

# FINAL Semi-Annual Safeguards Monitoring Report – July-December 2018

## Cyclone Pam Road Reconstruction Project

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ADB Project No. 49319  
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Prepared for  
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## Acronyms and abbreviations

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ADB	Asian Development Bank
CEMP	Construction environmental management plan
CLMO	Customary Land Management Office
CPP	Consultation and Participation Plan (for the project)
CSS	Country safeguard system
DDR	Due Diligence Report
DEPC	Department of Environment Protection and Conservation
DGMW	Department of Geology, Mines and Water (within Ministry of Land and Natural Resources)
DFAT	Department of Foreign Affairs and Trade (Australian Government)
DSC	Design and supervision consultant
EARF	Environmental Assessment and Review Framework
EIA	Environmental impact assessment
EPCA	Environment Protection and Conservation Act 2010 (as amended)
GDP	Gross domestic product
GRM	Grievance Redress Mechanism
IEE	Initial environmental examination
IWG	Infrastructure Working Group
MCC	Ministry of Climate Change, Meteorology and Geo-hazards, Environment, Energy, and Disaster Management
MIPU	Ministry of Infrastructure and Public Utilities
MOU	Memorandum of Understanding
PAM	Project Administration Manual
PDNA	Post Disaster Needs Assessment (prepared by government and development partners)
PEA	Preliminary environmental assessment
PMU	Project Management Unit (within MIPU for the project)
PWD	Public Works Department (within MIPU)
RF	Resettlement framework
SPS	Safeguards Policy Statement 2009 (of ADB)

## Executive summary

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The Cyclone Pam Road Reconstruction Project (the Project) commenced on 6 July 2016. The purpose of the Project is to restore the Efate ring road and socio-economic indicators to pre-Cyclone Pam conditions.

During the period from July to December 2018, Phase I and Phase II construction works were continued. Some of this time was spent in establishment of sites and procurement of materials, in parallel with major construction activities.

This semi-annual safeguards monitoring report was prepared in December 2018, to document the monitoring activities of the last six months of 2018. The report outlines the policy and legislative context for the Project, but focusses on the safeguards monitoring activities undertaken, the outcomes of the monitoring, including non-conformances and how these have been addressed, and any conclusions and recommendations for the future.

A number of non-conformances have been identified to date on both environmental and social safeguards. Each has been dealt with in accordance with the construction contract, ADB guidelines and government legislation.

The key ongoing safeguards issue is the resolution of land access to Epule. Access has been granted to the site, but it is currently only covered by the original MOU (signed on 17 November 2016) and an allowance to work in the riparian zone. A range of relatively minor issues and improvements to environmental management have been addressed.

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# 1 Introduction

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The Cyclone Pam Road Reconstruction Project (the Project) commenced in July 2016, with the purpose of restoring socio-economic activity on the Efate Ring Road to pre-cyclone conditions. The Project scope is funded by ADB grants and loans and government contributions. Cardno Emerging Markets (Australia) Pty Ltd were appointed as the design and supervision consultant (DSC). The construction contract for the original scope of 21 sites (now known as Phase I) was awarded to China Civil Engineering Construction Company (CCECC) on 13 July 2017.

ADB also identified additional financing for the Project, known as Phase II. This is targeted at increasing the scope of works at two sites from Phase I (Tanoliu and Epule) and addressing new works at four sites (Waisisi, Tassiriki, Saama and Ulei). Cardno are continuing as the DSC for Phase II and CCECC won the tender for the civil works, and commenced in January 2018.

## 1.1 Scope of report

This is the fifth semi-annual safeguards monitoring report prepared for the Project. It was prepared to meet the requirements of government and ADB. It covers the period from 1 July to 31 December 2018.

The report references the policy and legislative framework for the Project, the safeguards monitoring activities undertaken during the period, the outcomes of the monitoring, including non-conformances and how these have been addressed, and any conclusions and recommendations for the future.

During the reporting period the Project is in its construction phase for both Phase I and Phase II.

## 2 Policy and legal framework

The policy and legal framework has been outlined in previous semi-annual safeguards monitoring reports for the Project. These have summarised the relevant Vanuatu legislation and ADB policies with which the Project activities must comply. In brief, these are:

- > Environmental Management and Conservation Act No. 12 as amended by The Environmental Protection and Conservation (Amendment) Act No. 28
- > Foreshore Development Act
- > Water Resources Management Act
- > Quarry Act
- > Customary Land Management Act
- > ADB's Safeguard Policy Statement (SPS), 2009

### 2.1 Project-specific documents

Under the SPS, the Project is Category B for environment and Category C for social safeguards.

The table below shows the assessments that were undertaken and permits obtained for Phase I and Phase II of the Project.

**Table 2-1 Assessments and permits to meet policy and legal framework requirements**

Permit/Assessment	Approved	
	Phase I	Phase II
Initial Environmental Evaluation (IEE)	26 Nov 2016	19 Jun 2017
Social Safeguards Due Diligence Report (DDR)	6 October 2016	16 June 2017
Environmental Consent	30 Jan and 8 March 2017	27 July 2017
Foreshore Development Permit	21 April 2017	April 2018

The Project Administration Manual (PAM) also notes the following planning and implementation requirements:

- > Grievance redress mechanism (GRM), including both men and women – Para. 10, 104 (iv), 130, 143
- > Resettlement and community consultation meetings will involve women and be conducted by male and female facilitators – Para. 50
- > Community Consultation Plan – Para's. 59 (iv), 61 (iii), 104 (i), 107 (i), 137, also noted in the Financing Agreement (Loans), Schedule 6, Para. 17
- > Monitoring of the construction environmental management plan (CEMP) – Para. 61 (iii)
- > Six-monthly Safeguards monitoring reports submitted to ADB – Para. 61 (vi)
- > Implement system for monitoring social safeguards compliance – Para. 104 (xiii)



## 2.2 Institutional arrangements

The implementation arrangements for environmental and social safeguards remain as they have been throughout the Project.

