. **Description of Land Acquisition Process:** Based on the Land Act, the following procedures will be applied when acquiring and compensating for land and other assets:

- NMSA requests the Department of Lands and Physical Planning (DLPP) to issue an official instruction number for the land investigation of the navaid site by submitting an application which includes brief information about the purpose for which the land is required, and a sketch or coordinates of that land.
- The application is provided to the Secretary for the DLPP for review. He then advises the Manager for Customary Land (through the Director for Land Administration) to issue the instruction number for the land investigation to be carried out.
- Before the instruction number can be issued, the Manager for Customary Land must ensure that a status check is made on the proposed site to ascertain whether there are any other interests over the land. When this has been verified, showing no land disputes or other owners, the Manager of Customary Lands issues the instruction number to the Provincial Lands Office asking them to investigate and produce the Land Investigation Report (LIR).
- A lands file is created and NMSA/PIU requests the DLPP through the Surveyor General's Office to allocate a surveyor to determine boundaries, location, size and area of the land to be acquired. The Surveyor-General must examine, approve and register the survey, which is done by a registered surveyor.
- The provincial lands officer visits the site and prepares the LIR in consultation with landowners, including ownership genealogy, and rights and interests held in the land. The LIR must then be submitted to the Provincial Administrator in the respective province, for approval to alienate the land, and once this is done and signed, it is sent back to the Manager of Customary Land who requests the Department of Provincial and Local Level Government Affairs to issue a Certificate of Alienability confirming that there is no impediment to land acquisition.
- The Manager of Customary Land then requests the Valuer-General's Office (VGO) to value the land and any improvements (for example, garden crops, food trees, timber trees, structures) based on the market value of the land, and whether this land will be purchased outright or under a lease arrangement. The valuer's report is sent to the VGO for vetting and approval.
- The Manager of Customary Lands then prepares the purchase or lease documents to be executed by the Provincial Lands Office with the landowners, in collaboration with the NMSA/PIU. Payment and lease documents are executed along with payment of arrears for previous occupancy fees¹⁰ and the first year payment of the lease.
- Documents must be returned to the DLPP for Native Land Dealing where folders are created and sent to the Surveyor General's office, which issues NLD numbers.
- NMSA keeps copies and records of titles, approvals and lease agreements.

21. **Entitlements, Assistance and Benefits:** The date of signing of the LIR by the PLO or DLO is the "cut-off" date for eligibility for compensation and in the case of DPs, rehabilitation assistance. Landowners that have either documented claims to the affected land/assets or are able to demonstrate that the land/assets belong to them as of the cut-off date will be eligible for compensation and/or rehabilitation assistance. Those APs who cannot demonstrate that they are the rightful owners/users but are using the land anyway as of the cut-off date will receive compensation only for assets attached to the land and other assistance as required. Any person

¹⁰ Previous Occupancy Fees (POF) are paid where a navaid is being installed on an old site, which had not been paid for previously. The POF is not included in the project budget, and will be the responsibility of the government, to be paid before any construction of navaid begins.

or group that occupies or uses the land identified for the project after the cut-off date would not be eligible for any compensation or assistance. Table 2 (below) summarizes eligibility and entitlements for DPs/APs.

Table 2: Entitlement Matrix

Type of Impact	Entitled Person	Entitlements
Temporary use of land	Customary land: Land owners/users as recognized by clan leaders	Use of the land will be acquired through negotiated lease and rent/benefits to be agreed with landowners. Cash compensation at replacement cost will be paid for any damaged crops, fences or other structures located on project-affected land. The land remains the in the ownership of the customary landowners, who will be paid annually for the lease. Where necessary an easement for access will be provided for.
	State-owned land: Users or occupants	Cash compensation at replacement cost will be paid for any damaged crops, trees, fences or other structures on project-affected land.
	Church lands: Owners/Users	Use of the land will be acquired through negotiated lease with landowners. Cash compensation at replacement cost will be paid for any damaged crops, fences or other structures located on project-affected land
	Informal settlers/land users without legal rights	Cash compensation at replacement cost for affected non-land assets (e.g. structures, trees, crops).
Permanent acquisition of land	Customary land: Land owners/users as recognized by clan leaders	Land will be acquired following the Land Act. Cash compensation at replacement cost will be paid for land and other affected properties.
	State-owned land: Users	Cash compensation at replacement cost will be paid for any damaged crops, trees, fences or other structures on project-affected land.
	Church lands: Owners/Users	Land will be acquired following Land Act. Cash compensation at replacement cost will be paid for land and other assets.
	Informal settlers/land users without legal rights	Cash compensation at replacement cost for affected non-land assets (e.g. structures, trees, crops).
Loss of livelihoods, trees, crops	APs and households identified by LIR and social assessment	APs will be given notice to harvest crops and trees before site clearance or removal from required land. If DPs/APs are not able to harvest, they will be paid cash compensation at replacement cost. In the case of perennial crops and trees, the compensation will also include loss of income for a period until new crops or trees produce an equivalent income.
Structures (residential, business or other types)	All DPs (whether having legal title to land or not)	DPs will be provided compensation at replacement value without deductions for depreciation or salvaged materials. DPs will also receive transportation allowance and assistance in locating to an alternative site.
Disruption	Business owners	Affected business owners will be provided

Type of Impact	Entitled Person	Entitlements
of business activities		disruption allowance equal to the provincial minimum wage for the number of days that business is disrupted.
Loss of income and risks related to health	All DPs or APs	DPs and APs will be provided priority employment in civil works should local labor be required. Bid documents will include HIV/AIDS awareness and prevention programs for construction teams and surrounding communities
Damages (or displacement) to community structures	Community representatives as identified by the social impact assessment	Affected structures will be restored in consultation with community or affected group will be provided cash compensation at replacement value without deductions for any materials salvaged. Community will be assisted in dismantling and relocating structure/property.
Unforeseen or unintended impacts	Concerned affected people	These will be determined as per the principles of this resettlement framework and ADB's safeguard policy.

C. Socioeconomic Information: Assessment of Impacts

22. The minimize resettlement and land acquisition impacts the project will ensure that the local population, district officials and provincial administrators clearly support the rehabilitation of the existing navaid infrastructure or installation of new navaid, through consultation and meetings. All efforts will be made to reposition navaid on existing sites (where they are available and suitable), so that new compensation is not required (although arrears may need to be paid for some sites which were acquired without proper compensation in the past). As can be seen from Annex 1, all proposed navaid are to be monopoles driven into the seabed.

23. **Subproject Screening:** NMSA will screen additional subprojects for their potential land acquisition and resettlement impacts and will adopt measures to avoid or minimize the impacts. This means that at least preliminary designs are required to indicate the type and extent of work. The screening form (Annex 3) will be completed after site visits, and as relevant, in consultations with potential APs to understand local land/reef/foreshore use and ownership arrangements. For navaid, the NMSA will coordinate with provincial and district authorities including the Provincial Lighthouse Committee/Provincial Maritime Committee (should it exist). The screening process will (i) provide a brief description of the site and proposed works; (ii) whether the subproject will require land acquisition; (iii) land status and ownership arrangements; (iv) land/reef/foreshore usage; and (v) characteristics of affected persons. If any resettlement impacts are identified, NMSA will undertake an assessment of social impacts (census of APs, inventory of losses, and socioeconomic survey) and prepare the RP.

24. If the subproject does not involve land acquisition and resettlement impacts, this will lead to the preparation of a Due Diligence Report (DDR) confirming that there is no need for a resettlement plan. The Due Diligence Report will include:

- a brief description of the site including a location map and pictures
- a description of proposed works and type of navigational aid
- confirmation of land status, ownership, and usage (supported by deeds of title/records)
- findings of the field visit and observations on the subproject site
- process and outcome of consultations with land owners/users and other relevant

- stakeholders. (Records of meetings (attendance, minutes, etc.)
- confirmation whether there are any land issues and whether a RP is needed.

25. **Assessment of Social Impacts:** The census and inventory of losses survey will count all APs and a detailed list of affected land and other assets will be prepared. It will be conducted in a participatory manner to estimate impacts and losses. The socio-economic survey may also cover all APs if their number is small, but it will cover at least 10% of APs and 20% of severely affected APs. The surveys will document existing socio-economic conditions of APs, including (i) demographic, education, and occupational profiles; (ii) livelihoods, income, and poverty levels; (iii) type of land, use of land and other resources; and, (iv) other relevant social aspects. The data will be disaggregated by gender, and other relevant aspects.

