

## Comparative Analysis of Kiribati's Legal Framework and Involuntary Resettlement Safeguards in the ADB Safeguard Policy Statement

(A) <i>ADB Safeguard Policy Statement</i>	(B) <i>Corresponding Provisions in National Policy and Legal Instruments<sup>1</sup></i>	(C) <i>Extent of Equivalence<sup>2</sup> Review comments</i>	(D) <i>Recommendations</i>
<b>Involuntary Resettlement Safeguards</b>			
<b>Objectives:</b> To avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.			
<b>Key element (1):</b> Avoid involuntary resettlement wherever possible	<b>Environment Act as amended 2007 (Environment Act 2007)</b> Interpretation 2. In this Act, unless the context otherwise requires-... "environment" includes all natural and social and cultural systems and their constituent parts, and the interactions of their constituent parts, including people, communities and economic, aesthetic, culture and social factors;... "mitigation" includes - (a) avoiding an impact by not taking a particular course of action as part of development;... "sustainable development" means the management or the human use, development, conservation, protection, maintenance and enhancement of the natural, physical and cultural resources of Kiribati in a way or at a rate, which enables people and communities to provide for their social economic and cultural well-being and to their health and safety while... (g) avoiding, minimising, mitigating and remedying adverse effects on...social and cultural systems...  32. Consideration of application (3) In making a decision under subsection (1 ), the Principal Environment Officer must- (a) be guided by the principles of sustainable development;...	<b>Partial equivalence</b>  Partial equivalence is on the basis that: ▪ the definition of 'environment' includes social and cultural systems; ▪ the definition of 'sustainable development' includes avoiding adverse effects on social and cultural systems; and ▪ the criteria for making a decision on an application for an environment licence include being guided by the principles of sustainable development.  The Environment Act 1999 included a schedule of categories of "prescribed development" which included resettlement schemes. The 2007 amendment deleted that schedule and the Act no longer contains any reference to resettlement as a project	Amend the Environment Act 2007 and the "Requirements of environmental impact assessment report" to stipulate that involuntary resettlement is a potential project impact which must be avoided wherever possible.  Amend the Environment Licence Application Guideline: Guideline for applicants seeking an environment licence under the Environment Act 1999, which is not legally binding, to bring it up to date with the 2007 amendment and with the recommendations of this

<sup>1</sup> All text is direct citation from the official versions of the legal instruments except where otherwise indicated by annotation.

<sup>2</sup> "Full Equivalence" denotes that the national policy documents and legal instruments are in complete harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element thereof. "Partial Equivalence" denotes that the national policy documents and legal instruments are in partial harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element; and "No Equivalence" denotes that no policy provision or legal requirement can be found that corresponds to the particular ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element. It is intended that the referenced text of the national policy documents and legal instruments be sufficiently clear to demonstrate the findings of Full Equivalence or No Equivalence without further explanation, except in those instances where an explanation would appear necessary and is given. A finding of Partial Equivalence normally requires the explanation provided. In some cases, there may be full equivalence for one issue, but only partial equivalence or no equivalence for one or more of the other issues governed by a particular legal instrument. In such cases, the degree of equivalence for each issue is indicated.

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		activity or impact that requires EIA.  The “Requirements of environmental impact assessment report” <sup>3</sup> do not mention resettlement and require avoiding impacts only in the context of climate change.	analysis.
<b>Key element (2):</b> Minimize involuntary resettlement by exploring project and design alternatives	<b>Environment Act 2007</b> 33. Requirements of environmental impact assessment report (1) An environmental impact assessment report must include—... (b) the possible alternatives to the proposed activity, including the alternative of not undertaking the proposed activity;...  <b>Requirements of environmental impact assessment report</b> Requirements of basic environmental impact assessment report For the purposes of section 33(1)(d) of the Act, a basic environmental impact assessment report must include the following details—... 9 reasonable alternatives to the proposed activity, for example, design and sites, and including, at least, the alternative of not undertaking the activity 10 an outline of the reasons for the proposed activity as opposed to the alternatives...  Requirements of comprehensive environmental impact assessment report For the purposes of section 33(1)(d) of the Act, a comprehensive environmental impact assessment report must include the following details—... 8 a full description of each alternative to the proposed activity, including the benefits, impacts and management options...	<b>Partial equivalence</b>  See Objectives, Key element 1.  The Environment Act 2007 and the Requirements of environmental impact assessment report require consideration of alternatives, but the 2007 amendment deleted the schedule that included resettlement as a category of ‘prescribed development’ requiring EIA.	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly require applicants for an environment license to explore project and design alternatives to minimize involuntary resettlement which cannot be avoided.
<b>Key element (3):</b> Enhance, or at	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the

<sup>3</sup> The website of the Environment and Conservation Division of the Ministry of Environment, Lands, and Agricultural Development has a link titled “Requirements of environmental impact assessment report”: <http://www.environment.gov.ki/wp-content/uploads/2015/04/Requirements-of-environmental-impact-assessment-report.pdf>. The document available on the website has no title and two sections: “Requirements of basic environmental impact assessment report” and “Requirements of comprehensive environmental impact assessment report”. There is no indication whether it is part of another legal instrument. This analysis assumes that the document is legally binding because it states that its contents are for the purposes of section 33, “Requirements of environmental impact assessment report”, of the Environment Act 2007 and that the requirements are mandatory.