The monitoring arrangements in place during this reporting period have been appropriate for the current construction phase.

In general, the DSC operates on behalf of PWD to review, monitor and record compliance with safeguards documents. Throughout this period, the monitoring has been undertaken on a regular weekly basis, with weekly site inspections and checklists also being completed. The monitoring is undertaken by the DSC, specifically, the national safeguards specialist and the national social, gender and community consultation specialist. Where possible this has been undertaken with PWD counterpart staff, and as a joint inspection with the Contractor.

Construction site monitoring checklists were prepared, based on the SEMP, CEMP and EMPs in the IEEs, CCP and the ADB's framework documents. Use of these has been effective in, as far as possible, ensuring that all aspects of environmental and social requirements of the permits, consents, ADB policy, legislation, CEMP and project plans are complied with, and identifying areas of deficiency.

An asset management plan was submitted in February 2017 and was updated again following completion of the Phase II detailed design. It will be updated again at the completion of construction. This includes all aspects of environmental management required as a result of the Project. These will be part of the handover of responsibilities to PWD upon Project completion.

## 3 Environmental monitoring activities and status

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### 3.1 Monitoring activities

#### 3.1.1 General activity overview

The July to December 2018 period was part of the **construction** phase of the Project. During this time, the following environmental safeguards activities were undertaken:

- > Review and discussion with DEPC of consent documents for some Phase II subprojects to clarify conditions about the need for freshwater biodiversity surveys
- > Review of SEMP, including amendments for the following subprojects;
  - Creek Ai Stockpile area opposite Lots 22-24
  - SEMP for Creek Ai Box Culvert and the river fauna biodiversity survey report
  - Mele Bridge additional Stockpile area
  - Infiltration Pond for Tassiriki Road
  - Waisisi
  - Tanoliu Bridge
  - Ulei Bridge
  - Lamin Bridge
  - Malatia Culvert
- > Review of CEMP for Phase I and Phase II for subproject sites including laydown areas, site amenities sites, stockpiles areas and batching plant site.
- > Liaison with the DEPC and Department of Water Resources
- > Attendance at weekly co-ordination meetings with social safeguards and other DSC specialists
- > Attendance at all site meetings for Phase I and Phase II with the Contractor
- > Collaboration with PWD Safeguards Manager and ADB Senior Environmental Specialist
- > Weekly site inspections of Phase I and Phase II Subprojects where construction works were taking place
- > Preparation of weekly monitoring checklist, monthly reports, quarterly reports and semi-annual report

#### 3.1.2 Documents reviewed

During this reporting period, the key documents reviewed include:

- > The amended Site-specific Environmental Management Plans (SEMP) for Creek Ai, Tanoliu, Ulei, Malatia and Lamin
- > The new additional SEMPs for Phase I and Phase II subprojects, particularly for laydown sites.

#### 3.1.3 Documents prepared

Site environmental monitoring checklists were reviewed and implemented to cover:

- > Pre-construction activities, including inductions and site establishment
- > Site activities which need to be checked at least weekly where works are taking place
- > Site activities which only need to be checked monthly where works are taking place

#### **3.1.4 Fieldwork**

During the six month period, major works were underway at Waisisi, Mele, Creek Ai, Tanoliu, Ulei, Marona and Tassiriki. Other works were undertaken at most other sites, including work in waterways at Epau, La Cressonniere, Creek Ai, Tanoliu, Ulei, and Waisisi; coastal works at Onesua, and pavement works from 2<sup>nd</sup> Lagoon to Rentapau. During the same period minor works were underway at Epule, Pangpang and Eton Beach.

The monitoring fieldwork consisted primarily of a site visit to each site by the national environmental safeguards specialist, once per week. This was a joint inspection with the contractor's ESO and was in support of the daily inspections by DSC field supervision staff.

Two visits by ADB staff to selected sites were also undertaken during the period. Specifically, on 26 October 2018 the ADB Environmental Safeguards Specialist based in the Suva Office accompanied the weekly site monitoring team to Creek Ai and Marona subproject sites. The main issues highlighted during the visit were the lack of sediment controls downstream of works and the lack of weekly checklist from the contractor which should be provided to the DSC Environmental Safeguards Specialist for review. The contractor was informed about the comments raised by the ADB. Environmental Safeguard Specialist through the Contractor Environment Safety Officer (ESO).

An audit of the site monitoring activities was undertaken by the international environmental safeguards specialist in December (refer **Appendix E** for audit report).

#### **3.1.5 Monitoring**

At all sites, SEMP's have been required prior to commencement of works on site and have been reviewed on a weekly basis through site visits for compliance. The checklists used to do so are shown in **Appendix A**.

Monitoring undertaken during this period in accordance with ADB requirements is shown in the following table and outcomes described further below.