26. **Preparation of RP:** NMSA/PIU will prepare RPs (or DDRs based on social impact assessments and in consultation with DPs/APs. The RP will summarize scope of land acquisition and resettlement; socio-economic information; consultation process; entitlements; and implementation arrangements (outline RP in Annex 4). The detail of the social impact assessment and RP will vary depending on the magnitude and complexity of land acquisition and resettlement issues. For the project these are not expected to be large since the land is mainly uninhabited sea bed and foreshore. The RP will also identify gender concerns, include sufficient budget and specify source of funds, and confirm that compensation rates are based on replacement costs. There will be a cut-off date when landowners/users who have claims of affected land, crops, trees or structures will be eligible for compensation and/or rehabilitation assistance. The RP will include an implementation schedule linked with the civil works ensuring that civil works will not commence until compensation and/or assistance has been paid to DPs/APs. The draft RP will be produced in English, with summaries in local language, and submitted to ADB for approval. The RP will be coordinated with the government's land acquisition procedure.

D. Consultation, Participation, and Disclosure

27. A variety of mechanisms (known collectively as the Community Engagement Program (CEP) will be utilized to consult with DPs/APs during preparation and implementation of RPs or DDRs, including: i) community consultations and dissemination of information about the navaid subproject; (ii) specific meetings with landowning clans and APs; (iii) separate meetings with women APs; (iv) a socio-economic survey of women and men APs to produce a village profile; (v) meetings to establish a Community Lighthouse Committee (CLC); and (vi) awareness raising training about possible risks associated with the project, including HIV/AIDS and water safety issues.

28. The Community Development Department of NMSA, together with the PIU will be responsible for this CEP, and will guide the consultation and participation processes which accompany the installation of new navaid. CDOs attend all initial meetings with communities and landowners, and lead the processes involved in land acquisition and establishment of Community Lighthouse Committees.

29. Village based consultation meetings involving both women and men from all clans living in the village (whether customary landowners or migrants from other regions of PNG), will be facilitated. The navaid subproject will be introduced to meeting participants, the probable positive and possible negative impacts explained, and land acquisition (by lease or outright purchase) and other resettlement-based issues introduced (where applicable). Participants at

the meeting will be afforded the opportunity to discuss among themselves and with facilitators the issues that concern them.

30. Additional meetings will be held with APs, as needed and when necessary they will involve ward councilors, DLPP staff and/or local level, district or provincial authorities. One CDO will accompany the barge crews on all visits to communities by sea, when they are installing, rehabilitating or maintaining nav aids. This affords communities the chance to raise any concerns they may have, particularly concerning the operations of the contractors in communities, disbursement of service and lease payments, the community benefit-sharing managed by the CLCs, monitoring of the lights, or any other problems. CDOs will also be able to use these visits as opportunities to conduct any training or awareness raising that may be necessary around water safety issues and HIV/AIDS.

31. The CDOs will ensure that women also attend such meetings, and separate meetings will be organized with women so that their concerns can be discussed. Consultations will be undertaken at venues and times that are suitable for women and will not disadvantage them. Where it is inconvenient for women to attend the meetings because of childcare responsibilities or caring for the sick and elderly, these women will be consulted by visiting their homes or by arranging with the women's groups in villages to hold meetings specifically for the women.

32. A summary brochure (Annex 5) containing relevant information such as the entitlement matrix, grievance procedures, and timing of payments will be disclosed to APs at each subproject site involving land acquisition. The full RP will be made available in English, the official administrative language in PNG, in accessible public locations, such as the LLG office. Village leaders and AP households will be provided with a summary RP or brochure prepared in either *Tok Pisin* or *Hiri Motu* (the two official local languages of PNG).

E. Compensation, Income Restoration, and Relocation

33. NMSA will coordinate with the provincial administration to disburse or pay land compensation or lease payments to APs in accordance with the Entitlement Matrix as described in preceding chapters. Local level government staff will assist in identifying entitled persons and delivering the compensation amounts.

34. There should be no relocation of APs necessary under this project, and nor is there likely to be need for income restoration, since the nav aids are positioned in the seabed. Communities will retain their rights to fish around the nav aids, as long as they do not interfere with the operation of the lights. Should coconut trees or other trees obscure the light and need cutting down, those who own them will be compensated at the rates stipulated by the VGO.

35. It is anticipated that communities will receive both direct benefits (lease and service payments), as well as indirect benefits (of increased safety at sea, increases in boats and ships serving their areas, and the ability to fish at night). The CDOs of NMSA in collaboration with the Department of Community Development will be available to advise the CLC on possible opportunities for small-scale community development opportunities, although no training is provided under the project.

F. Grievance Redress Mechanisms

36. Effective grievance and dispute resolution mechanisms are essential for the success of any project in PNG, including the project. Having such mechanisms in place reduces the overall

risk to permanence. Discussions with NMSA staff reveal that the two main causes of disputes causing the greatest risks to navigation aids by local people are a) land disputes (including the foreshore and reefs), and b) disputes arising from inequitable benefit sharing among landowning clans or Community Lighthouse Committees and communities. The grievance mechanism will therefore need to be able to effectively resolve these types of disputes.

37. The NMSA/PIU will establish a grievance redress mechanism to receive and address, in coordination with provincial authorities, project related concerns and to resolve land related disputes that may arise during project implementation. APs will be informed by the Executing Agency of how they may have access to the grievance redress mechanism, and this will also be part of any RP. Other than disputes relating to land ownership rights, it is anticipated that all grievances related to benefits and other assistance will be resolved at the subproject and PIU level.

38. APs can lodge a project-related complaint with the PIU office in Port Moresby in a variety of ways:

- through the crew of the installation barge (or NMSA staff travelling with them), at the subproject site;
- at one of the NMSA field offices in Kokopo, Alotau, Madang, Lae or Kimbe; and
- by contacting the CDD directly to speak to the CDOs or PIU.

39. The community development officer(s), and/or safeguard consultant(s) will assist APs in registering their complaints with PIU, field office or subproject site office, and preparing their specific grievance. The PIU Project Manager will consider the complaint and within 15 working days will convey a decision to the APs. These staff, along with local government officials, will assist the Project Manager in reviewing and addressing the complaint. The CDOs/safeguards staff will facilitate communication between the APs and the PIU in this process. If the APs are not satisfied with the PIU's decision, they may then take the grievance to the General Manager of NMSA, who will have two weeks to consider the complaint and following this will either instruct the PIU to rectify the situation or dismiss the complaint. If APs are still not satisfied with the decision they may take the grievance to the PNG judicial system.

40. The Land Disputes Settlement Act (2000) establishes legal procedures for resolution of landownership disputes on customary land. It has a mediation process whereby a designated mediator¹¹ meets with the disputing parties to resolve grievances. Up to three mediation meetings may be held to try to resolve the grievance. This process is closely allied with the village court system and traditional mediation procedures that draw on the skills of recognized local leaders and elders. The landowner clans or ILGs, (if clans are incorporated), are responsible for dealing with disputes between group members or between the clan group and a member, including disputes over entitlement to group membership. External mediators will facilitate resolution in case disputes are between different clans or ILGs.

41. An initial step will be for the PIU, in coordination with the mediator, to facilitate procedures to resolve land disputes based on the accepted process of mediation. In general it is anticipated that customary mediation will yield satisfactory results by the end of three meetings. Every attempt will be made to ensure that women, irrespective of traditional constraints, will also participate fully and be included in the mediation processes outlined here. If mediation fails, procedures set out in the Land Disputes Settlement Act 2000 will be followed

¹¹ Mediators are provided by the Magisterial Services (which are responsible for Provincial, District, and Local Land Courts. Disputing parties have a say in who should mediate their case.

through appeal to the designated courts. The steps in the dispute resolution process therefore include:

- i. Local Land Mediation: DLO brings together the disputing parties with the mediator. If this fails, the matter can be referred to the Local Land Court.
- ii. Local Land Court: the case is heard before the Local Court Magistrate for determination. If the litigants are not satisfied, they may appeal to a higher court.
- iii. District Land Court: the case is heard before a District Land Court Magistrate. If the litigants are not satisfied, they may appeal to a higher court.
- iv. Provincial Land Court: the case is heard before the Provincial Land Court whose decision is final.

42. In the event of grievances that cannot be resolved at the local level, the NMSA/PIU and DLO will hold the compensation amounts in escrow. Compensation will be paid in full to the rightful persons upon final resolution of the case in the courts or other forum, in accordance with the entitlements of the affected person.

G. Institutional Arrangements and Implementation

43. The project will have one executing agency (EA): NMSA. The project implementation unit will handle the daily activities of the Project. The NMSA/PIU has overall responsibility to manage the land acquisition program. It will undertake the surveys, consultations, and land acquisition processes with the help of qualified experts.

44. The NMSA/PIU will ensure that entitlements and measures in the RP are consistent with this RF and that suitable budgetary provisions are made for timely implementation of the RP. NMSA/PIU will also coordinate with relevant government agencies in the formal land acquisition process. For subprojects involving acquisition of customary land, the NMSA/PIU will ensure that: (i) any land disputes are resolved and a MOA on use of the land is signed with customary landowners and included in the RP; and (ii) that compensation or lease rates are agreed with landowners before work begins on the site.