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least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels			“Requirements of environmental impact assessment report” to explicitly require applicants for an environment license to ensure any project that displaces people must provide for enhancing, or at least restoring, the livelihoods of all displaced persons in real terms relative to pre-project levels.
<b>Key element (4):</b> Improve the standards of living of the displaced poor and other vulnerable groups.	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly incorporate the requirement that any project that displaces people must provide for improving the standards of living of the displaced poor and other vulnerable groups.
<b>Scope and Triggers:</b> The involuntary resettlement safeguards cover 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 (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.			
	See Policy Principle 3, Key elements 1 and 3.  <b>State Acquisition of Lands Ordinance amended up to 2001</b> Power of the Minister to acquire land 5. (1) The Minister may acquire, on behalf of the Republic, any land required for any public purpose, paying such consideration or compensation as may be agreed upon or determined under the provisions of this Ordinance. (2) Acquisition of land under subsection (1) of this section includes:	<b>Partial equivalence</b>  The legal regime governing acquisition of land provides for compensation for temporary or permanent loss of land and specified assets, as well as expenses for relocating homes and businesses. It does not provide for restrictions on	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly incorporate involuntary resettlement safeguards that cover physical displacement

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	<p>(a) the acquisition of the freehold; (b) the surrender of a lease, sublease, or licence; and (c) the acquisition for a term of years as the Minister may think proper.</p> <p><b>State Pre-Emptive Right of Purchase Act 2001</b> Right of purchase pre-emption 3. Upon the coming into operation of this Act no land may be alienated – (a) to any person not among the next-of-kin of the transferring owner; or (b) whether the person is next-of-kin or not, to any person for valuable consideration; without first providing an opportunity to the State, in accordance with the procedures provided under sections 4 and 5 to acquire such land.</p> <p>Claims for compensation if any 7.(1) Any owner having an interest in or right over land, who claims that a compensational interest over such land of assessable value, has been compulsorily acquired by the coming into operation of this Act, may apply to the High Court for the fixing of compensation, if any, within 12 months of the coming into operation of this Act.</p> <p><b>Mineral Development Licensing Ordinance revised 1977</b> Compulsory purchase of land 46. (1) Where the Minister considers that any land is required to secure the development or utilisation of the mineral resources of the Gilbert Islands he may compulsorily acquire such land. (2) Acquisition of land under this section shall be deemed to be for a public purpose in terms of the provisions of the Crown Acquisition of Lands Ordinance and any acquisition under this section shall be effected in accordance with the provisions of that Ordinance.</p>	access to protected areas.	<p>(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 (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas, whether such losses and involuntary restrictions are full or partial, permanent or temporary.</p> <p>Amend the State Acquisition of Lands Ordinance to explicitly require involuntary resettlement safeguards in the event of physical or economic displacement resulting from involuntary acquisition of land for a public purpose and involuntary restrictions on land use.</p>
<b>Policy Principle 1:</b> Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.			
<b>Key element (1):</b> Screen the project early on	<b>Environment Act 2007</b> 32. Consideration of application (1) After receiving an application for an environment licence, the Principal Environment Officer may... (b) require the applicant to submit an environmental impact assessment report...	<b>Partial equivalence</b>  The Environment Act 2007 requires screening, but does not explicitly require screening for social impacts generally or involuntary resettlement specifically.	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, when an application for

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			an environment license would involve involuntary resettlement, the EIA screening process must include screening for resettlement as a potential impact.
<b>Key element (2):</b> Identify past, present, and future involuntary resettlement impacts and risks	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the EIA must identify past, present, and future involuntary resettlement impacts and risks.
<b>Key element (3):</b> <b>Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks</b>	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and

