

# Tina Hydro Land Acquisition Livelihoods Restoration Plan

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## List of Abbreviations

AP	affected persons
BLIC	Bahomea Land Identification Committee (of the House of Chiefs)
CDF	Community Development Fund
CLA	Community Liaison Assistant
CLC	Community Liaison Committee
COL	Commissioner of Lands
ESIA	Environmental and Social Impact Assessment
IFC	International Finance Corporation
LTA	Lands and Titles Act 1970
LALSU	Landowners Advocacy and Legal Support Unit (of the Public Solicitors Office)
LRP	Livelihoods Restoration Plan
ha	hectares
HOC	House of Chiefs
km	kilometres
m <sup>3</sup> /sec	cubic metres per second
MMERE	Ministry of Mines, Energy, and Rural Electrification
MOLHS	Ministry of Lands, Housing and Survey
MOFAL	Ministry of Agriculture and Livestock
NTPF	non timber forest products
PO	Project Office
SB\$/SBD	Solomon Islands dollars
SIA	Social Impact Assessment
SIEA	Solomon Islands Electricity Authority
SIG	Solomon Islands Government
SIMP	Social Impacts Management Plan
Sq m	Square metres
TCLC	Tina Core Land Company
TRHDP	Tina River Hydro Development Project
WB	World Bank

# 1 Introduction

## 1.1 Objectives

The purpose of this document is to specify the actions that will be taken to avoid, minimise, mitigate, and otherwise manage the adverse livelihoods impacts of the land acquisition and restrictions on land use arising from the Tina River Hydroelectric Development Project (TRHDP) in the Solomon Islands. These actions are specified in the Livelihoods Restoration Plan (LRP).

The goal of the LRP is to achieve an equitable and socially and economically sustainable situation for the people and communities being asked to bear the direct costs of the Solomon Islands Government's land acquisition for the hydro development. This includes ensuring those affected by the development are engaged in its planning, and have opportunities to participate in devising and implementing livelihoods mitigations and enhancements where offered.

Instrumentally, the document is intended to ensure that the Tina Hydro Project meets the requirements of international development funding bodies and Solomon Islands' law with respect to project land acquisition. The former include the World Bank's Environmental and Social Safeguards, specifically Operational Policies (OP) 4.12 and 4.10, and the International Finance Corporation's (IFC) Performance Standards (PS 5 and PS7).

## 1.2 Project studies & information sources

Planning for the development of the Tina Hydro Project has involved the commissioning and undertaking of a wide range of technical studies and associated reports, along with reviews of those studies.

Key documents used in the preparation of this LRP, which themselves have drawn on prior studies and reports, some of which have been commissioned and prepared specifically for this LRP, include:

- *A Resettlement Policy Framework (RPF)*, prepared by Jean Williams in August 2012 for the Solomon Islands Government and the World Bank;
- *The Environmental and Social Impact Assessment (ESIA)* prepared by BRL in May 2015. This is a full assessment of the potential effects of the proposed development prepared in compliance with the Solomon Island Government Environmental Act (1998) and IFC Performance Standard 1;
- *The Environmental and Social Impacts Management Plan*, prepared by BRL in May 2015;
- *The Forest Valuation Report*, being the valuation of the commercial timber trees with the Tina Hydro project site of the four Core Land owning tribes, prepared by Myknee Sirikolo in April 2015;
- A land valuation estimate for the Core Land, prepared in 2014 (no authorship provided);
- Written descriptions of the project Core Land acquisition process prepared by the Project Office (Chapter 5);
- An overview of the legal framework for the land acquisition (Chapter 4) prepared by Jen Radford in August 2015;
- The report on the Tribal Registration for the Malango peoples (the local indigenous language group), and associated Excel database, prepared by Kellington Simeon in April 2015;
- The 2015 report on the land survey for the proposed road and transmission line corridor, prepared by Solomon Islands Survey and Land Consultancy, Honiara;

- The *Asset Identification and Valuation Survey* for the acquired land, and Excel database prepared by Kellington Simeon and Pacific Horizons Consultancy Group – 18 November 2015 draft.
- Enumeration Area data tables from the 2009 Solomon Islands national Census, published in 2014.
- A tabulation of the requirements of the WB Operational policies and the IFC performance standards prepared by Laurel Fitzgerald.