**Table 3-1 Environmental monitoring requirements and status**

Reference	Clause/Para.	Relevant Approving Authority	Requirement	Monitoring required	Output to be monitored	Monitoring frequency	Responsible	Update	Status	Date Completed	Additional reference
Environmental Management and Conservation Act	Environmental Impact Assessment Regulations Order No. Of 2011	Department of Environmental Protection and Conservation (DEPC)	The entire development requires approval under this Act. As determined by the Director, authorised under the Act	Observance of obtained permit	Environmental Permit	Monthly	PWD/ DSC	Phase II submitted 20 June 2017 DEPC granted approval and permit for Phase II	Complete	Phase I 30 Jan and 8 March 2017 Phase II 27 July 2017	
Foreshore Development Act	Schedule 5 subsection 3 (3) Section 5 & Section 9 (i)	Physical Planning Unit, Ministry of Internal Affairs	An application for consent is required for works below the mean high water mark, on and/or over the seabed	Observance of obtained permit	Foreshore Development Permit for relevant sites	Monthly	PWD/ DSC	Phase I received. Phase II received	Complete	Phase I 21 April 2017 Phase II April 2018	
Physical Planning Act	Section 4 , 5 & 6	Shefa Provincial Council	The project sites are located within the Shefa Provincial Council. Some parts of Efate have been designated “physical planning area” and therefore development approval from the Council is needed	Observance of obtained permit	Permit	Monthly	PWD/ DSC	PWD confirmed this does not apply to this Project (8 Nov 2016)	Complete	8/11/2016	
Water Resources Management Act	Part 2, Section 7	Department of Geology, Mines, and Water Resources	An application is required for the construction, operation and maintenance of works relating to the protection, management and use of water including stormwater and wastewater	Observance of obtained permit	Permit	Pre-start - once only	PWD/ DSC	Required to be obtained by Contractor	Complete	Water Permits have been granted to the Contractor	
Quarry Act	Part 4, Division 2	Department of Geology, Mines, and Water Resources	An application is required for a quarry permit for construction materials (road base, aggregates), including a quarry management plan	Observance of obtained permit, if required	Permit	Pre-start - once only	PWD/ DSC	Required to be obtained by Contractor	Complete	Nil required to date, as all materials sourced from existing commercial quarries. Materials are also sourced from the Tanoliu Batching Plant site under PWD permit	

Reference	Clause/Para.	Relevant Approving Authority	Requirement	Monitoring required	Output to be monitored	Monitoring frequency	Responsible	Update	Status	Date Completed	Additional reference
Building Act No. 13 of 2013	Part 3, Section 7, 8 and 9	Public Works Department (PWD)	Building permit	Observance of obtained permit	Permit	Monthly	PWD/ DSC	PWD confirmed this does not apply to this Project (8 Nov 2016)	Complete	8/11/2016	
Civil Aviation Act No. 5 of 2005	Part 4 Section 32, Section 53 (2) b	Civil Aviation Authority	For all work that requires craning or piling within the controlled airspace radius, a permit may be required. This affects Prima, Mele and Klems Hill subproject sites	Observance of obtained permit, if required	Permit	Pre-start - once only	PWD/ DSC	Required to be obtained by Contractor	Complete	Not required	
EARF	Para 50	ADB	Implement objectives of ADB SPS: (i) avoid adverse impacts on environment and affected people, where possible; (ii) minimise, mitigate and/or compensate if not possible to avoid; and (iii) help strengthen in-country safeguards systems	Screening, consultation, MOU, EMP and use of government systems	DDR (incl MOU), IEE (incl EMP), application for environmental permit submission	Quarterly	DSC	DDR, IEE and PEA for Phase I all completed and approved Phase II documents all completed and approved	Complete	Phase I 20/12/2016	ADB Safeguards Policy; Para 51 PAM Para. 104 (vi)
EARF	Para 53	ADB	Adherence to ADB's safeguards due diligence	(i) Potential risks identified (ii) Effective measures incorporated (iii) Borrower capacity to manage risks (iv) Role of third parties defined in safeguards docs (v) Consultations conducted in accordance with ADB requirements	DDR (incl MOU), IEE (incl EMP), TPV report	Quarterly	DSC	DDR, IEE and PEA for Phase I and Phase II all completed and approved	Complete	Phase I 20/12/2016 Phase II April 2017	
EARF	Para 54-55	ADB	Provide workers with a safe and healthy working environment	Compliance with Labour Act (Amended) 2009 and Health and Safety at Work Act 1987 and international good practice, as reflected in internationally recognized	Requirements of these docs need to be extracted and made into a checklist	Monthly	Government	SEMP, CEMP	Complete	Various	

Reference	Clause/Para.	Relevant Approving Authority	Requirement	Monitoring required	Output to be monitored	Monitoring frequency	Responsible	Update	Status	Date Completed	Additional reference
				standards such as the World Bank Group's Environmental Health and Safety Guidelines							
EARF	Para 56,123,124	ADB / MIPU	GoV and ADB requirements for monitoring complied with and reports prepared accordingly	Monthly and Quarterly progress reports submitted, including environmental and social safeguards monitoring report. Semi-annual safeguards monitoring reports submitted	Monthly and Quarterly progress report, Semi-annual safeguards report	Monthly	DSC	SMRs submitted, approved and disclosed on time to date	Ongoing		
EARF	Para 68-71	ADB/ GoV	Design and location impacts are identified and mitigation and monitoring measures are outlined during design stage	Monitoring of management and mitigation measures developed for the following design and location impacts: i) Climate change ii) Run-off Management Design iii) Flora, Fauna, and protected areas and iv) Land acquisition.	Feasibility study report (FSR) and detailed design inclusion of measures	Upon completion of FSR and design documents	DSC	Detailed design complete Phase I 26 Jan 2017 Phase II June 2017	Complete		
EARF	Para 89	DEPC/ ADB	Environmental Screening	Screening is undertaken at feasibility stage of the project	IEE includes screening outcomes	Upon completion of FSR	DSC	IEEs - Appendix E of FSR for Phase I and II complete	Complete	Phase I 26 Nov 2016 Phase II 19 Jun 2017	PAM Para 95 (iii)
EARF	Para 91-99, 122	DEPC/ ADB	EMP complies with clause 9 (1) and (2) of EIA Regulations and outlines: i) Risks ii) Mitigation measures iii) Monitoring measures iv) Implementation Arrangements v) Performance Indicators. EMP contains a suitable reporting program for subprojects and monitoring checklist for every two months in addition to daily CEMP	Confirmation of IEE and EMP approved by ADB and DEPC	Approved IEE	Upon completion of IEE	DSC	Complete for Phase I and Phase II	Complete	IEE approved by ADB and Contractor's CEMPs approved	