45. The detailed tasks of the NMSA/PIU include:
- collaborating with PLO and/or DLO to carry out their work in compliance with the project and ADB requirements
 - providing qualified personnel to conduct the surveys and village profiling
 - collaborating with the PLO and/or DLO for any negotiated land settlement and leases for use of land
 - ensuring that all requirements are carried out concerning consultation and disclosure, and grievance redress
 - endorsing the draft RP and submitting it to ADB for approval
 - ensuring that all land acquisition and compensation activities are completed in a timely manner
 - monitoring implementation of the RP, including disbursement of payments
 - coordinating with civil works during the installation program

46. The Advisor (Manager or Director) of Provincial Lands will collaborate with NMSA/PIU to plan, implement and monitor land acquisition activities for the subprojects in the province

and/or delegate responsibility to the relevant Lands Officers. The Advisor's responsibilities include: (i) organising registered land surveyors to conduct land surveys; (ii) negotiating with the community leaders and affected landowners; (iii) cooperating with the Division of Justice and the Magisterial Services to allocate mediators to help facilitate resolution of disputes and grievances; and, (iv) consulting with and advising affected communities about the program, its policies and procedures on land acquisition and resettlement. As delegated by the Advisor, the PLO/DLO will also assist the PIU in this process.

47. The Project Accountant, in coordination with NMSA is responsible for ensuring that adequate funds are allocated and disbursed on time to pay land and service payments and allowances for provincial (and/or district) subprojects that are included in the project. Ward Councilors will be important participants in all consultations with local communities, APs and other stakeholders. They will be responsible for collaborating with NMSA/PIU in organizing and carrying out these consultations.

H. Budget and Financing

48. Necessary land acquisition, compensation, resettlement, or income restoration costs for the project, will be financed by the executing agency (i.e., NMSA) using counterpart funds. The actual budget for such activities under each subproject will be prepared and incorporated in each RP after detailed discussions with community members on impacts, and following detailed survey and investigation by representatives of the Valuer-General. The decision on land and other compensation costs is approved by the VGO. Based on PPTA study, the preliminary cost for the RPs for 99 rehabilitated/replaced navaid and 33 new navaid is estimated at Kina (K) 862,400 for leases (at K 2,200 per site) plus K 1,013 166 for survey, valuation, and mediation services. There will also be an estimated K 1,980,000 for previous occupancy fees (POF) for navaid being replaced (based on K 20,000 for previous occupancy fees). The POF will not be part of the project, but will be the responsibility of the government. The government will release sufficient budget for implementation of compensation, resettlement (should it be required), and rehabilitation activities in an appropriate and timely manner.

49. The NMSA, with assistance from project consultants, will monitor all activities associated with land acquisition, payment of compensation to DPs/APs and other aspects. The scope of monitoring includes: (i) compliance with the agreed policies and procedures for land acquisition and resettlement; (ii) prompt approval, allocation and disbursement of compensation payments to Customary Landowners/DPs/APs, including if necessary supplemental compensation for additional and/or unforeseen losses; and, (iii) remedial actions, as required. The monitoring will also cover the social impacts to ensure that DPs/APs are able to restore, and preferably improve, their pre-project living standards, incomes, and productive capacity. The indicators for monitoring and evaluation have been drafted (Annex 6), which will be incorporated in the RP, as relevant, in consultation with DPs and other stakeholders. NMSA will coordinate with DLPP as well as Provincial/District administrations in monitoring activities associated with land acquisition and payment of compensation to DPs/APs.

50. The social assessment undertaken to prepare RPs for the two subproject navaid sites will be used as the baseline to monitor and evaluate the indicators. They will also be used in conjunction with monitoring and evaluation indicators prepared for both the gender action plan and the environment management plan for the project. The safeguard staff and consultants will assist the NMSA/PIU in carrying out monitoring activities. In the event of significant resettlement impact in any subproject, the NMSA/PIU will also recruit qualified and experienced external experts or qualified NGOs to verify the monitoring information

51. During implementation, the NMSA/PIU will prepare and submit semi-annual progress reports to ADB as part of project performance monitoring. The NMSA/PIU will also submit a subproject land acquisition completion report to ADB when compensation has been paid.

ANNEX 1: PROVISIONAL LIST OF NAVAIDS TO BE INSTALLED OR REPLACED

No	Site Name	Province	Chart No.	Cat	Nav aids Description	Latitude				Longitude				Priority
						deg	min	dd.dd		deg	min	dd.dd		
1	Nessup Channel pile	WNB	Aus 673			5	53.931	-5.89885	S	148	9.063	148.15105	E	1
2	Nessup Channel pile	WNB	Aus 673			5	53.272	-5.88787	S	148	8.7	148.145	E	1
3	Nessup Channel pile	WNB	Aus 673			5	51	-5.85	S	148	10.2	148.17	E	1
4	Wutung Lighthouse (GRP tower) relocation	WSP	Aus 389			2	36.299	-2.60498	S	141	0.11	141.00183	E	1
5	Louisia pile 2	Milne Bay	Aus 516			8	33.234	-8.5539	S	151	1.562	151.02603	E	1
6	Louisia pile 6	Milne Bay	Aus 516			8	33.091	-8.55152	S	151	2.261	151.03768	E	1
7	Louisia pile 10	Milne Bay	Aus 516			8	33.087	-8.55145	S	151	2.682	151.0447	E	1
8	Matupit Island light	ENB	Aus 680			4	14.8	-4.24667	S	152	10.9	152.18167	E	1
9	Kila Front light	NCD	Aus 621			9	29.941	-9.49902	S	147	11.11	147.18522	E	1
10	Madang Port	Madang	Aus 646			5	12.425	-5.20708	S	145	48.61	145.81017	E	1
11	Madang Port	Madang	Aus 646			5	12.3	-5.205	S	145	48.24	145.804	E	1
12	Madang Port	Madang	Aus 646			5	12.33	-5.2055	S	145	48.03	145.8005	E	1
13	Madang Port	Madang	Aus 646			5	12.4	-5.20667	S	145	48.9	145.815	E	1
14	Madang Port	Madang	Aus 646			5	12.685	-5.21142	S	145	48.05	145.8008	E	1
15	Rabaul Harbour approach	ENB	Aus 680			4	17.4	-4.29	S	152	12.8	152.21333	E	1
16	Rabaul Harbour approach	ENB	Aus 680			4	15.79	-4.26317	S	152	10.44	152.174	E	2
17	Star Reef Passage	Oro	Aus 520, Aus 519			8	38.2	-8.63667	S	149	48.5	149.80833	E	2
18	Star Reef Passage	Oro	Aus 520, Aus 519			8	38.2	-8.63667	S	149	51.1	149.85167	E	1
19	Star Reef Passage	Oro	Aus 520, Aus 519			8	32.4	-8.54	S	149	48.5	149.80833	E	1
20	Star Reef Passage	Oro	Aus 520, Aus 519			8	27	-8.45	S	149	45.5	149.75833	E	1
21	Star Reef Passage	Oro	Aus 520, Aus 519			8	18.2	-8.30333	S	149	38.5	149.64167	E	1
22	Star Reef Passage	Oro	Aus 520, Aus 519			8	20.8	-8.34667	S	149	41.8	149.69667	E	1
23	China Straits	Milne Bay	Aus 625			10	37.9	-10.6317	S	150	34.4	150.57333	E	1
24	China Straits	Milne Bay	Aus 625			10	38	-10.6333	S	150	35.2	150.58667	E	1
25	China Straits	Milne Bay	Aus 625			10	36.3	-10.605	S	150	37.5	150.625	E	1
26	China Straits	Milne Bay	Aus 625			10	33.4	-10.5567	S	150	38.8	150.64667	E	1
27	China Straits	Milne Bay	Aus 625			10	33	-10.55	S	150	42.6	150.71	E	1
28	Jomard Entrance	Milne Bay	Aus 509			11	15.726	-11.2621	S	152	4.973	152.08288	E	1
29	Jomard Entrance	Milne Bay	Aus 509			11	13.935	-11.2323	S	152	10.19	152.16982	E	1

