

Comparative Analysis of Cook Islands' 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 Instruments¹</i>	(C) <i>Extent of Equivalence² Review comments</i>	(D) <i>Recommendations</i>
Involuntary Resettlement Safeguards			
Objectives: 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.			
Key element (1): Avoid involuntary resettlement wherever possible	No corresponding legal provision	No equivalence	Consider enacting legislation to replace the repealed provisions of the Cook Islands Act 1915 that govern compulsory acquisition of land; such legislation should explicitly provide for involuntary resettlement safeguards. Amend the Environment Act 2003 and/or issue EIA regulations to stipulate that involuntary resettlement is a

¹ Following the repeal in 2007 of all provisions of the Cook Islands Act 1915 that governed compulsory acquisition of land, there does not appear to be a legal instrument in force that deals with the issue. A report prepared for the Government of Cook Islands and ADB as recently as 2013 to "...document involuntary resettlement...reporting requirements to meet safeguard compliance for [a] project..." did not identify any governing law or regulation. See: Cook Islands Port Authority. 2013. Involuntary Resettlement and Environment Safeguard Closure Report. COO: L 2472/2473/2739 & G 0249 - Avatiu Port Development Project. July. <https://www.adb.org/sites/default/files/project-document/78952/40287-013-coo-esmr.pdf>

Indexes of Cook Islands' legislation and regulations are available online: <http://www.parliament.gov.ck/acts.html> and <http://www.parliament.gov.ck/regulations.html>. All text is direct citation from the official versions of the legal instruments except where otherwise indicated by annotation.

² "Full Equivalence" denotes that the national 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 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 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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			potential project impact which must be avoided wherever possible.
Key element (2): Minimize involuntary resettlement by exploring project and design alternatives	No corresponding legal provision	No equivalence	Consider enacting legislation to replace the repealed provisions of the Cook Islands Act 1915 that govern compulsory acquisition of land; such legislation should explicitly provide for involuntary resettlement safeguards. Amend the Environment Act 2003 and/or issue EIA regulations to explicitly require project permit applicants to explore project and design alternatives to minimize involuntary resettlement which cannot be avoided.
Key element (3): Enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels	No corresponding legal provision	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly incorporate the requirement that 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.
Key element (4): Improve the standards of living of the	No corresponding legal provision	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly incorporate the

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displaced poor and other vulnerable groups.			requirement that any project that displaces people must provide for improving the standards of living of the displaced poor and other vulnerable groups.
Scope and Triggers: 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.			
	Constitution consolidated 2004³ 40. No property to be taken compulsorily without compensation - (1) No property shall be taken possession of compulsorily, and no right over or interest in any property shall be acquired compulsorily, except under the law, which itself or when read with any other law - (a) Requires the payment within a reasonable time of adequate compensation therefor...	Partial equivalence The safeguards cover loss of land only.	Consider enacting legislation to replace the repealed provisions of the Cook Islands Act 1915 that govern compulsory acquisition of land; such legislation should explicitly provide for involuntary resettlement safeguards. Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must prepare a resettlement plan that covers physical displacement, economic displacement, and involuntary restrictions, whether those impacts are full or partial, permanent or temporary.

³ Unofficial consolidation

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Policy Principle 1: 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.			
Key element (1): Screen the project early on	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to establish a requirement for screening permit applications and to explicitly stipulate that, when a proposed project would involve involuntary resettlement, the EIA screening process must include screening for resettlement as a potential project impact.
Key element (2): Identify past, present, and future involuntary resettlement impacts and risks	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the EIA must identify past, present, and future involuntary resettlement impacts and risks.
Key element (3): Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly include in the EIA process a requirement that, in the event of involuntary resettlement, project permit applicants must determine the scope of resettlement planning through a survey and/or census of displaced

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resettlement impacts and risks			persons, including a gender analysis, specifically related to resettlement impacts and risks.
Policy Principle 2: 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.			
Key element (1): Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations	Environment Act 2003 36. Environmental Impact Assessment - ... (3) Every application for a project permit shall... include an environmental impact assessment... (5) The [National Environment] Service shall undertake public consultation for the issuance of the project permit... (6) The Service shall request comments from any... person affected by or having expertise relevant to the proposed project or its environmental impact.	Partial equivalence The Environment Act 2003 requires consultation prior to issuing a permit, but by that time the project has already been designed and the EIA has already been done. The Act does not require consultation during implementation and monitoring.	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, when a project involves involuntary resettlement, the project permit applicant must carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations.
Key element (2): Inform all displaced persons of their entitlements and resettlement options	No corresponding legal provision.	No equivalence	Consider enacting legislation to replace the repealed provisions of the Cook Islands Act 1915 that govern compulsory acquisition of land; such legislation should explicitly provide for involuntary resettlement safeguards. Amend the Environment Act 2003 and/or issue EIA regulations to

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			explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must inform all displaced persons of their entitlements and resettlement options.
Key element (3): Ensure the participation of displaced persons in planning, implementation, and monitoring and evaluation of resettlement programmes	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must ensure the participation of displaced persons in planning, implementation, and monitoring and evaluation of resettlement programmes.
Key element (4): Ensure the participation in consultations of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must ensure the participation in consultations of vulnerable groups, especially those below the poverty line, the landless, the elderly, and women and children.