Reference	Clause/Para.	Relevant Approving Authority	Requirement	Monitoring required	Output to be monitored	Monitoring frequency	Responsible	Update	Status	Date Completed	Additional reference
			compliance.								
EARF	Para 100-102	ADB / DEPC	Consultation with affected parties and stakeholders as part of environmental assessment is held and recorded as required under the EPCA and SPS	IEE documents consultations held and responses and complies with ADB SPS and Public Communications Policy 2011 and GoV requirements in EPCA for information disclosure	IEE includes consultations undertaken and is disclosed	Upon completion of IEE	DSC	Consultations for Phase II in March 2017	Complete		PAM, Para 50, 59 (iv), 61(iii), 104 (i), 107(i), 137 (calls it a Comms and Consultation Plan) Financing Agreement (Loans), Sched. 6, Para. 17 says 12 months from Effective Date
EARF	Para 102	ADB	A Community Consultation Plan (CCP) is developed and established	Observance of CCP	CCP is developed through consultation, approved, established and documented.	Upon completion of CCP	DSC	CCP updated for Phase II and approved on 19/4/2017	Complete	6/10/2016 19/04/2017	
EARF RF	Para 103-104 Para 69-72	ADB	Grievance Redress Mechanism (GRM)	Establish GRM using similar principles to current project implementation in Vanuatu (VISSP, PVUDP), including establishing the GRM in consultation with relevant stakeholders - Community leaders, MIPU, CLMO, Vaturisu Council of Chiefs	Approved and established prior to commencement of construction	Quarterly	DSC	GRMs set up as part of CLCs. CLCs established in March-April 2017. When contractor is engaged, GRM formalised	Complete	CLC meetings held every month at the 6 CLCs. Additional CLC set up for Tassiriki. GRM maintained by Contractor	PAM, Para 10, 104 (iv), 130, 143
EARF	Para 124	ADB	Disclose semi-annual safeguards reports	Disclosure on ADB website	Disclosure on ADB website	6 monthly	DSC	SMRs submitted, approved and disclosed on time to date	Ongoing	January – June 2018 Semi-annual safeguards monitoring report was submitted for disclosure on 2 August 2018	
PAM	Para. 130		GRM committees will include both women and men		Attendance sheets for GRM meetings	Monthly	DSC	Members for each CLC include men, women, youth and disabled reps	Ongoing		

Reference	Clause/Para.	Relevant Approving Authority	Requirement	Monitoring required	Output to be monitored	Monitoring frequency	Responsible	Update	Status	Date Completed	Additional reference
PAM	Para. 39		Landmark, tourist attraction feature	Review of design documents	Inclusion in design	Upon completion of design	DSC	Co-ordination of landscaping to Tassiriki Park provides pedestrian amenity into the Korman Stadium precinct	Complete		
PAM	Para. 61 (vi)		Six-monthly Safeguards monitoring reports submitted to ADB	Observance of report	Report submission to ADB	6 monthly	DSC	SMR submitted, approved and disclosed on time to date	Ongoing		
PAM	Para. 95 (iii)		Prepare Project Description and applications to DEPC for level of EIA required	Application for environmental permit submitted	PEA from DEPC	Upon submission	DSC	Phase I approvals received 30 Jan and 8 March 2017. Phase II submitted on 20 June 2017	Complete	Phase I 26/11/2016 Phase II 27/072017	
PAM	Para. 95 (v)		Draft EIA to be submitted to MIPU/ADB for review prior to submission to DEPC	IEE document	IEE	Upon submission	DSC		Complete	Phase I 26/11/2016 Phase II 19/06/2017	
PAM	Para. 95 (vi)		Disclose EIA and permits as required by Van Govt and ADB	Disclosure on ADB website	Disclosure on ADB website	once	DSC	No public disclosure of environmental permits required to be undertaken by the Project	Complete		
PAM	Para. 95 (vii)		Integrate Environmental approval/permit with tender documentation and design	Review of approval conditions being included in design and tender documents	Inclusion of conditions	Upon completion of design	DSC	EMP integrated into CEMP, now approved for Phase I and II	Complete		
PAM	Para. 96 (i)		Prepare waste, traffic, materials, erosion, drainage and health and safety management plans	Review of plans submitted by contractor, in accordance with EMP	Plans submitted by contractor	Pre-start - once only	DSC	SEMP, CEMP	Complete	Various	
PAM	Para. 97 (iii)		Template for environmental monitoring reporting	Observance of template(s)	Template	Pre-start - once only	DSC	Templates for monitoring developed (refer Appendix A)	Complete		



## **3.2 Monitoring outcomes**

### **3.2.1 Compliance**

Compliance outcomes for the monitoring of ADB requirements undertaken during this period are shown in **Table 3-1**.

From the field inspections conducted there are some actions that are noted as “not observed” and “non-compliance” and these have been followed up during the weekly inspections occurring throughout the reporting period. A selection of the checklists completed during these inspections are included in **Appendix A**.

Non-conformances and actions taken to address them are described below.