30	Jomard Entrance	Milne Bay	Aus 509			11	11.28	-11.188	S	152	4.351	152.07252	E	1
31	Jomard Entrance	Milne Bay	Aus 509			11	15.969	-11.2662	S	152	11.04	152.18398	E	1
32	Liljeblad Passage	NCD	Aus 505			9	27.136	-9.45227	S	146	59.6	146.9933	E	1
33	Liljeblad Passage	NCD	Aus 505			9	27.477	-9.45795	S	146	59.37	146.98942	E	1
1	Aitape	WSP	AUS652	3	Monopile in water, 1nm Lt	2	41.662	-2.694366667	S	141	19.636	141.3272667	E	
2	Wewak	ESP	AUS651	3	Monopile in water, 1nm Lt	3	33.8	-3.563333333	S	143	39.8	143.6633333	E	
3	Panab Island [W]	Madang	AUS646	2	Monopile in water, 1nm Lt	5	10.25	-5.170833333	S	145	48.523	145.8087167	E	
4	Beacon [WR]	Madang	AUS646	2	Monopile in water, 1nm Lt	5	9.559	-5.159316667	S	145	49.347	145.82245	E	
5	Pommern Bay (E)	Madang	AUS645	1	Monopile in water, 1nm Lt	5	32.314	-5.538566667	S	146	8.739	146.14565	E	
6	Pommern Bay (W)	Madang	AUS645	1	Monopile in water, 1nm Lt	5	32.321	-5.538683333	S	146	8.393	146.1398833	E	
7	Wanigela Reef (No 18)	Oro	AUS520	3	Monopile in water, 1nm Lt	9	20.97	-9.3495	S	149	11.467	149.1911167	E	
8	Rainu Reef (17-G)	Oro	AUS520	3	Monopile in water, 1nm Lt	9	20.18	-9.336333333	S	149	11.587	149.1931167	E	
9	Rainu Reef (16-R)	Oro	AUS520	3	Monopile in water, 1nm Lt	9	20.104	-9.335066667	S	149	12.034	149.2005667	E	
10	Rainu Reef (No 15-G)	Oro	AUS520	3	Monopile in water, 1nm Lt	9	19.476	-9.3246	S	149	12.775	149.2129167	E	
11	Rainu Reef (No14-R)	Oro	AUS520	3	Monopile in water, 1nm Lt	9	19.714	-9.328566667	S	149	12.939	149.21565	E	
12	Rainu Reef (No 13-G)	Oro	AUS520	3	Monopile in water, 1nm Lt	9	18.935	-9.315583333	S	149	13.691	149.2281833	E	
13	Rainu Reef (No 12-R)	Oro	AUS520	3	Monopile in water, 1nm Lt	9	18.87	-9.3145	S	149	13.974	149.2329	E	
14	Rainu Reef (No 11-G)	Oro	AUS520	3	Monopile in water, 1nm Lt	9	18.134	-9.302233333	S	149	13.735	149.2289167	E	
15	Rainu Reef (No 10-R)	Oro	AUS520	3	Monopile in water, 1nm Lt	9	18.513	-9.30855	S	149	13.844	149.2307333	E	
16	Rainu Reef (No 9-G)	Oro	AUS520	3	Monopile in water, 1nm Lt	9	17.798	-9.296633333	S	149	13.756	149.2292667	E	
17	Rainu Reef (No 8-R)	Oro	AUS520	3	Monopile in water, 1nm Lt	9	17.419	-9.290316667	S	149	14.203	149.2367167	E	
18	Rainu Reef (No 7-G)	Oro	AUS520	3	Monopile in water,	9	17.246	-	S	149	14.051	149.2341833	E	

					1nm Lt			9.287433333						
19	Rainu Reef (No 6-R)	Oro	AUS520	3	Monopile in water, 1nm Lt	9	17.054	-9.284233333	S	149	14.32	149.2386667	E	
20	Rainu Reef (No 5-G)	Oro	AUS520	3	Monopile in water, 1nm Lt	9	16.932	-9.2822	S	149	14.171	149.2361833	E	
21	Rainu Reef (No 3-G)	Oro	AUS520	3	Monopile in water, 1nm Lt	9	15.98	-9.266333333	S	149	15.086	149.2514333	E	
22	Rainu Reef No 1	Oro	AUS520	3	Monopile in water, 1nm Lt	9	10.533	-9.17555	S	149	19.479	149.32465	E	
23	Cape Killerton	Oro	AUS520	3	Monopile in water, 1nm Lt	8	37.185	-8.61975	S	148	20.625	148.34375	E	
24	Beacon West	Oro	AUS521	3	Monopile in water, 1nm Lt	8	37.098	-8.6183	S	148	20.756	148.3459333	E	
25	Beacon East	Oro	AUS521	3	Monopile in water, 1nm Lt	8	37.109	-8.618483333	S	148	20.93	148.3488333	E	
26	Muwo Island	Milne Bay	AUS 629	3	Monopile in water, 1nm Lt	10	44.19	-10.7365	S	150	58.854	150.9809	E	
27	Panaete Is [W]	Milne Bay	AUS 382	3	Monopile in water, 1nm Lt	10	42.638	-10.71063333	S	152	21.34	152.3556667	E	
28	Panpompom Is North-end [W]	Milne Bay	AUS 382	3	Monopile in water, 1nm Lt	10	45.16	-10.75266667	S	152	24.314	152.4052333	E	
29	Panapompom Is South-end [W]	Milne Bay	AUS 382	3	Monopile in water, 1nm Lt	10	45.68	-10.76133333	S	152	25.065	152.41775	E	
30	Losai Islet [W]	Milne Bay	AUS 382	3	Monopile in water, 1nm Lt	10	45.161	-10.75268333	S	152	26.569	152.4428167	E	
31	Nivani Islet West-end	Milne Bay	AUS 382	3	Monopile in water, 1nm Lt	10	47.293	-10.78821667	S	152	23.398	152.3899667	E	
32	Nivani Islet East-end	Milne Bay	AUS 382	3	Monopile in water, 1nm Lt	10	47.293	-10.78821667	S	152	23.954	152.3992333	E	
33	Deboyne Lagoon	Milne Bay	AUS 382	3	Monopile in water, 1nm Lt	10	47.424	-10.7904	S	152	26.993	152.4498833	E	
34	Redlick Passage South-end	Milne Bay	AUS 382	3	Monopile in water, 1nm Lt	10	47.102	-10.78503333	S	152	29.379	152.48965	E	
35	Redlick Passage South-end [W]	Milne Bay	AUS 382	3	Monopile in water, 1nm Lt	10	47.457	-10.79095	S	152	29.379	152.48965	E	
36	Rara Islet [W]	Milne Bay	AUS 382	3	Monopile in water, 1nm Lt	10	49.75	-10.82916667	S	152	23.444	152.3907333	E	
37	South Passage [R]	Milne Bay	AUS 382	3	Monopile in water, 1nm Lt	10	51.141	-10.85235	S	152	28.79	152.4798333	E	

38	South Passage	Milne Bay	AUS 382	3	Monopile in water, 1nm Lt	10	50.657	-10.84428333	S	152	30.13	152.5021667	E
39	Nibub Pass	Milne Bay	AUS 382	3	Monopile in water, 1nm Lt	10	50.236	-10.83726667	S	152	26.535	152.44225	E
40	Nivani Pass [R]	Milne Bay	AUS 382	3	Monopile in water, 1nm Lt	10	49.685	-10.82808333	S	152	23.627	152.3937833	E
41	Kitava Island	Milne Bay	AUS 384	3	Monopile in water, 1nm Lt	8	37.571	-8.626183333	S	151	18.594	151.3099	E
42	Bwagoia Harbour	Milne Bay	AUS 512	2	Monopile in water, 1nm Lt	10	41.422	-10.69036667	S	152	50.812	152.8468667	E
43	Bwagoia Harbour	Milne Bay	AUS 512	2	Monopile in water, 1nm Lt	10	41.277	-10.68795	S	152	50.861	152.8476833	E
44	Round Point Entrance West	Central	AUS505	2	Monopile in water, 1nm Lt	9	51.748	-9.862466667	S	147	30.217	147.5036167	E
45	Round Point Entrance East	Central	AUS505	2	Monopile in water, 1nm Lt	9	51.731	-9.862183333	S	147	30.413	147.5068833	E
46	Gabagaba 1	Central	AUS505	3	Monopile in water, 1nm Lt	9	49.569	-9.82615	S	147	27.492	147.4582	E
47	Gabagaba 2	Central	AUS505	3	Monopile in water, 1nm Lt	9	49.785	-9.82975	S	147	27.645	147.46075	E
48	Gabagaba 3	Central	AUS505	3	Monopile in water, 1nm Lt	9	49.158	-9.8193	S	147	28.517	147.4752833	E
49	Gabagaba 4	Central	AUS505	3	Monopile in water, 1nm Lt	9	50.185	-9.836416667	S	147	30.25	147.5041667	E
50	Gabagaba 5	Central	AUS505	3	Monopile in water, 1nm Lt	9	48.585	-9.80975	S	147	30.217	147.5036167	E
51	Gabagaba 6	Central	AUS505	3	Monopile in water, 1nm Lt	9	46.174	-9.769566667	S	147	28.712	147.4785333	E
52	Wolverine Entrance	Central	AUS506	2	Monopile in water, 1nm Lt	10	5.377	-10.08961667	S	147	40.257	147.67095	E
53	Wolverine Entrance 2	Central	AUS506	2	Monopile in water, 1nm Lt	10	5.591	-10.09318333	S	147	40.029	147.66715	E
54	McFarlane Harbour - Marshall Lagoon No. 1-R	Central	AUS623	2	Monopile in water, 1nm Lt	10	6.154	-10.10256667	S	148	10.428	148.1738	E
55	McFarlane Harbour - Marshall Lagoon No. 2-G	Central	AUS623	2	Monopile in water, 1nm Lt	10	6.095	-10.10158333	S	148	10.307	148.1717833	E
56	McFarlane Harbour - Marshall Lagoon No. 3-R	Central	AUS623	3	Monopile in water, 1nm Lt	10	4.717	-10.07861667	S	148	10.505	148.1750833	E
57	McFarlane Harbour - Marshall Lagoon	Central	AUS623	3	Monopile in water,	10	5.937	-10.09895	S	148	10.34	148.1723333	E