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			risks.
<p><b>Policy Principle 2:</b> Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programmes. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.</p>			
<p><b>Key element (1):</b> Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations</p>	<p><b>Environment Act 2007</b> 33. Requirements of environmental impact assessment report ... (3) In preparing an environmental impact assessment report, the applicant must attempt to consult with- (a) any nearby or adjacent landowners; and (b) any other person who would have an immediate interest in the activity.</p> <p><b>Requirements of environmental impact assessment report</b> Requirements of basic environmental impact assessment report For the purposes of section 33(1)(d) of the Act, a basic environmental impact assessment report must include the following details—... 12 a summary of the results of consultations undertaken for the proposed activity 13 a list of the persons and bodies who have been consulted...</p> <p>Requirements of comprehensive environmental impact assessment report For the purposes of section 33(1)(d) of the Act, a comprehensive environmental impact assessment report must include the following details— 1 all the information required by a basic environmental impact assessment report for the proposed activity... 12 detail of public involvement and disclosure including: (a) a description of the participation schemes involving the public from project planning until decommissioning; (b) an outline of major issues received from the public and a description of how these concerns are going to be addressed; (c) a summary of public opinion on the proposed project...</p> <p><b>State Acquisition of Lands Ordinance amended up to 2001</b> Notice of intention to take lands</p>	<p><b>Partial equivalence</b></p> <p>The State Acquisition of Lands Ordinance requires notice if land is to be taken for a public purpose, but does not provide for prior consultation.</p> <p>The Environment Act 2007 requires only an attempt to consult with affected people during the EIA process.</p> <p>The “Requirements of environmental impact assessment report” require documenting consultations, but do not make consultations mandatory.</p>	<p>Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations.</p> <p>Amend the State Acquisition of Lands Ordinance to explicitly stipulate that, when land is taken for a public purpose, there must be consultation with affected persons in addition to service of notice.</p>

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	<p>7. Whenever the Minister resolves that any lands are required for a public purpose the Minister shall give notice to the proprietors of the said lands and to the mortgagees, encumbrancees and lessees thereof, or to such of them as shall after reasonable inquiry be known to him, which notice may be in the form in the Schedule or to the like effect.</p> <p>Notice of intention to take and power to take possession</p> <p>8. (1) The Minister may, by such notice aforesaid or by any subsequent notice, direct the person or persons aforesaid to yield up possession of such lands after the expiration of the period specified in the notice, which period shall not be less than 6 months from the service of such notice unless the land in the opinion of the Minister is urgently required for the public purpose.</p> <p>(2) At the expiration of such period the Minister and all persons authorised by him shall be entitled to enter into and take possession, on behalf of the Republic, of such lands accordingly.</p> <p>Service of notice</p> <p>9. (1) Every notice under section 7 or 8 shall either be served personally on the person to be served or left at their last usual place of abode or business, if any such place can after reasonable inquiry be found; and in case any such parties shall be absent from Kiribati or if such parties or their last usual place of abode or business after reasonable inquiry cannot be found, such notice shall be left with the occupier of such lands or his agent or, if there be no such occupier or agent, shall be affixed upon some conspicuous part of such lands.</p> <p>(2) If any such person be a corporation, company or firm, such notice shall be left at the principal office of such corporation, company or firm in Kiribati, or, if no such office can after reasonable inquiry be found, shall be served upon some officer, if any, or agent, if any, of such corporation, company or firm in Kiribati.</p> <p>(3) All notices served under the provisions of this Ordinance shall be published in the Gazette as soon as practicable after such service.</p> <p><b>Foreshore and Land Reclamation Ordinance amended to 2005</b> Declaration of ownership of foreshore and sea-bed and designation of foreshore</p> <p>3. (2) The Minister may by notice (and after consultation with all those landowners who may be directly affected thereby) designate the foreshore of an island or islet or any part thereof for the purposes of this section and in this section “designated foreshore” means any foreshore</p>		

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	<p>or part thereof so designated.</p> <p>Minister may authorise undertaking</p> <p>4. (4) (a) Whenever claims or objections are submitted pursuant to subsection 3(b) and the Minister considers it expedient so to do, he may appoint one or more persons to hold an inquiry on such matters as he may set out in the terms of reference;</p> <p>(b) Such person or persons shall keep or cause to be kept a record of any evidence taken at the inquiry and shall transmit the same together with a report of their findings to the Minister.</p> <p><b>State Pre-Emptive Right of Purchase Act 2001</b></p> <p>Exercise of the right</p> <p>4.(1) No owner shall –</p> <p>(a) unconditionally [without reserving the State's right under this Act, agree to enter into a sale of land] accept an offer to purchase land; or</p> <p>(b) cause an alienation governed by section 3 to be effected, without first providing notice to the State...</p> <p>(4) Where the State elects to exercise its rights under this Act, the State shall give written notice as follows –</p> <p>(a) within 21 clear days of the date of delivery of the notice referred to in subsection (3); or</p> <p>(b) within the period ending the day before the last day for the owner's accepting the offer under subsection (1), pursuant to its terms; whichever is later.</p> <p>(5) The notice to be issued by the State under subsection (4) –</p> <p>(a) shall be delivered in the quickest manner for physical delivery of messages in accordance with the address provided for in Schedule 2; and</p> <p>(b) shall be deemed to have been delivered to the addressees accordingly on the date that it is sent.</p>		
<b>Key element (2):</b> Inform all displaced persons of their entitlements and resettlement options	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the "Requirements of environmental impact assessment report" to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement,