### **3.2.2 Key non-conformances**

Non-conformances during the period were:

- > Increased clearing areas for the laydown areas, without an amendment for the SEMP and prior approval
- > Lack of and/or limited sediment control measures at the major construction sites at Mele, Creek Ai, Marona and Tassiriki
- > Lack of appropriate equipment (ladder) for egress of workers from excavations, particularly noted at construction sites at Tanoliu, Marona and Tassiriki
- > Lack of appropriate traffic control at various sites, particularly at Tassiriki and 2<sup>nd</sup> Lagoon to Rentapau sites
- > Failure to use drip trays under water pumps at Mele Bridge, Creek Ai Culvert, Tanoliu, Ulei and Marona Bridges

The Contractor was advised about non-compliance of site clearing prior to the SEMP being prepared and submitted to the Resident Engineer (RE) for written approval and the issue was discussed at site meetings between the DSC and the Contractor. The Contractor has since taken appropriate steps to install sediment control measures, in accordance with their own SEMP for the subproject sites and provided safety equipment for the workers at the construction sites. There have been no other reports of non-compliance issues at construction sites during the period.

### **3.2.3 Corrective measures**

The following actions were taken as corrective measures for the non-conformances:

- > Contractor requested to provide amended SEMP – these were received, reviewed and approved
- > Contractor installed sediment control measures at Mele, Creek Ai, and Marona
- > Contractor provided safety equipment and PPE to all workers at construction sites
- > Contractor provided additional training to all traffic controllers and ensured traffic controllers on site prior to starting works
- > Contractor provided drip trays for the water pumps

## 4 Social safeguards monitoring activities and status

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### 4.1.1 General activity overview

During the **construction** phase period from July to December 2018, the following social safeguards activities were undertaken:

- > Preparation of draft supplementary DDR for Epule with PWD Safeguards Officer and ADB Social Safeguards Specialist
- > Consultations with government agencies; namely Ministry of Lands, State Law Office, Physical Planning Unit and MIPU regarding MOUs/ License Agreement and land purchase processes for Epule Bridge
- > Liaison with Affected Parties (APs) and Third Party Validators (TPV) for the completion of a TPV report on the process that was undertaken for compensation for damages to fences, grazing land and crops at Epule
- > Liaison with Affected Parties for compensation for damages to crops within detour at Tanoliu
- > Liaison with Affected Parties for compensation for damages to crops within road reserve for new road alignment at Ulei
- > Liaison with Affected Parties and Third Party Validators for the completion of a TPV report on the process that was undertaken for compensation for damages to crops at La Mine
- > Liaison with Erakor chief and village council for consent for drainage outlets to lagoon
- > Fortnightly meetings with Contractor for management of the Communications Plan (CP) and Traffic Management Plan (TMP) for Tassiriki road works
- > Monthly meetings with all six Community Liaison Committees (CLCs) around Efate (refer **Appendix D**)
- > Monitoring of the Contractor's implementation of the Grievance Redress Mechanism
- > Regular social safeguards monitoring for compliance at subproject sites and reporting on compliance
- > Engagement with Contractor's CLOs to ensure they are adequately liaising, informing and advising key stakeholders of progress and issues

### 4.1.2 Documents reviewed

During this reporting period, the key documents reviewed are:

- > Contractor's HIV/ AIDS Awareness and Information Program
- > Contractor's Community Liaison Plan
- > Grievance Redress Mechanism
- > Traffic Management Plans
- > Port Vila Municipal Council planning and policy documents
- > Land Lease Act CAP 163
- > Land Acquisition Act 1992 CAP 215
- > Land Acquisition (Amendment) Act No. 31 of 2014
- > Public Roads Act No. 35 of 2013

### 4.1.3 Documents prepared

A draft supplementary Due Diligence Report (DDR) for Epule was initially prepared to include the new road alignment and proposed new bridge. However, due to the land acquisition at the Epule subproject site, the DDR will now need to be changed to a Resettlement Plan (RP).

#### **4.1.4**      **Fieldwork**

Major construction works commenced in May 2018. Prior to that however there had been minor site preparatory works and establishment of site facilities. Monitoring of social safeguards were carried out on a weekly basis at site works at Marona Bridge, Onesua and Sara Storm surge rehabilitation, Mele Bridge, Creek Ai culvert, Ulei culvert, Tanoliu culvert, Tassiriki drainage works, Tounono (Waisisi) culvert, Epau culvert, La Mine Bridge, Pang Pang Bridge, Pang Pang various road works, and La Cressonniere lined drain works.

Monitoring for social safeguards issues was also conducted weekly on the camp site establishment and batching plant at Tanoliu as well as where cleaning of high shoulders, some patching of pot holes and chips sealing along the Teouma road (2<sup>nd</sup> Lagoon to Rentapau) was taking place. Daily social safeguards monitoring checklist were typically used for maintaining records of these inspections.

An assessment of damage to crops was conducted at Epule on 23 April 2018 by the Department of Livestock, following the claims for damage to agricultural crops by leaseholders Henry Atuary and Jimmy Toara. Assessments were also done by the Department of Agriculture on 13<sup>th</sup> November 2018 at La Mine and Ulei for crops and fruit trees within the new alignments of the road.

#### **4.1.5**      **Monitoring**

Monitoring undertaken during this period in accordance with ADB requirements is shown in the table and outcomes described further below.

Field monitoring of construction works was undertaken on a weekly basis and the checklists are shown in **Appendix C**.