	No. 4-G				1nm Lt									
58	McFarlane Harbour - Marshall Lagoon No. 5-R	Central	AUS623	3	Monopile in water, 1nm Lt	10	4.414	-10.07356667	S	148	10.445	148.1740833	E	
59	McFarlane Harbour - Marshall Lagoon No. 6-G	Central	AUS623	3	Monopile in water, 1nm Lt	10	5.764	-10.09606667	S	148	10.285	148.1714167	E	
60	McFarlane Harbour - Marshall Lagoon No. 7-R	Central	AUS623	3	Monopile in water, 1nm Lt	10	3.997	-10.06661667	S	148	11.091	148.18485	E	
61	McFarlane Harbour - Marshall Lagoon No. 8-G	Central	AUS623	3	Monopile in water, 1nm Lt	10	5.563	-10.09271667	S	148	10.203	148.17005	E	
62	McFarlane Harbour - Marshall Lagoon No. 9-R	Central	AUS623	3	Monopile in water, 1nm Lt	10	4.94	-10.08233333	S	148	10.647	148.17745	E	
63	McFarlane Harbour - Marshall Lagoon No. 10-G	Central	AUS623	3	Monopile in water, 1nm Lt	10	5.167	-10.08611667	S	148	10.357	148.1726167	E	
64	McFarlane Harbour - Marshall Lagoon No. 11-R	Central	AUS623	3	Monopile in water, 1nm Lt	10	3.948	-10.0658	S	148	11.266	148.1877667	E	
65	McFarlane Harbour - Marshall Lagoon No. 12-G	Central	AUS623	3	Monopile in water, 1nm Lt	10	5.016	-10.0836	S	148	10.39	148.1731667	E	
66	McFarlane Harbour - Marshall Lagoon No. 13-R	Central	AUS623	3	Monopile in water, 1nm Lt	10	3.796	-10.06326667	S	148	11.376	148.1896	E	
67	McFarlane Harbour - Marshall Lagoon No. 14-G	Central	AUS623	3	Monopile in water, 1nm Lt	10	4.761	-10.07935	S	148	10.357	148.1726167	E	
68	McFarlane Harbour - Marshall Lagoon No. 15-R	Central	AUS623	3	Monopile in water, 1nm Lt	10	3.536	-10.05893333	S	148	11.474	148.1912333	E	
69	McFarlane Harbour - Marshall Lagoon No. 16-G	Central	AUS623	3	Monopile in water, 1nm Lt	10	4.316	-10.07193333	S	148	10.324	148.1720667	E	
70	McFarlane Harbour - Marshall Lagoon No. 17-R	Central	AUS623	3	Monopile in water, 1nm Lt	10	3.46	-10.05766667	S	148	11.557	148.1926167	E	
71	McFarlane Harbour - Marshall Lagoon No. 18-G	Central	AUS623	3	Monopile in water, 1nm Lt	10	3.975	-10.06625	S	148	11.003	148.1833833	E	
72	McFarlane Harbour - Marshall Lagoon No. 19-R	Central	AUS623	3	Monopile in water, 1nm Lt	10	3.384	-10.0564	S	148	11.584	148.1930667	E	
73	McFarlane Harbour - Marshall Lagoon No. 20-G	Central	AUS623	3	Monopile in water, 1nm Lt	10	3.791	-10.06318333	S	148	11.294	148.1882333	E	
74	McFarlane Harbour - Marshall Lagoon No. 21-R	Central	AUS623	3	Monopile in water, 1nm Lt	10	3.314	-10.05523333	S	148	11.51	148.1918333	E	
75	McFarlane Harbour - Marshall Lagoon No. 22-G	Central	AUS623	3	Monopile in water, 1nm Lt	10	3.433	-10.05721667	S	148	11.447	148.1907833	E	
76	Aroma Passage 2	Central	AUS506	3	Monopile in water, 1nm Lt	10	10.506	-10.1751	S	147	59.756	147.9959333	E	

77	Aroma Passage 3	Central	AUS506	3	Monopile in water, 1nm Lt	10	10.156	-10.16926667	S	147	59.849	147.9974833	E
78	Aroma Passage 4	Central	AUS506	3	Monopile in water, 1nm Lt	10	10.043	-10.16738333	S	147	59.959	147.9993167	E
79	Aroma Passage 5	Central	AUS506	3	Monopile in water, 1nm Lt	10	9.902	-10.16503333	S	147	59.893	147.9982167	E
80	Buruma Point (G)	Central	AUS506		Monopile in water, 1nm Lt	10	8.552	-10.14253333	S	148	18.77	148.3128333	E
81	Beacon (R)	Central	AUS506		Monopile in water, 1nm Lt	10	8.622	-10.1437	S	148	18.868	148.3144667	E
82	Beacon (B)	Central	AUS506		Monopile in water, 1nm Lt	10	8.568	-10.1428	S	148	18.934	148.3155667	E
83	Baibara Island	Central	AUS380		Monopile in water, 1nm Lt	10	21.35	-10.35583333	S	149	36.23	149.6038333	E
84	Vahunabada Reef North	NCD	AUS621		Monopile in water, 1nm Lt	9	27.396	-9.4566	S	147	8.17	147.1361667	E
85	Vahunabada Reef South	NCD	AUS621		Monopile in water, 1nm Lt	9	27.546	-9.4591	S	147	8.334	147.1389	E
86	Padana Nahua Passage	NCD	AUS621		Monopile in water, 1nm Lt	9	35.717	-9.595283333	S	147	17.056	147.2842667	E
87	Bootless Inlet1	NCD	AUS621		Monopile in water, 1nm Lt	9	29.225	-9.487083333	S	147	14.784	147.2464	E
88	Bootless Inlet2	NCD	AUS621		Monopile in water, 1nm Lt	9	29.187	-9.48645	S	147	14.784	147.2464	E
89	Esade Motu Motu	NCD	AUS621		Monopile in water, 1nm Lt	9	27.161	-9.452683333	S	147	7.149	147.11915	E
90	Saibai Island	Western	AUS840		Monopile in water, 1nm Lt	9	22.429	-9.373816667	S	142	36.579	142.60965	E
91	Beacon [G]	Bougainville	AUS684		Monopile in water, 1nm Lt	5	27.005	-5.450083333	S	154	37.7	154.6283333	E
92	Beacon [R]	Bougainville	AUS684		Monopile in water, 1nm Lt	5	26.834	-5.447233333	S	154	38.919	154.64865	E
93	Minan Island [G]	Bougainville	AUS684		Monopile in water, 1nm Lt	5	26.848	-5.447466667	S	154	39.089	154.6514833	E
94	Beacon [R]	Bougainville	AUS684		Monopile in water, 1nm Lt	5	26.701	-5.445016667	S	154	39.373	154.6562167	E
95	Beacon	Bougainville	AUS684		Monopile in water, 1nm Lt	5	9.985	-5.166416667	S	154	33.362	154.5560333	E
96	Beacon	Bougainville	AUS684		Monopile in water,	5	8.701	-	S	154	33.475	154.5579167	E

					1nm Lt			5.145016667						
97	Beacon	Bougainville	AUS684		Monopile in water, 1nm Lt	5	9.14	- 5.152333333	S	154	33.378	154.5563	E	
98	Beacon	Bougainville	AUS684		Monopile in water, 1nm Lt	5	8.264	- 5.137733333	S	154	32.5	154.5416667	E	
99	Beacon	Bougainville	AUS684		Monopile in water, 1nm Lt	5	8.223	-5.13705	S	154	32.874	154.5479	E	

ANNEX 2: LAND INVESTIGATION REPORT FORM

PAPUA NEW GUINEA

LAND INVESTIGATION REPORT

FIELD NOTES

FOURMIL: MILINCH:

DEPARTMENT:

PROVINCIAL AFFAIRS REF.:

LANDS REF.: INSTRUCTION NO.