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legal title to land			
Key element (5): Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns	Constitution consolidated 2004⁴ 40. No property to be taken compulsorily without compensation - (1) No property shall be taken possession of compulsorily, and no right over or interest in any property shall be acquired compulsorily, except under the law, which itself or when read with any other law -... (b) Gives to any person claiming that compensation, a right of access, for the determination of his interest in the property and the amount of compensation, to the High Court; and (c) Gives to any party to proceedings in the High Court relating to such a claim the same rights of appeal as are accorded generally to parties to civil proceedings in that Court sitting as a Court of original jurisdiction.	Partial equivalence The Constitution provides for access to the courts for any person claiming compensation or contesting the amount of compensation. The Constitution may be directly effective. ⁵ The Environment Act 2003 does not provide for complaints or appeals of any kind and does not provide for project-specific grievance redress mechanisms. ⁶	Amend the Environment Act 2003 and/or issue EIA regulations to stipulate explicitly that, when a project involves involuntary resettlement, project design must include a project-specific, culturally-appropriate, and gender-inclusive grievance redress mechanism.
Key element (6): Support the social and cultural institutions of displaced persons and their host population	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must prepare a resettlement plan that provides for supporting the social and cultural institutions of displaced persons and their host population.
Key element (7):	No corresponding legal provision.	No equivalence	Amend the Environment

⁴ Unofficial consolidation

⁵ The Cook Islands Constitution Act 1964 (N.Z.), enacted by the New Zealand Parliament, stipulated: "4. Constitution of the Cook Islands - The Constitution set out in the Schedule to this Act shall be the Constitution of the Cook Islands, and shall be the supreme law of the Cook Islands."

⁶ In at least one case, grievances were addressed on a project-specific basis: "38. The Cook Island Port Authority has mechanisms to address the grievances of the people affected. These are clearly noted in the Construction Environmental management Plan and reinforced by national systems of the National Environment Services. All complaints were received on site. They were addressed in compliance Cook Islands Environmental legislation and requirements ensuring that all environment grievances were taken care of on site." Cook Islands Port Authority. 2013. Involuntary Resettlement and Environment Safeguard Closure Report. COO: L 2472/2473/2739 & G 0249 - Avatiu Port Development Project. July. <https://www.adb.org/sites/default/files/project-document/78952/40287-013-coo-esmr.pdf>. The 2013 report does not provide the title of the environmental legislation mentioned in paragraph 38. The National Environment Service has a "Complaints" page on its website: <http://nescookislands.com/services/complaints-3/>.

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Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase .			Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves 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.
Policy Principle 3: 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.			
Key element (1): Improve, or at least restore, 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	Constitution consolidated 2004 40. No property to be taken compulsorily without compensation - (1) No property shall be taken possession of compulsorily, and no right over or interest in any property shall be acquired compulsorily, except under the law, which itself or when read with any other law - (a) Requires the payment within a reasonable time of adequate compensation therefor... Land Use Act 1969 Part I - Zoning Orders 7. Effect of ceasing non-conforming use - If at any time while a zoning order is in force the occupier of any land affected thereby has been lawfully using the said land in a manner contrary to the provisions of the zoning order and ceases so to use the said land for a period of twelve (12) months such occupier shall not be entitled to resume the non-conforming use of the said land without first obtaining the consent of the Board. If the Board, after hearing application by the occupier, shall refuse to grant permission to use the land in the manner in which it was previously used then the occupier shall be entitled to request the Crown to take over the said land and pay appropriate compensation therefor in	Partial equivalence The Constitution may be directly effective (see footnote 5). The Constitution requires cash compensation but does not enable compensation in land.	Consider enacting legislation to replace the repealed provisions of the Cook Islands Act 1915 that govern compulsory acquisition of land; such legislation should explicitly provide for involuntary resettlement safeguards. Amend the Environment Act 2003 and/or issue EIA regulations to explicitly include in the EIA process a requirement that, in the event of involuntary resettlement, project permit applicants must

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livelihoods	accordance with the provisions of section 357 of the Cook Islands Act 1915. ⁷		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.
Key element (2): Improve, or at least restore, the livelihoods of all displaced persons through prompt replacement of assets with access to assets of equal or higher value	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit 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.
Key element (3): Improve, or at least restore, the livelihoods of all displaced persons through	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary

⁷ Section 357 of the Cook Islands Act was repealed in 2007.