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			<p>the applicant must inform all displaced persons of their entitlements and resettlement options.</p> <p>Amend the State Acquisition of Lands Ordinance to explicitly stipulate that, when land is taken for a public purpose, the Minister must inform all displaced persons of their entitlements and resettlement options when serving notice.</p>
<b>Key element (3):</b> <b>Ensure the participation of displaced persons</b> in planning, implementation, and monitoring and evaluation of resettlement programmes	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must ensure the participation of displaced persons in planning, implementation, and monitoring and evaluation of resettlement programmes.
<b>Key element (4):</b> <b>Ensure the participation in consultations</b> of vulnerable	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to

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groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land			explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must ensure that vulnerable groups, especially those below the poverty line, the landless, the elderly, and women and children participate in consultations.
<b>Key element (5):</b> Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns	<p><b>Constitution amended up to 2013</b></p> <p>8. Protection from deprivation of property. (1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied... (c) provision is made by a law applicable to that taking of possession or acquisition—... (ii) securing to any person having an interest in or right over the property a right of access to the High Court, whether direct or on appeal from any other authority, for the determination of his interest or right, the legality of the taking of possession or acquisition of the property, interest or right and the amount of any compensation to which he is entitled, and for the purpose of obtaining that compensation.</p> <p><b>Environment Act 2007</b></p> <p>85. Appeals to the Minister (1) Subject to subsection (5), any person who disagrees with a decision of the Principal Environment Officer...may, in writing within 30 days of the date of the decision, appeal against the decision to the Minister. (2) The Minister, acting in accordance with the advice of Cabinet, must— (a) confirm the original decision; or (b) vary the decision. (3) Any decision, remains valid while being considered by the Minister.... (5) The regulations may prescribe decisions against which no appeal may be made.</p> <p><b>State Acquisition of Lands Ordinance amended up to 2001</b></p>	<p><b>Partial equivalence</b></p> <p>The Constitution, the State Acquisition of Lands Ordinance, the Foreshore and Land Reclamation Ordinance, and the State Pre-Emptive Right of Purchase Act provide for access to the courts in the event that land is taken for a public purpose. The Environment Act 2007 provides for administrative appeal.</p> <p>There is no legal requirement for a project-specific grievance redress mechanism in the event a project involves involuntary resettlement.</p>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, project design must ensure that there is a project-specific, culturally-appropriate, and gender-inclusive grievance redress mechanism.

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	<p>Preliminary investigation</p> <p>(2) As soon as conveniently may be after any entry made under this section the person so authorised as aforesaid shall pay for all damage done, and in case of dispute as to the amount to be paid either such person or the person claiming compensation may refer such dispute to the High Court.</p> <p>Dispute as to compensation and title to be settled by High Court</p> <p>13. If at the expiration of 6 months from the service as aforesaid of such notice...the person who may have any claim and the Minister shall not agree as to the amount of the compensation to be paid for the estate or interest in such lands belonging to such person, or if such person has not given satisfactory evidence in support of his claim, or if separate and conflicting claims are made in respect of the same lands, the amount of compensation due, if any, and every such case of disputed interest or title shall be settled by the High Court, which shall have jurisdiction to hear and determine in all cases mentioned in this section upon a summons taken out by the Minister or any person holding or claiming any estate or interest in any land named in any notice aforesaid.</p> <p><b>Foreshore and Land Reclamation Ordinance amended to 2005</b> Jurisdiction over and determination of claims</p> <p>8. (1) The magistrates' court where the value of the claim is not more than \$3000, or in other cases, the High Court, shall hear and determine any claim for compensation under section 7 in the same manner as any civil action instituted in such court:...</p> <p><b>State Pre-emptive Right of Purchase Act 2001</b> Right of purchase pre-emption</p> <p>3. Upon the coming into operation of this Act no land may be alienated –</p> <p>(a) to any person not among the next-of-kin of the transferring owner; or</p> <p>(b) whether the person is next-of-kin or not, to any person for valuable consideration;</p> <p>without first providing an opportunity to the State, in accordance with the procedures provided under sections 4 and 5 to acquire such land.</p> <p>Claims for compensation if any</p> <p>7. (6)(a) Within 60 days from receipt of the Minister's response; or</p> <p>(b) where there is no response, within 120 days from the delivery of the claim, the owner may apply to the High Court for review of the Minister's decision, and the fixing of compensation, if any....</p>		

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<b>Key element (6):</b> Support the social and cultural institutions of displaced persons and their host population	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan that provides for supporting the social and cultural institutions of displaced persons and their host population.
<b>Key element (7):</b> Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a <b>social preparation phase</b> .	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement and involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
<b>Policy Principle 3:</b> Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.			
<b>Key element (1):</b>	<b>Constitution amended up to 2013</b>	<b>Partial equivalence</b>	Amend the Environment