1. NAME OF APPLICANT:

2. TYPE OF LEASE OR PROPOSED USE:

3. DESCRIPTION OF LAND:

(a) Name of land: Area: hectares

(b) Locality: District: Province:

(c) Distance to, and name of nearest Centre:

(d) Means of access from nearest Centre:

PAPUA NEW GUINEA

LAND INVESTIGATION REPORT

FIELD NOTES

FOURMIL: MILINCH:

DEPARTMENT:

PROVINCIAL AFFAIRS REF:

LANDS REF: INSTRUCTION NO.

1. NAME OF APPLICANT:

2. TYPE OF LEASE OR PROPOSED USE:

3. DESCRIPTION OF LAND:

(a) Name of land: Area:hectares

(b) Locality: District: Province:

(c) Distance to, and name of nearest Centre:

.....

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.....

(d) Means of access from nearest Centre:

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PAPUA NEW GUINEA

4. OWNERSHIP

- (a) Name of actual Land Owning Group only (state whether this is a clan, lineage, extended family group or individual)
.....
.....
- (b) In what way did this group or individual acquire rights. (e.g. by membership, purchase)
.....
.....
- (c) Population of land owning group. (also supply natural increase %)
.....
.....
- (d) Estimate total area of land owning group (also give estimate of area per capital in 60 years time)
.....
.....
- (e) Give description of land in (d).
.....
.....
- (f) Village or villages from which the land owning group came.
.....
.....
- (g) Genealogy (to be inserted if completed)
.....
.....

PAPUA NEW GUINEA

5. SCHEDULE OF OWNERS, STATUS AND RIGHTS TO THE LAND

Name of Owners	Sex	Minors or Ward	Nature of Rights	Address	Executive or Agents	Notes

PAPUA NEW GUINEA

f

Name o. Land:
Instruction N.
Lands Ref.
Provincfal O fice Ref.
Sub Provincfal O fice

6. IMPROVEMENTS

Name of Owners	Improvements	Size	Price Recommendation	Value

PAPUA NEW GUINEA

7. ALIENATION

- (a) Are the owners willing to sell the land outright?
-
- (b) If the owners are not willing to sell outright, for how many years are they willing to lease the land?
-
- (c) In the Investigation Officer's opinion can the owners afford to sell/lease the land as above? If not give reasons:
-
-
- (d) Has ownership been investigated or determined by the Lands Title Commission? If so give details of claim references etc.
-
-
- (e) Description of land investigated:
-
-
- (f) Current usage:
-
-
- (g) Means of livelihood of owners:
-
-
- (h) Estimate of area already alienated in the vicinity:
-
-
- (i) Price recommendation and reason:
-
-
- (j) Are the owners listed in the schedule of owners willing to sell/lease the land for number of years?
-
-

Yes, the owners have specifically informed me that they are willing to sell/lease to the Administration for except the following who were not seen due to absence.

(Cross out if not applicable)

PAPUA NEW GUINEA

8. PLAN AND LOCALITY SKETCH

PAPUA NEW GUINEA

9. RECOMMENDATIONS REGARDING ROAD OR OTHER EXCISIONS:

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10. COMMENTS AND RE COMMENDATIONS:

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I hereby certify that to the best of my knowledge, the above facts are true.

Signature:

Designation:

Date:/...../20.....

PAPUA NEW GUINEA

DECLARATION OF CUSTOM IN RELATION TO LAND TENURE

We,

Name	Signature	Name	Signature

PAPUA NEW GUINEA

Declaration of Recognition of Custom in Respect to, and Rights in the land known as

.....

We,

Name	Sex	Village	Status	Signature

do hereby declare that we have no interest in, and have no rights by custom or otherwise to the land known as containing approximately hectares and situated in the District of Province of and we further declare that we are land holders of land contiguous with land known as and that to the best of our knowledge and belief the owners of that land by custom are the clan(s) and further declare that we recognize the aforesaid clan(s) as the owners of the land known as and that they have the sole rights by custom to dispose of that land.

I, of an officer of the Administration of Papua New Guinea, do hereby certify that the contents of this Declaration were read over by in the language, a language which is understood by the signatories of this Declaration and I further certify that to the best of my knowledge and belief the contents of this Declaration were understood by the signatories hereto.

Dated at this day of 2

Signature

Designation

PAPUA NEW GUINEA

f

CERTIFICATE IN RELATION TO BOUNDARIES

I of an officer of the Service of the Administration of Papua New Guinea, do hereby certify that I in company with -

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being the Owners Agent for the Owners Executives for the Owners of that piece of land containing approximately hectares known as situated in the District of Province of on the day of 20..... walked along as far as was practicable and indicated the boundaries of the said land to the above named persons.

Dated this day of 2

Signature
Designation

PAPUA NEW GUINEA

(No interpreter)

as part of the piece of land hereinafter described hereby appoint:-

- (1) o f
- (2) o f
- (3) o f
- (4) o
- (5) o f
- (6) o f
- (7) o f
- (8) o f
- (9) o
- (10) of

to be our representatives and agents for the purpose of executing a Transfer/Lease to the Administration over that piece of land known as containing approximately hectares and situated in the District of Province of and we do authorize the above agents to accept on our behalf of all monies and considerations paid by the said Administration in connection with the proposed Transfer/Lease of the said piece of land.

I, of an officer of the Administration of Papua New Guinea, do hereby certify that the contents of this Agreement were read over to the signatories by myself in the language, a language which is understood by the signatories of the Agreement, and I further certify that to the best of my knowledge and belief the contents of this Agreement were understood by the signatories hereto.

Signature

Designation

Dated at h ti s a y of 2... .

PAPUA NEW GUINEA

AGENCY AGREEMENT

We,

Name	Signature	Name	Signature

PAPUA NEW GUINEA

VALUER GENERAL'S REQUIREMENTS

1. Sub-District Office Reference:
2. District Office Reference:
3. Lands Department Reference: f.....
4. Name of Land:
5. Approximate Area:
6. Milinch: Fourmit:
7. Sub-District: Province: d.....
8. Distance and name of nearest centre:
..... f.....
9. Means of access from nearest centre:
10. Topography of land (e.g. flat, hilly, steep gradients etc)
11. General description of land. (e.g. loamy, clayey, stony, etc. and depth of soils)
12. Agriculture potential in locality:
13. Type of indigenous trees growth and or regrowth:
14. Other alienation in vicinity, if any:
15. Reason for Alienation:
16. State whether land is to be purchased or leased (if leased state number of years)
17. Recommended purchase/lease price:
18. Any unusual factors which may have a bearing on purchase/lease price:

PAPUA NEW GUINEA

RECOMMENDATION AS TO ALIENABILITY

I, of Province, do hereby certify that, in respect of the proposed purchase/lease by the State of Papua New Guinea of hectares of customary owned land known as and situated near in the District of the Province .

- a) There is no dispute as to ownership;
b) The customary owners of the aforesaid land and the customary owners of all improvements thereon are willing to sell/lease the land and the improvements to the State.
c) The sell/lease of the aforesaid land and improvements to the State will not be detrimental to the best interest of the customary owners or their descendants either now or in the foreseeable future.
d) I have fully considered the question of reserving to the customary owners and/or their descendants rights of hunting, gathering, collecting, fishing, and I recommend that certain reservations be made in accordance with the attached sheet marked "A"
e) The aforesaid land is required/is not required for public purpose.

Given under my hand at on this day of 20...

.....
Provincial Administrator

ANNEX 3: SCREENING FORM

LAND ACQUISITION AND RESETTLEMENT (LAR) SCREENING CHECKLIST			
Province:		District:	
Village:			
Subproject:			
Brief Description of Site and Proposed Works (provide as much detail as possible):			
1. Screening Questions for Land Acquisition & Resettlement			
Likely Effects	Yes	No	Description
Will the subproject require land acquisition?			
Will the subproject require construction of a new, or upgrade of an existing, access facility?			
Is the ownership status of land known? If yes, what are the ownership arrangements?			
Is the current usage of the land known?			
Will there be loss of housing			
Will there be loss of agriculture plots?			
Will there be loss of crops and/ or trees?			
Will there be loss of businesses or enterprise?			
Will there be loss of any small shops or stalls?			
Will there be loss of incomes and livelihoods?			
Are there non-titled people who live or earn their livelihoods at the site?			
If "yes" to above, do they have structures or other assets that will need to be removed?			
2. Information on Affected Persons			
What is the estimated number of households likely to be affected?			
What is the estimated number of people likely to be affected?			
What is the estimated number of non-titled land users likely to be affected?			
What is the estimated number of female headed households likely to be affected?			
What is the estimated number of houses affected by loss of income and livelihood?			
Briefly describe the types of income or livelihoods to be affected and nature of the impacts:			

3. Document/ Plan Requirements			
Based on the foregoing identification of impacts and the subproject will:			
	Create land acquisition/ resettlement impacts (if YES ticked in answer to any question in Section 1), and a Resettlement Plan (completed as per the requirements of the RF) is required		
	Create no resettlement impact, no resettlement plan is required. This screening checklist and a due diligence report will be prepared as the document for the subproject.		
The foregoing has been reviewed and agreed with by:			
Name & Signature (Team Leader)		Date:	
Name & Signature (Safeguards Specialist)		Date:	
Name & Signature (Safeguards Specialist)			

ANNEX 4: OUTLINE OF RESETTLEMENT PLAN

A resettlement plan is required for all subprojects involving land acquisition and resettlement impacts. Its level of detail and comprehensiveness will be commensurate with the significance of potential resettlement impacts and risks.