**Table 4-1 Social safeguards monitoring requirements**

Reference	Clause/Para.	Relevant Approving Authority	Requirement	Monitoring required	Output to be monitored	Monitoring frequency	Responsible	Update	Status	Date Completed	Additional reference
Customary Land Management Act No. 33 of 2013	Part 2, Section 7	Customary Land Management Office	Consent for use of land for Project work sites	Observance of signed Memoranda of Understanding (MOUs)	MOU	Monthly	PWD/ DSC	Phase II completed 24 May 2017	Complete. Epule reopened to deal with subsequent claims	Phase I 21/11/2016 Phase II 24/05/2017	Custom Land Management (Amendment) Act No. 12 of 2014; Land Leases Act [CAP. 163]; Land Surveyors Act [CAP. 175]; Land Acquisition Act 1992 (CAP. 215); Land Acquisition (Amendment) Act 2014 (No. 31 of 2014); Land Reform Act [CAP. 123]; Customary Land Tribunal Act No. 7 of 2001 [CAP. 271]; Municipalities Act [CAP. 123] and Decentralization Act [CAP. 230]; Public Roads Act No. 35 of 2013
EARF RF	Para 103-104 Para 69-72	ADB	Grievance Redress Mechanism (GRM)	Establish GRM using similar principles to current project implementation in Vanuatu (VISSP, PVUDP), including establishing the GRM in consultation with relevant stakeholders - Community leaders, MIPU, CLMO, Vaturisu Council of Chiefs	Approved and established prior to commencement of construction	Quarterly	DSC	GRMs set up as part of CLCs. CLCs established in March-April 2017. GRM formalised and Contractor managing the register of complaints	Ongoing during construction	Upon completion of Project	PAM, Para 10, 104 (iv), 130, 143
RF	Para 46	ADB	Each subproject will be screened for its land acquisition and resettlement impacts	Review of screening documentation	Screening process and outcomes documented in DDR	Upon completion of DDR	DSC	Phase II	Complete	Phase I 6/10/2016 Phase II 16/06/2017	PAM Para. 104 (ix-xii)
RF	Para 47	ADB	DDR prepared and includes: (i) SLO approved and signed MOUs signed by custom landowners and third party validators; (ii) agreed terms and conditions; (iii) any compensation; (iv) consultations with GoV stakeholders and affected communities (v) Process to obtaining MOUs; Names of Custom Land owners and leaseholders are verified by Custom Land Management Office (CLMO) and Department of Lands	Observance of DDR, including all requirements	DDR adhering to all requirements	Upon completion of DDR	DSC	Phase II	Complete	Phase I 6/10/2016 Phase II – Final MOU (Waisisi/Taunono) received 11/08/2017	

Reference	Clause/Para.	Relevant Approving Authority	Requirement	Monitoring required	Output to be monitored	Monitoring frequency	Responsible	Update	Status	Date Completed	Additional reference
			(DoL).								
RF	Para 66	ADB / MIPU	Consultation and information disclosure processes are adhered to	Consultation with affected communities and chiefs, and assessment of losses and impact conducted and documented and reported.	Attendance sheets for consultation meetings	Monthly	DSC	Consultations for Phase II in March 2017 Further consultations in October 2017	Complete	Initial consultations completed in October 2017. Ongoing during construction	
PAM	Para. 130		GRM committees will include both women and men		Attendance sheets for GRM meetings	Monthly	DSC	Appointments for each CLC included men, women, youth and disabled reps	Complete	1/12/2017 Setting up of Eratap CLC	
PAM	Para. 33		Gender sensitive design	Review of design documents	Inclusion of gender sensitive design features	Upon completion of design	DSC	Noted as part of the design strategy	Complete	Phase I 9/12/2016; Phase II 9/06/2017	
PAM	Para. 39		Landmark, tourist attraction feature	Review of design documents	Inclusion in design	Upon completion of design	DSC	Co-ordination of landscaping to Tassiriki Park provides pedestrian amenity into the Korman Stadium precinct	Ongoing	Principle of Build Back Better after Construction works	
PAM	Para. 50		Engage an NGO for STI/HIV/AIDS education awareness and prevention campaigns Also prepare and support implementation of CCP	Engagement of NGO	Contract arrangement with NGO	Once	DSC	HIV Awareness campaign conducted between 20 April and 3 May 2017. Final report issues 24 May 2017 Contractor's provider, Wan Smol Bag, conducted HIV/AIDS awareness sessions with communities in Nov-Dec 2017	Complete	19/09/18 at Saama village	
PAM	Para. 50		Resettlement and community consultation meetings will involve women	30% of participants are women (agreed at inception)	Attendance sheets for consultation meetings	Monthly	DSC	27.5% attendance female	Ongoing	Emphasis is continually placed on issue during CLC meetings including Community meetings	PAM Para. 130

Reference	Clause/Para.	Relevant Approving Authority	Requirement	Monitoring required	Output to be monitored	Monitoring frequency	Responsible	Update	Status	Date Completed	Additional reference
PAM	Para. 50		Resettlement and community consultation meetings will be conducted by both male and female facilitators	At least 50% female facilitators	Attendance sheets for consultation meetings	Monthly	DSC	30% Women  Only 30% women facilitators were achieved due to non-attendance of the facilitators during meetings. We generally used 2 facilitators (1 male, 1 female), sometimes 3 (2 male, 1 female), thus if the female can't attend on any particular day, we typically chose to continue with the sessions, albeit with a non-desirable, reduced female proportion	Ongoing	Initial consultations completed by 31/10/2017. Ongoing during construction	PAM Para. 130
PAM	Para. 61 (vi)		Six-monthly Safeguards monitoring reports submitted to ADB	Observance of report	Report submission to ADB	6 monthly	DSC	SMRs submitted, approved and disclosed on time to date	Ongoing	Submission of last 6 months for 2018	
PAM	Para. 73 (ix)		Provide pathways to streams, steps, laundry tubs, where identified by communities	Review of design documents	Inclusion in design	Upon completion of design	DSC	Included in Phase II design for Tanoliu and Epule	Complete	Phase I 9/12/2016 Phase II 23/06/2017	
PAM	Para. 104 (xiii)		Implement system for monitoring social safeguards compliance and inputs to QPR and 6-month Safeguards report	Observance of system	System in place	Pre-start - once only	DSC	Templates for monitoring developed. Completed following approval of the CEMP	In progress	Ongoing during construction	PAM Para. 105 (iv)
PAM	Para. 107 (viii)		Gender and Social Awareness seminar for PWD and MIPU staff	Attendance sheet from seminar	Seminar	Once	DSC	Part of Contractor induction, July 2017	Complete	12 July 2017	