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prompt compensation at full replacement cost for assets that cannot be restored			resettlement, the project permit applicant must prepare a resettlement plan that provides for improving, or at least restoring, the livelihoods of all displaced persons through prompt compensation at full replacement cost for assets that cannot be restored.
Key element (4): Improve, or at least restore, the livelihoods of all displaced persons through additional revenues and services through benefit sharing schemes where possible	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit 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.
Policy Principle 4: 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.			
Key element (1): Provide physically and economically displaced persons, if there is relocation, with	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project

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<p>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</p>			<p>permit applicant must prepare a resettlement plan that provides physically and economically displaced persons, if there is relocation, 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.</p>
<p>Key element (2): Provide physically and economically displaced persons with transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities</p>	<p>No corresponding legal provision.</p>	<p>No equivalence</p>	<p>Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must prepare a resettlement plan that provides physically and economically displaced persons with transitional support and development assistance, such as credit facilities, training, or employment opportunities.</p>
<p>Key element (3): Provide</p>	<p>No corresponding legal provision.</p>	<p>No equivalence</p>	<p>Amend the Environment Act 2003 and/or issue</p>

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physically and economically displaced persons with civic infrastructure and community services			EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must prepare a resettlement plan that ensures that physically and economically displaced persons will have access to civic infrastructure and community services.
Policy Principle 5: 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.			
Key element (1): Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit 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.
Key element (2): In rural areas provide them with legal and affordable access to land and resources	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project

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			permit applicant must prepare a resettlement plan that provides for ensuring that the displaced poor and other vulnerable groups in rural areas have access to resources.
Key element (3): in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must prepare a resettlement plan that provides for ensuring that the displaced poor and other vulnerable groups in urban areas have access to appropriate income sources and legal and affordable access to adequate housing.
Policy Principle 6: 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.			
Key element (1): Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement	No corresponding legal provision.	No equivalence	Consider enacting legislation to replace the repealed provisions of the Cook Islands Act 1915 that govern compulsory acquisition of land; such legislation should explicitly provide for negotiated settlements. Amend the Environment

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			Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must prepare a resettlement plan that explicitly provides transparent procedures for negotiated settlements to acquire land.
Key element (2): Ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must prepare a resettlement plan that includes mechanisms to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
Policy Principle 7: 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.			
	No corresponding legal provision.	No equivalence	Consider enacting legislation to replace the repealed provisions of the Cook Islands Act 1915 that govern compulsory acquisition of land; such legislation should explicitly provide

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			<p>involuntary resettlement safeguards, including the guarantee 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.</p> <p>Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must prepare a resettlement plan that provides for ensuring that displaced persons with any recognizable land rights are eligible for resettlement assistance and compensation for loss of non-land assets.</p>
Policy Principle 8: 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.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must prepare a resettlement plan that elaborates on

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			displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
Policy Principle 9: 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.			
Key element (1): Disclose a draft resettlement plan, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must prepare a resettlement plan and must disclose a draft of that plan, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders.
Key element (2): Disclose the final resettlement plan and its updates to affected persons and other stakeholders.	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must prepare a resettlement plan and must disclose the final resettlement

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			plan and its updates to affected persons and other stakeholders.
Policy Principle 10: 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.			
Key element (1): Conceive and execute involuntary resettlement as part of a development project or programme	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that involuntary resettlement should in most cases be conceived and executed as part of a development project or programme.
Key element (2): Include the full costs of resettlement in the presentation of project's costs and benefits	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, the project permit applicant must include the full costs of resettlement in the presentation of a project's costs and benefits.
Key element (3): For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, for a project with significant involuntary resettlement impacts, the project permit applicant must consider implementing the involuntary resettlement component of the project

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operation			as a stand-alone operation and document the rationale for deciding whether or not to do that.
Policy Principle 11: Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.			
Key element (1): Pay compensation and provide other resettlement entitlements before physical or economic displacement	Constitution consolidated 2004 40. No property to be taken compulsorily without compensation - (1) No property shall be taken possession of compulsorily, and no right over or interest in any property shall be acquired compulsorily, except under the law, which itself or when read with any other law - (a) Requires the payment within a reasonable time of adequate compensation therefor...	No equivalence The Constitution provides for payment of compensation within a reasonable time, but not necessarily before displacement. The Constitution may be directly effective (see footnote 5).	Consider enacting legislation to replace the repealed provisions of the Cook Islands Act 1915 that govern compulsory acquisition of land; such legislation should explicitly provide involuntary resettlement safeguards, including the requirement that compensation and other resettlement entitlements must be provided before physical or economic displacement. Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, for a project with significant involuntary resettlement impacts, the project permit applicant must prepare a resettlement plan that establishes mechanisms for providing compensation and resettlement entitlements before physical or economic displacement.
Key element (2):	No corresponding legal provision.	No equivalence	Amend the Environment

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Implement the resettlement plan under close supervision throughout project implementation			Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, project design must provide for implementing the resettlement plan under close supervision throughout project implementation.
Policy Principle 12: 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.			
Key element (1): 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	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project involves involuntary resettlement, 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.
Key element (2): Disclose monitoring reports	No corresponding legal provision.	No equivalence	Amend the Environment Act 2003 and/or issue EIA regulations to explicitly stipulate that, in the event a project

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			involves involuntary resettlement, monitoring reports must be disclosed.

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