- A. **Executive Summary:** This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.
- B. **Project Description:** This section provides a general description of the project, discusses projects components that result in land acquisition, involuntary resettlement, or both and identify the projects area. It also describes the alternatives considered to avoid or minimize resettlement include a table with quantified data and provide a rationale for the final decision.
- C. **Scope of Land Acquisition and Resettlement :** This section:
 - i. discusses the project's potential impacts, and includes maps of the areas or zone of the impact of the project components or activities;
 - ii. describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
 - iii. summarizes the key effects in terms of assets acquired and displaced persons; and
 - iv. provides details of any common property resources that will be acquired.
- D. **Socioeconomic Information and Profile:** The section outlines the results of the social impact assessment, the census survey, and other studies, with information and /or data disaggregated by gender, vulnerability, and other social groupings, including:
 - i. define, identify, and enumerate the people and communities to be affected;
 - ii. describe the likely impacts of the land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
 - iii. discuss the project's impacts on the poor, indigenous and /or ethnic minorities, and other vulnerable groups; and
 - iv. identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.
- E. **Information Disclosure, Consultations, and Participation:** This section:
 - i. identifies project stakeholders, especially primary stakeholders;
 - ii. describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
 - iii. describes the activities undertaken to disseminate project and resettlement information during the project design and preparation for engaging stakeholders;
 - iv. summarizes the results of consultations with displaced persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
 - v. confirms disclosure of the draft resettlement plan to displaced persons and includes arrangements to disclose any subsequent plans; and
 - vi. describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with displaced persons during project implementation.

- F. **Grievance Redress Mechanisms:** This section describes mechanisms to receive and facilitate the resolution of displaced persons' concerns and grievances. It explains how the procedures are accessible to displaced persons and gender sensitive.
- G. **Legal Framework:** This section:
- i. describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirement; and discuss how any gaps will be addressed;
 - ii. describes the legal and policy commitments from the executing agency for all types of displaced person;
 - iii. outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost of assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided; and
 - iv. describes the land acquisition process and prepare a schedule for meeting key procedural requirements.
- H. **Entitlements, Assistance and Benefits:** This section:
- i. defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
 - ii. specifies all assistance to vulnerable groups, including women, and other special groups; and
 - iii. outlines opportunities for displaced persons to derive appropriate development benefits from project.
- I. **Relocation of Housing and Settlement:** This section:
- i. describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and /or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
 - ii. describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
 - iii. provides timetables for site preparation and transfer;
 - iv. describes the legal arrangements to regularize tenure and transfers titles to resettled persons;
 - v. outlines measures to assist displaced persons with their transfer and establishment at new sites;
 - vi. describes plans to provide civic infrastructure; and
 - vii. explains how integration with host populations will be carried out.
- J. **Income Restoration and Rehabilitation:** This section:
- i. identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
 - ii. describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets)
 - iii. outlines measures to provide social safety net through social insurance and /or project special funds;
 - iv. describes special measures to support vulnerable groups; and

- v. describes training programs.
- K. **Resettlement Budget and Financial Plan:** This section:
- i. provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training loan implementation;
 - ii. describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items);
 - iii. includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs; and
 - iv. includes information about the source of funding for the resettlement plan budget.
- L. **Institutional Arrangements:** This section:
- i. describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
 - ii. includes institutional capacity building program, including technical assistance, if required;
 - iii. describes roles of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and
 - iv. describes how women's groups will be involved in resettlement planning and management.
- M. **Implementation Schedule:** This section includes a detailed, time bound, implementation schedule for all keys resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.
- N. **Monitoring and Reporting:** This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of displaced persons in the monitoring process. This section will also describe reporting procedures.

ANNEX 5: SUMMARY BROCHURE
(English version)

The Maritime and Waterways Safety Project



The Maritime and Waterways Safety Project in Papua New Guinea will involve the replacing and building of navigational aids and lighthouses. 99 old ones will be replaced with new structures, and 33 lighthouses will be installed at new sites to add to the 214 existing lighthouses in PNG. The aim of the project is to increase safety at sea, for both local and commercial shipping. It is funded by a loan to PNG from the Asian Development Bank.

The project relies heavily on the cooperation and participation of local communities. The National Maritime Safety Authority (NMSA) are now undertaking a Community Engagement Program (CEP), which will involve, you, the landowners and communities, in undertaking the security and monitoring of the lighthouse.

What will happen?

Use of land for lighthouses

Most of the lighthouses will be built in the sea – on the seabed, on reefs, rocky outcrops or the foreshore. No one will be displaced, and the lighthouses will not interfere with your livelihoods. The location for the lighthouse will be discussed with you and you will still be able to fish and collect seafood from the area.

The customary owners of the land or reef (*papa graun*) where the lighthouse is built, will be asked to lease land to the government, and will receive compensation to be paid as an annual rent for the land/reef (based on the valuation of the Valuer-General's Office). The land required will be 100 square metres (10m x 10m) if on land and 200 square metres (20m x 20m) if in the sea.



The Community Lighthouse Committee (CLC)

NMSA will help you establish a Community Lighthouse Committee, made up of 5-7 members, (50% men and 50% women). Their job is to represent all of you in the community. We will ask you all to act as guardians of the lighthouse, assisting NMSA to keep the lights safe, monitor them, and report any damage or outages. A Community Monitoring and Security Agreement will need to be signed between NMSA and the CLC outlining roles and responsibilities.

Your community will be paid an annual service fee, of K2,200 to be administered by the CLC. If the lights remain in good order, your community will receive an additional K500 bonus every year. The money will be deposited in a CLC bank account, and should be spent on community projects, discussed by everyone, with the final decision by the CLC.



Installing the structure



A marine engineering contractor will be employed to construct the structures and install the lights. They will visit to consult with you and undertake field surveys of the site to decide the best way of constructing the lights with the least environmental damage.

Following this, other vessels will visit, including a large construction barge and a tug boat. The barge carries out all the pile driving and brings the heavy equipment and cranes to do the work. The only people on the boat will be the captain and his crew, the construction work crew, a lighthouse technician, NMSA community staff and other government representatives.

The construction crew will respect your community, local laws and customs, and will stay on the barge, not in the community.

Looking after the environment (Lo lukautim ples)

NMSA has an obligation to look after the environment at every place we work. Many of the existing structures are very old and cannot be repaired. In these cases, the contractor will pull the structures down and remove them for disposal, unless the CLC requests the materials for community projects.

The contractor will be installing new piles on the reefs at some of the sites. They must ensure they choose the right spot and make sure that the reef is left very clean and all scraps of material removed. They will avoid damage to any live coral or other sea life.

If any of the lighthouses are on land sites, the contractor will leave the site clean after installation. Sometimes we need to clear bushes and small trees to make sure the area around the lighthouse is clear and the light can be seen.

Each site is different. NMSA and the contractor will discuss protection of the environment at each place in more detail during our community awareness meetings.

What are the benefits for you?

- Safety at sea is important: the lighthouses guide large commercial ships as well as local dinghies, avoiding loss of life or shipping disasters which can pollute the environment
- NMSA offers communities useful training to avoid social and health risks and to help them travel safely
- The money from land leases and community service fees can be invested in community development projects to help your village



What must your community do?

- Attend the community meetings with NMSA and the contractors to give your views and voice your concerns
- Elect a responsible Community Lighthouse Committee
- Cooperate with the Community and Lands Coordinators and contractors before, during and after installation
- Attend the training offered by NMSA e.g. training for the CLCs to fulfill their responsibilities, HIV/AIDS awareness workshops for men and women, and water safety education for all in the community, including children
- Tell everyone about the importance of the lights and the benefits they bring
- Monitor the lights and report to NMSA as soon as possible if the light is damaged or stops functioning

Penalties

If anyone wrecks the lights, or steals the batteries or solar panels, they could be imprisoned for up to 7 years or fined up to K8,000 (Criminal Code Act Section 448, Merchant Shipping Act 1976, Section 191)

NMSA i gat pawa long wok painim aut na kalabusim man / meri husat i bagarapim laithaus.