## 4.2 Monitoring outcomes

### 4.2.1 Compliance

Compliance outcomes for the monitoring of ADB requirements undertaken during this period are shown in **Table 4-1**. The field checklists for specific sites are included in **Appendix C**.

Participation of women in consultation meetings since the start of the project had dropped below the 30% requirement but due to efforts over the past six months, the level of women's participation is now 33%. Six (6) CLCs with women and youth representatives have been established, however, many of the land negotiations and some CLC meetings have been attended by only males (refer to **Section 4.2.2** for recommended measures).

CLC meetings are held monthly and have effectively provided a forum for concerns by communities to be raised. Grievances received throughout the reporting period have been addressed through the GRM and records are maintained in the Contractor's GRM Register. HIV/AIDS Awareness has also been conducted over the course of the reporting period, in progress of the aim to reach 80% of communities as targeted in the Project's Design and Monitoring Framework.

#### 4.2.1.1 *Epule Bridge*

The use of land for the new road alignment of Epule Bridge has been the key ongoing issue throughout the reporting period.

The process undertaken by the combined set of government ministries and agencies has been modified over the course of time, in response to the actions of the lessees and lessors and as new options for resolution were explored. The sequence of events is detailed below:

- > MIPU provided its consent on its preferred approach to Epule land negotiations, after consultations in February 2018 between PWD, State Law Office (SLO) and Department of Lands
- > The SLO gave its support on 28 February 2018 for a Land Donation Agreement (LDA) to be signed between the government (MIPU) and the Lessors and Lessees
- > Following claims from Henry Atuary (Lessee, north side) and his engagement of a lawyer, the Departments of Agriculture and livestock undertook a valuation of crop damage and cattle grazing related damage
- > A meeting was organised by MIPU in early March with the Lessors and Lessees, to confirm the agreement on the use of a LDA
- > On the strength of this valuation, payments were made by the government to Henry Atuary (Lessee, north side) on 19 April 2018 and to Jimmy Toara (Lessee, south side) on 29 May 2018, as compensation for damage to crops and agricultural developments on their respective leased land
- > These payments enabled access to the site for works to commence
- > Then, although both lessors and lessees agreed in principle on 22 March for site works to commence pending payments, the signing of an agreement did not eventuate
- > Henry Atuary then demanded (through his lawyer) for further compensation, for leasehold interest for the remaining years of his lease
- > In order to minimize the risks for further such demands for compensation by other affected parties, MIPU liaised closely with the Ministry of Lands to process purchasing of all land required on both sides of the Epule River
- > Initially, negotiations were underway for a License Agreement (LA) to be signed with both Lessees, allowing the land to be effectively leased by the government, while a purchase agreement is reached. This LA was also to be in lieu of a Memorandum of Understanding (MOU), however the LA has now been cancelled as land acquisition was advised by the State Law Office and the process has been initiated.
- > The Toara family acknowledges the project needs and provided their consent for work to proceed on the southern side of Epule Bridge. Clearing of the proposed alignment has since been undertaken in July and road and bridge foundation works have started on the planned alignment

- > In the case of Henry Atuary's claim for further leasehold interest, MIPU has liaised closely with Ministry of Lands and served the Notices of Interest to Acquire Land to the interested parties in August. This process falls under the Schedule 3 of the Land Acquisition Act which outlines the procedure in which government serves a Notice of Interest to Acquire Land.
- > Under Schedule 4 of the Act, a period for submission of claims of compensation by interested parties was given in September 2018. The final submission date for claims was end of September, however, the Department of Lands met each claimant on 26 September to discuss their claims and submissions.
- > In October 2018, upon receipt of submission of claims, the Acquiring Officer under Department of Lands, conducted an independent valuation of the land of interest.
- > Under Schedule 5, the claimants were served a Notice of the determined compensation amount. They could then accept the amount or appeal to the Valuer General who would decide the final compensation amount .
- > The project will wait for the completion of the land acquisition process before possession of site is provided to the Contractor for construction works. While this land acquisition process is on-going, the Department of lands advised that construction works can take place within the specific area within the riparian zone required by the project.

A supplementary DDR was drafted in May and updated in October 2018 to document the land negotiations ahead of construction of Epule Bridge. Due to the land acquisition process now being facilitated, a Resettlement Plan (RP) will now need to be prepared in lieu of the DDR.

#### **4.2.2 Key non-conformances**

One key issue arose during the period, which is not considered to be a non-conformance as such, but relates to the achievement of DMF targets:

Previously, as reported, there were only 27.5% out of the targeted 30% women's attendance being observed at community and stakeholder consultations. This figure is less than the target for two main reasons. Firstly, there have been several CLC meetings where women were not available for attendance. Secondly, many "consultations" on land issues (Epule, Mele, Marona) consist of just one or two men. The female participation as facilitators also remains lower than the 50% target (30%).