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<p>Improve, or at least restore, the livelihoods of all displaced persons through <b>land-based resettlement strategies</b> when affected livelihoods are land based, where possible, or <b>cash compensation at replacement value for land</b> when the loss of land does not undermine livelihoods</p>	<p>3. Fundamental rights and freedoms of the individual. Whereas every person in Kiribati is entitled to the fundamental rights and freedoms of the Individual..., namely—... (c) protection... from deprivation of property without compensation...</p> <p>8. Protection from deprivation of property. (1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied... (a) the taking of possession or acquisition is necessary or expedient in the interests of defence, public safety, public order, public morality, public health, town or country planning or the development or utilisation of any property for a public purpose; and (b) there is reasonable justification for the causing of any hardship that may result to any person having an interest in or right over the property; and (c) provision is made by a law applicable to that taking of possession or acquisition— (i) for the payment of adequate compensation within a reasonable time...</p> <p><b>State Acquisition of Lands Ordinance amended up to 2001</b> Power of the Minister to acquire land 5. (1) The Minister may acquire, on behalf of the Republic, any land required for any public purpose, paying such consideration or compensation as may be agreed upon or determined under the provisions of this Ordinance.</p> <p>Preliminary investigation 6. (2) As soon as conveniently may be after any entry made under this section the person so authorised as aforesaid shall pay for all damage done...</p> <p>Minister to acquire land within a road reserve in certain circumstances 12. (1) Where the whole or part of any parcel of land is comprised in land subject to the provisions of section 11 and any person claims that— (a) he is entitled to an interest in that parcel of land; and (b) since the date of the commencement of this Ordinance he has made reasonable endeavours to sell that interest; and (c) he has been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell</p>	<p>The Constitution, the State Acquisition of Lands Ordinance, and the State Pre-Emptive Right of Purchase Act provide for payment of cash compensation.</p> <p>There does not appear to be a legal provision enabling compensation in land.</p>	<p>Act 2007 and the “Requirements of environmental impact assessment report” to explicitly include in the EIS process a requirement that, in the event a proposed project would displace or relocate people, applicants for an environment license must prepare a resettlement plan that provides for restoring the livelihoods of all displaced persons through land-based resettlement strategies when affected livelihoods are land-based, where possible, or cash compensation at replacement value for land when the loss of land does not undermine livelihoods.</p>

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	<p>if no part of the land were comprised in land subject to the provisions of section 11, he may serve on the Minister a notice in the prescribed form requiring the Minister to purchase his interest in the land.</p> <p>(2) Where a notice has been served in accordance with the provisions of subsection (1) the Minister shall be deemed to be authorised to acquire compulsorily, on behalf of the Republic, the interest of the claimant in the land to the extent of the area affected by the operation of section 11.</p> <p>(3) The amount of compensation if any payable to any such claimant shall be assessed as if the said interest in land had not been affected by the operation of section 11.</p> <p>Matters to be considered in determining compensation</p> <p>16. In determining the amount of compensation to be awarded for land acquired under this Ordinance-</p> <p>(a) the High Court shall take into consideration-</p> <p>(i) the market value of the land at the date of the notice of intention to take such land but having regard to the nature of the estate being acquired; and...</p> <p>(iii) the damage, if any, sustained by the person interested, at the time of taking possession of the land, by reason of severing such land from his other land;...</p> <p>(b) the High Court shall not take into consideration-</p> <p>(i) the degree of urgency which has led to the acquisition; or</p> <p>(ii) any disinclination of the person interested to part with the land acquired; or</p> <p>(iii) any damage sustained by him which, if caused by a private person, would not render such person liable to a suit; or</p> <p>(iv) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired; or</p> <p>(v) any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put; or</p> <p>(vi) any outlay or improvements on or disposal of the land acquired, commenced, made or effected after the date of the notice of the intention to take such land.</p> <p>Republic exonerated upon payment</p> <p>20. The payment to any person to whom any consideration or compensation shall be paid or the payment into court of any compensation upon a decision of the High Court shall effectually discharge the Republic from seeing to the application or being</p>		