Where can you get more information?

If you want to know more, raise a concern, or make a complaint contact the NMSA officers at National Maritime Safety Authority:

- Dinah Omeneffa: Community Development Manager
- Eric Petrus: Navais Manager

PO Box 668
Port Moresby
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Tel: (+675) 321 1244 or (+675) 321 3033
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Email: nmsa@nmsa.gov.pg
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The Maritime and Waterways Safety Project



Dispela projek ol i kolim long Maritime and Waterways Safety Project, em kamap long kirapim bek ol olupela na sanapim niupela laithaus na ol pos long solwara insait long Papua Niugini. Aninit long dispela projek, 99pela laithaus bai gat senis long ol pos na stretim bek lait istap antap, long em na 33pela emi niupela laithaus moa antap long ol 214 we istap pinis insait long kantri. Asian Development Bank i givim bikipela loan long halivim kantri bilong yumi long stretim bek na sanapim ol dispela laithaus na pos long safety bilong ol bikipela kago sip, na tu ol komuniti stap klostu long bikipela wara na solwara long yusim.

Dispela projek mas igat bigpela sapot long ol komuniti.

National Maritime Safety Authority (NMSA) aninit long Community Engagement Program bilong em bai wok klostu wantaim ol papa na mama graun, na tu ol manmeri insait long ples long lukaut bilong laithaus. Projek bai kamap gut wantaim halivim bilong olgeta lain insait long ples.

Wanem kain wok bai kamap?

Graun bilong sanapim laithaus

Projek bai sanapim planti laithaus insait long solwara antap long ol rip, ston na arere long nambis. Wok bilong sanapim ol dispela laithaus bai no inap rausim ol manmeri long ples o passim yu long mekim ol wok yu save mekim long wanwan dei olsem painim pis, sel na ol narapela samting long solwara. Mipela bai toksave long yu long wanem hap laithaus bai sanap pastaim long wok bilong sanapim laithaus ikamap.

Mipela bai askim ol papa na mama graun long givim dispela hap graun bikipela bilong em inap olsem 100 sq. meter (10m x 10m) antap long graun na 200 sq. meter (20m x 20m) insait long solwara.

Pei bilong graun o lease rental, bai go long papa or mama graun bihainim moni mak we opis bilong Valuer-General imakim.



Community Lighthouse Committee (CLC)

Wantaim halivim bilong NMSA, yupela bai mekim wanpela Community Lighthouse Committee wantaim ol memba namel long 5 na 7pela manmeri (50% man na 50% meri). Dispela komiti na NMSA bai wok wantaim na bihainim Community Monitoring and Security Agreement, we tokaut long wok bilong CLC olsem ol mas lukautim na tu toksave long NMSA sapos igat sampela birua ibungim laithaus na laithaus ino wok gut o bagarap.

Wanpela taim long olgeta yia, NMSA bai putim K2,200 igo long CLC benk akaunt long halivim ol wok insait long ples na narapela K500 taim nogat bagarap ikamap long han bilong manmeri long laithaus. Dispela olgeta halivim kam long NMSA, em bilong strongim wok bilong ol projek insait long ples.



Wok bilong sanapim ol laithaus



Wanpela save man bilong wokim na sanapim ol samting insait long solwara bai kam na toktok wantaim yupela na long wankain taim mekim wok lukluk raun long luksave long wanem hap bilong sanapim dispela laithaus we bai nogat bagarap bai kamap long ol rip o antap long graun.

Bihain long dispela, wanpela sip (barge) bilong wok bai kam wantaim ol samting bilong paitim pos igo insait long solwara long putim lait antap long em. Antap long dispela sip, bai gat kaptem na ol wokman bilong sip, ol wokman bilong mekim wok bilong sanapim laithaus, saveman bilong laithaus, na wanpela wokman bilong NMSA.

Ol dispela wokmanmeri mas luksave long ol lo bilong ples na slip antap long sip bilong wok.

Pasin bilong lukautim ples na solwara

NMSA igat wok long lukautim ples bus, wara na solwara long olgeta hap we em wok long em. Planti ol pos igat laithaus em bagarap na no inap long stretim olsem, na ol wokman iwok long dispela taim mas kamautim olgeta pos bilong laithaus na karim go wantaim ol sapos ol lain long ples ino laikim.

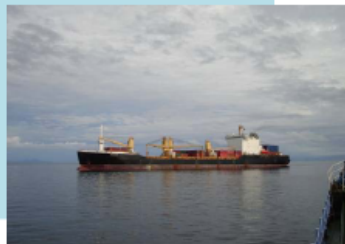
Taim wokman putim nupela ol pos long rip, ol mas makim ples we bai no inap bagarapim rip na tu ol mas rausim ol pipia na noken bagarapim ol samting i insait long solwara.

Sapos laithaus em bai sanap antap long graun, wokman mas kisim bek olgeta pipia igo wantaim em bihain long wok pinis. Ol wokman bai toktok wantaim ol man na meri long ples sapos diwai ipasim laithaus na ol mas katim daun.

Bai igat miting long olgeta ples long toksave long wok bilong laithaus na bai gat moa toktok bilong pasin bilong lukautim ol bus na wara.

Wanem samting bai halivim yu?

- Abrusim ol birua long solwara em bikpela samting. Laithaus save halivim ol sip na bot abrusim birua na sapos ol sip na bot bungim birua em ken bagarapim solwara na wara tu.
- NMSA save skuli mol man long abrusim ol birua bai kamap long ol na laip bilong olgeta long ples na helivim ol i kenron gut long ol bot.
- Ol moni we NMSA peim long ol CLC na lease rentals bilong papa/mama graun ken go long halivim ol wok proiek insait long ples



Bai yu mekim wanem?

- Yu mas kamap long ol miting bilong ol wokman, NMSA, na ol lain long ples na tokaut long ol tingting bilong yu.
- Mekim CLC we em bai luksave long ol hevi bilong ples na wok bung wantaim
- Wok wantaim ol lain long ples, wokman bilong graun na ol wokman long taim bilong wok bilong putim laithaus na bihain tu wankain.
- Yu mas kamap long ol liklik skul NMSA givim long halivim ol CLC, HIV/AIDS na ol narapela long abrusim birua long solwara na wara bilong olgeta, ol pikinini wantaim.
- Tokim ol manmeri long laithaus na gutpela bilong em.
- Lukautim ol laithaus na toksave hariap long NMSA sapos laithaus bungim birua na em no wok o lait.

Mekim save bilong kot

Sapos wanpela man o meri bagarapim laithaus, stiliim bateri na sola, dispela man o meri bai go kalabus 7 pela krismas olgeta o baim K8,000 (aninit long Criminal Code Act Section 448, Merchant Shipping Act 1976, Section 191)

NMSA i gat pawa long wok painimaut na kalabusim man / meri husat i bagarapim laithaus.

Yu laik save moa?

Sapos yu laik save moa long dispela yu ken ringim ol wokman bilong NMSA:

- Dinah Omeneffa: Community Development Manager
- Eric Petrus: Navais Manager

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ANNEX 6: INDICATORS FOR MONITORING AND EVALUATION

Draft monitoring and evaluation indicators

Type of Indicator	Indicator	Examples of variables
Process indicators	Staffing	<ul style="list-style-type: none"> No. of PIU staff by job function Engagement of Safeguards/Community Development staff and training No. and availability of collaborating staff from other ministries (DLPP)
	Consultation, participation and grievance mechanism	<ul style="list-style-type: none"> No. of community consultations held with communities No. of consultations/meetings held with other stakeholders No. of field visits by PIU staff Effectiveness & timeliness of compensation/assistance delivery system
	Procedures in operation	<ul style="list-style-type: none"> Level of coordination between PIU and other GoPNG agencies and civil society groups
Output indicators	Households	<ul style="list-style-type: none"> No. households affected
	Structures	<ul style="list-style-type: none"> No. of community structures or buildings , if any, moved
	Economic trees and crops	<ul style="list-style-type: none"> No. households receiving agreed compensation for trees and crops
	Assistance to APs	<ul style="list-style-type: none"> No. households who have participated in income generation or livelihood enhancement measures
Impact indicators	Assistance to communities	<ul style="list-style-type: none"> No. households benefitting from CLC payments
	Participation of women in Community Lighthouse Committees	<ul style="list-style-type: none"> No. of women members of the CLC No. of women's/girls activities funded from CLC payments
	Livelihood and life skills	<ul style="list-style-type: none"> No. and type of skills APs received training in
	Community cohesion	<ul style="list-style-type: none"> No. of land disputes No. of navaid's damaged Frequency of CLC meetings and no. of members attending