It should be noted that in the instance where female attendees were not available, meetings would still proceed, albeit with a non-desirable, reduced female proportion.

#### **4.2.3 Corrective measures**

However, in the past six months, the prescribed remedies were pursued to increase women's attendance at community and stakeholder consultations and to increase the proportion of women's facilitation. These included:

- > Ensuring the Contractor's CLOs prepare and confirm the women's attendance at CLCs
- > The Contractor has now engaged two female CLOs, which is expected to have the effect of encouraging women's attendance and participation in CLC meetings, as well as increasing the proportion of women's facilitation

These measures resulted in a figure of 33% women's attendance being reported for this period.



## 5 Grievance Redress Mechanism

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The GRM was established within PWD and assigned to the Contractor to manage. The CLCs instituted in April 2017 form an essential part of the GRM operation. The Contractor was inducted into their role within the GRM and CLC framework on 16 August 2017, and has taken responsibility for the relevant aspects of its operation (e.g. maintaining the GRM register and funding the CLC meetings).

The Contractor maintains the GRM register (refer **Appendix B**).

Main issues arising through the GRM, and their resolution, are described below:

- > A grievance was raised by all CLCs, that there had been an inconsistency in the information given out by the Contractor with regards to the employment of casual labourers and security personnel since works started. This resulted in a negative perception of CLC members by the communities and a loss of confidence in CLC members by the communities, as they felt that information was not being adequately passed on. CLOs were encouraged to ensure that information provided is consistent and as up-to-date as possible, and that any changes are to be made very clear to the communities to avoid any mistrust and negative perceptions. The Contractor was also made aware of this concern by communities and will ensure this is communicated to their responsible officers during their site meetings.
- > There were compensation claims at Ulei and Lamin, for fruit trees and flowers planted within the road corridor that are to be removed or damaged as part of the works. At Ulei, these are being monetarily compensated to the owners (Tongoa community settlement) by PWD. At Lamin, an agreement was made that the contractor would replace like-for-like nearby
- > Following numerous complaints from workers at Tanoliu, Ulei and Marona about preparation of food, and the unsuccessful efforts by CLC chairman to resolve the issue, the North West CLC had resolved in its meeting on 16 October to suspend all feeding groups from Tanoliu as of 22 October 2018. The Chief and Chairman of Tanoliu village council were informed accordingly. A meeting had been organized between the women groups concerned to discuss the issue and this has been resolved and feeding of workers has now resumed at Tanoliu.
- > A dispute arose over shelter fees between two women groups responsible for feeding at Marona. One party, from Meden village, refused to pay shelter fees, due to the women at Malafau village who owned the feeding shelter. There had been an agreement initially for both parties to contribute to the building of the shelter. However, Meden did not contribute, hence when they came to use the shelter, they were asked to pay fees. Nevertheless, both groups were required to pay fees every time they used the shelter. Following the unsuccessful efforts to resolve the issue by CLC chairman and CLOs, the North West CLC decided in its meeting on 22 November 2018 to suspend both feeding groups as of 23 November 2018 until an understanding is reached by both groups concerned. The leaders of both parties, the Chief and Chairman of Malafau village council were informed of the CLC decision accordingly.
- > The chairman of the Epau village council had filled in a GRM form on 19 November expressing their dissatisfaction over the current construction works at the Epau culvert. This was confirmed during an awareness meeting organized by the contractor on 26 November 2018. The community claimed they had been told during feasibility study that they would have a new and bigger culvert. However, what was provided to them was not reflective of this. They claimed that this would not be effective in terms of future flooding and would like to know whether there is any possibility to change the design. The issue has been raised with PWD. The DG MIPU has subsequently explained to the community about all the processes involved and reasons behind the current designs used, to the satisfaction of all parties.

## 6 Disclosure

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The following documents were disclosed during the monitoring period:

- > January – June 2018 Semi-annual safeguards monitoring report was submitted for disclosure on 2 August 2018

A Due Diligence Report (DDR) was also updated, detailing issues and events at the Epule land. This has yet to be submitted to ADB.

## 7 Capacity building

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The need for a refresher workshop on ADB safeguards became apparent during construction mobilisation and operation. The workshop, Advanced Environmental Safeguards Training Course, held on 23-24 October 2018 in Port Vila, was attended by international contractors, consultants, government officers and ADB. The understanding gained has assisted with a common understanding and appropriate preparation of SEMP, comprehension of risk assessments and basic expectations of presentation.

An undergraduate trainee Safeguard Officer with the DSC, Epha Kalorib was given hands-on training with weekly monitoring of sites by the DSC Environmental Specialist. In his absence for a week in September, Epha conducted the weekly site monitoring on 21 September 2018.

## 8 Conclusion and recommendations

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The DSC have worked collaboratively with PWD to achieve a high level of consultation and agreement with the community on the proposed Project works. This has generally continued with the Contractor's operation of their community liaison plan, with the close, ongoing assistance of the DSC and PWD.

The key outstanding issue is to ensure the government continues to facilitate land purchase and compensation for the Epule site. This process, overseen by a third party validator, will result in secure access to the land for construction and operation of the designed bridge and road alignment, most likely in the form of one of the legal documents being used as a new MOU. A Due Diligence Report will be issued to ADB to document this process.

It is essential that the Contractor follow their community liaison plan for all sites. The ongoing works at Tassiriki require a unique and increased community awareness campaign, as it is the most high-profile site on the Project.

## Appendix A – Environmental Monitoring Checklists

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## Appendix B – GRM

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## Appendix C – Social Safeguards Monitoring Checklists

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## Appendix D – Community Consultation Meeting records



## Appendix E – Environmental Safeguards Monitoring audit report

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