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	<p>answerable for the misapplication thereof: Provided that where any person is in possession in virtue of any estate less than an estate of inheritance or where any person is in possession in any fiduciary or representative character, the Republic may pay such consideration or compensation to such persons and in such proportions and instalments and after such notices as the High Court may direct.</p> <p><b>State Pre-Emptive Right of Purchase Act 2001</b> Right of purchase pre-emption 3. Upon the coming into operation of this Act no land may be alienated – (a) to any person not among the next-of-kin of the transferring owner; or (b) whether the person is next-of-kin or not, to any person for valuable consideration; without first providing an opportunity to the State, in accordance with the procedures provided under sections 4 and 5 to acquire such land.</p> <p>Claims for compensation if any 7.(1) Any owner having an interest in or right over land, who claims that a compensational interest over such land of assessable value, has been compulsorily acquired by the coming into operation of this Act, may apply to the High Court for the fixing of compensation, if any, within 12 months of the coming into operation of this Act. (2) The claim for compensation shall be delivered to the Minister, by way of the Director of Lands, Bairiki, naming the amount demanded. (3) The period of time referred to in subsection (1) shall run regardless of whether the land in question is to be marketed or sold, within that time or at all. (4) All rights to claim, or to have considered or paid, any compensation, are extinguished if the claim is not filed in accordance with subsection (1). (5)(a) The Minister shall have 60 days to respond in writing to the claim, either accepting the amount demanded, or offering another amount. (b) Where the Minister makes no response to the claim after 60 days the Minister is deemed to have rejected the claim. (6)(a) Within 60 days from receipt of the Minister's response; or (b) where there is no response, within 120 days from the delivery of the claim, the owner may apply to the High Court for review of the Minister's decision, and the fixing of compensation, if any. (7) On the review, the amount of compensation to be paid, if any, exclusive of costs, shall be no more than the amount claimed under subsection (1).</p>		

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	(8) Nothing in this section may be construed as a proof that a compensational property interest has been compulsorily acquired by the State under this Act		
<b>Key element (2):</b> Improve, or at least restore, the livelihoods of all displaced persons through <b>prompt replacement of assets with access to assets of equal or higher value</b>	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan that provides for improving, or at least restoring, the livelihoods of all displaced persons through prompt replacement of assets with access to assets of equal or higher value.
<b>Key element (3):</b> Improve, or at least restore, the livelihoods of all displaced persons through <b>prompt compensation at full replacement cost for assets that cannot be restored</b>	<b>State Acquisition of Lands Ordinance amended up to 2001</b> Matters to be considered in determining compensation 16. In determining the amount of compensation to be awarded for land acquired under this Ordinance- (a) the High Court shall take into consideration-... (ii) the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time of taking possession thereof; and... (iv) the damage, if any, sustained by the person interested, at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings; (v) if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and (vi) where the land on which an estate is being acquired has fixed improvement which have been constructed by the state or by virtue of	<b>Partial equivalence</b>  The State Acquisition of Lands Ordinance provides that, in determining the amount of compensation, the High Court may consider damages to assets and may consider loss of rent and profits, but there does not appear to be any legal provision that requires prompt compensation at full replacement cost for such assets.	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan that provides for improving, or at least restoring, the livelihoods of all displaced persons through prompt

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	<p>the occupation and rights of the State, the value of those improvements shall be offset against that part of the market value attributed to fixed improvements under paragraph (i); and</p> <p>(vii) any other matters which, in the circumstances and having regard to the provisions of this Act, the customary law of Kiribati, and the rules of law and equity, as to the Court seems appropriate.</p> <p>(b) the High Court shall not take into consideration-...</p> <p>(vi) any outlay or improvements on or disposal of the land acquired, commenced, made or effected after the date of the notice of the intention to take such land.</p> <p>Compensation for loss of rents and profits</p> <p>17. When the Minister has in pursuance of a notice under section 8 entered into possession, on behalf of the Republic, of any lands, the High Court may award compensation to the owner of such lands and to all parties entitled to any estate or interest therein for loss of rents and mesne profits for the period between the time the Minister so entered into possession and the time, when the consideration due under an agreement has been paid to the persons entitled thereto, or compensation has been paid into court, under the provisions of this Ordinance.</p>		<p>compensation at full replacement cost for assets that cannot be restored.</p>
<p><b>Key element (4):</b> Improve, or at least restore, the livelihoods of all displaced persons through <b>additional revenues and services through benefit sharing schemes</b> where possible</p>	<p>No corresponding legal provision.</p>	<p><b>No equivalence</b></p>	<p>Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan that provides for improving, or at least restoring, the livelihoods of all displaced persons through additional revenues and services through benefit sharing schemes where possible.</p>

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<b>Policy Principle 4:</b> Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.			
<b>Key element (1):</b> Provide physically and economically displaced persons, if there is relocation, with <b>secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities</b> , integration of resettled persons economically and socially into their host communities, and <b>extension of project benefits to host communities</b>	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan that provides physically and economically displaced persons with better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities.
<b>Key element (2):</b> Provide physically and economically displaced persons with <b>transitional support and</b>	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment

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development assistance, such as land development, credit facilities, training, or employment opportunities			license would involve involuntary resettlement, the applicant must prepare a resettlement plan that provides physically and economically displaced persons with transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities
<b>Key element (3):</b> Provide physically and economically displaced persons with <b>civic infrastructure and community services</b>	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan that provides physically and economically displaced persons with civic infrastructure and community services.
<b>Policy Principle 5:</b> Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.			
<b>Key element (1):</b> Improve the standards of living of the displaced poor	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to

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and other vulnerable groups, including women, to at least national minimum standards			explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan that provides for improving the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards.
<b>Key element (2):</b> In rural areas provide them with <b>legal and affordable access to land and resources</b>	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan that provides for ensuring that the displaced poor and other vulnerable groups in rural areas have access to land and resources.
<b>Key element (3):</b> in urban areas provide them with <b>appropriate income sources and legal and affordable</b>	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application

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access to adequate housing			for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan that provides for ensuring that the displaced poor and other vulnerable groups in urban areas are provided with appropriate income sources and legal and affordable access to adequate housing.
<b>Policy Principle 6:</b> Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.			
<b>Key element (1):</b> Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement	<p><b>Constitution amended up to 2013</b> 119. Land on and access to Banaba. (3) Where any Banaban possesses any right over or interest in land in Banaba, no such right or interest shall be compulsorily acquired other than a leasehold interest and in accordance with section 8(1) of this Constitution, and then only where the following conditions are Satisfied... (b) every reasonable effort has been made to acquire the interest by agreement with the person who possesses the right over or interest in the land.</p> <p><b>State Acquisition of Lands Ordinance amended up to 2001</b> Acquisition of land for roads 10. (1) Subject to the provisions of this section and without limiting the generality of the powers conferred by or under section 5, the Minister may acquire on behalf of the Republic, by agreement or compulsorily, land which in his opinion is required for or in connection with the construction, maintenance or improvement of any road designated a highway (in this Ordinance referred to as a "public highway") by order made by the Minister and published by exhibition at the public office of the Beretitenti. (2) The Minister shall not be enabled by virtue of subsection (1) to acquire otherwise than by agreement land on either side of a public highway so as to provide a total width including the road surface</p>	<p><b>Partial equivalence</b></p> <p>The Constitution requires negotiation only in the case of land on Banaba.</p> <p>The State Acquisition of Lands Ordinance implies that there may be negotiation in the case of land acquisition for roads and in determining compensation for lost rents and profits, but does not explicitly require negotiation in those two circumstances, or in any other situation.</p>	<p>Amend the Environment Act 2007 and the "Requirements of environmental impact assessment report" to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan that provides transparent procedures for equitably negotiating land acquisition.</p> <p>Amend the State Acquisition of Lands Ordinance to explicitly require negotiation in all cases in which land is acquired for a public purpose.</p>

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	<p>exceeding 18 metres.</p> <p>Compensation for loss of rents and profits 17. When the Minister has...entered into possession...of any lands, the High Court may award compensation to the owner of such lands and to all parties entitled to any estate or interest therein for loss of rents and mesne profits for the period between the time the Minister so entered into possession and the time, when the consideration due under an agreement has been paid to the persons entitled thereto...</p>		
<p><b>Key element (2):</b> Ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status</p>	<p>No corresponding legal provision.</p>	<p><b>No equivalence</b></p>	<p>Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan that ensures that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.</p>
<p><b>Policy Principle 7:</b> Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.</p>			
	<p>No corresponding legal provision.</p>	<p><b>No equivalence</b></p>	<p>Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement,</p>

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			the applicant must prepare a resettlement plan that ensures that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
<b>Policy Principle 8:</b> Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.			
	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the "Requirements of environmental impact assessment report" to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan that elaborates on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
<b>Policy Principle 9:</b> Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.			
<b>Key element (1):</b> Disclose a draft	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the

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resettlement plan, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders		The Environment Act 2007 requires disclosure of a draft EIS, but there is no requirement to prepare or disclose a resettlement plan.	“Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan and must disclose a draft of that plan, before project review, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders.
<b>Key element (2):</b> Disclose the final resettlement plan and its updates to affected persons and other stakeholders.	No corresponding legal provision.	<b>No equivalence</b>  The Environment Act 2007 requires that final EIS be kept in a public register, but there is no requirement to prepare or disclose a resettlement plan.	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan and must disclose the final plan and its updates to affected persons and other stakeholders.
<b>Policy Principle 10:</b> Conceive and execute involuntary resettlement as part of a development project or programme. Include the full costs of resettlement in the presentation of project’s costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.			
<b>Key element (1):</b> Conceive and	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the

<b>(A)</b> <b>ADB Safeguard Policy Statement</b>	<b>(B)</b> <b>Corresponding Provisions in National Policy and Legal Instruments<sup>1</sup></b>	<b>(C)</b> <b>Extent of Equivalence<sup>2</sup></b> <b>Review comments</b>	<b>(D)</b> <b>Recommendations</b>
execute involuntary resettlement as part of a development project or programme			“Requirements of environmental impact assessment report” to explicitly stipulate that involuntary resettlement should in most cases be conceived and executed as part of a development application.
<b>Key element (2):</b> Include the full costs of resettlement in the presentation of project’s costs and benefits	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must include the full costs of resettlement in the presentation of a project’s costs and benefits.
<b>Key element (3):</b> For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, when an application for an environment license has significant involuntary resettlement impacts, the applicant must consider implementing the involuntary resettlement component of the

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			development as a stand-alone operation and document the rationale for deciding whether or not to do that.
<b>Policy Principle 11:</b> Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.			
<b>Key element (1): Pay compensation and provide other resettlement entitlements before physical or economic displacement</b>	<p><b>Constitution amended up to 2013</b> 8. Protection from deprivation of property. (1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied... (c) provision is made by a law applicable to that taking of possession or acquisition— (i) for the payment of adequate compensation within a reasonable time...</p> <p><b>State Pre-Emptive Right of Purchase Act 2001</b> Right of purchase pre-emption 3. Upon the coming into operation of this Act no land may be alienated – (a) to any person not among the next-of-kin of the transferring owner; or (b) whether the person is next-of-kin or not, to any person for valuable consideration; without first providing an opportunity to the State, in accordance with the procedures provided under sections 4 and 5 to acquire such land.</p> <p>Purchase by the State 5.(1) A purchase by the State pursuant to section 4(4) shall be on terms no less favourable to the owner than those available on the transaction described in section 4(2). (2) In exercise of its pre-emption the State may, without affecting the efficacy of its election – (a) notify the owner of; and (b) complete the pre-emption on such reasonable adjustment of the time for payment terms, as accords with the current administrative processes for payment of Government liabilities. (3) In completing the pre-emptive purchase, any payment by the State later than the date for payment in the subsection (2), shall bear interest at the rate paid by the Bank of Kiribati, or its successor, on 30 day investments, or their next closest equivalent investment instrument.</p>	<p><b>No equivalence</b></p> <p>The Constitution guarantees payment of compensation only within a reasonable time. The State Pre-Emptive Right of Purchase Act 2001 has a similar requirement for a reasonable period of time for payment.</p> <p>The State Lands Acquisition Ordinance does not specify any requirements as to when compensation must be paid.</p>	<p>Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, the applicant must prepare a resettlement plan that establishes mechanisms for providing resettlement entitlements before physical or economic displacement.</p> <p>Amend the State Acquisition of Lands Ordinance to explicitly stipulate that, in the event that taking land for a public purpose results in involuntary resettlement, the Minister must pay compensation and provide other resettlement entitlements before physical or economic displacement.</p>

<b>(A)</b> <b>ADB Safeguard Policy Statement</b>	<b>(B)</b> <b>Corresponding Provisions in National Policy and Legal Instruments<sup>1</sup></b>	<b>(C)</b> <b>Extent of Equivalence<sup>2</sup></b> <b>Review comments</b>	<b>(D)</b> <b>Recommendations</b>
	<p>Claims for compensation if any</p> <p>7.(1) Any owner having an interest in or right over land, who claims that a compensational interest over such land of assessable value, has been compulsorily acquired by the coming into operation of this Act, may apply to the High Court for the fixing of compensation, if any, within 12 months of the coming into operation of this Act.</p> <p>(2) The claim for compensation shall be delivered to the Minister, by way of the Director of Lands, Bairiki, naming the amount demanded.</p> <p>(3) The period of time referred to in subsection (1) shall run regardless of whether the land in question is to be marketed or sold, within that time or at all.</p>		
<p><b>Key element (2):</b> Implement the resettlement plan under <b>close supervision</b> throughout project implementation</p>	<p>No corresponding legal provision.</p>	<p><b>No equivalence</b></p>	<p>Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, project design must provide for implementing the resettlement plan under close supervision throughout project implementation.</p>
<p><b>Policy Principle 12:</b> Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.</p>			
<p><b>Key element (1):</b> Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the</p>	<p>No corresponding legal provision.</p>	<p><b>No equivalence</b></p>	<p>Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement,</p>

<b>(A)</b> <b>ADB Safeguard Policy Statement</b>	<b>(B)</b> <b>Corresponding Provisions in National Policy and Legal Instruments<sup>1</sup></b>	<b>(C)</b> <b>Extent of Equivalence<sup>2</sup></b> <b>Review comments</b>	<b>(D)</b> <b>Recommendations</b>
objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring			project design must provide for monitoring and assessing resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring.
<b>Key element (2):</b> Disclose monitoring reports	No corresponding legal provision.	<b>No equivalence</b>	Amend the Environment Act 2007 and the “Requirements of environmental impact assessment report” to explicitly stipulate that, in the event an application for an environment license would involve involuntary resettlement, project design must provide for disclosing monitoring reports.