## 2 Project Description

### 2.1 The Tina hydro scheme (“Option 7c”)

#### 2.1.1 Introduction

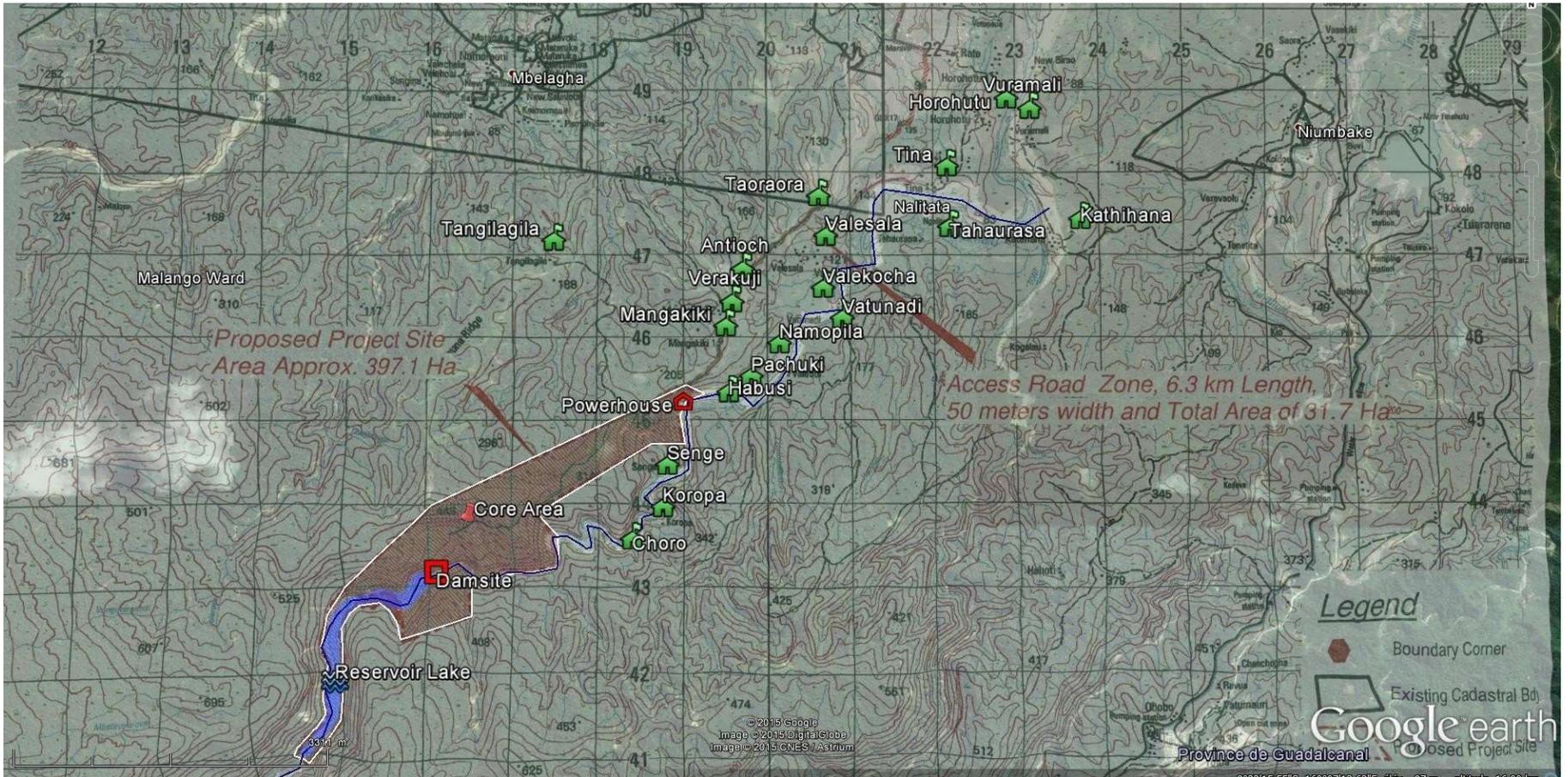
The Tina River Hydro Development Project (TRHDP), also known as Tina Hydro, is a 20 Megawatt (MW) hydropower scheme located on the Tina River, Central Guadalcanal, Solomon Islands. The Tina Hydro scheme is intended to supply much needed electricity to Honiara, the capital city. The project area is located in the Bahomea district of Ward 20 (Malango Ward) – approximately 30km to the east of Honiara. The area of the dam site and storage reservoir is remote and unoccupied, and owned by five indigenous clan groups from Bahomea and Malango districts (Figure 2.1 and 2.2). The Tina River has a catchment area of approximately 150km, much of which is heavily forested and highly mountainous.

The Tina Hydro project is expected to be the first major hydroelectric project in the Solomon Islands, though there have been previous unsuccessful attempts to establish a hydroelectric facility using different rivers on Guadalcanal. Tina Hydro is managed by a Project Office under the Ministry of Mines, Energy and Rural Electrification (MMERE). Beginning in 2009, it has undertaken the planning for the project with the ongoing assistance of advisors from the World Bank and the IFC, Entura (an Australian hydro engineering company), other local and international specialists, and with the continued and extensive involvement of the indigenous customary landowners and village communities of the Tina- Ngalimbiu Catchment.

Figure 2.1: Guadalcanal Island showing the location of the Tina Hydro project



Fig 2.2: Key locations, rivers, villages, and hydro infrastructure

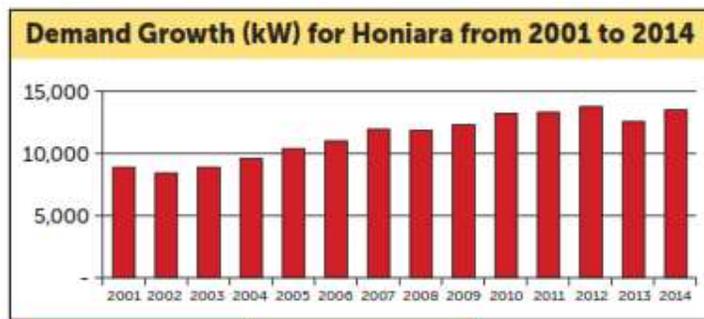


The Solomon Islands Electricity Authority (SIEA) will be the buyer of the power generated by Tina Hydro. SIEA is an “autonomous, Government owned statutory Authority, responsible for the generation, transmission, distribution and sale of electricity in the Solomon Islands”<sup>1</sup>. It operates 11 power stations throughout the Solomon Islands. The largest is the Lungga diesel generating plant, which provides electricity to the capital, Honiara.

### 2.1.2 Justification for the project

Honiara’s electricity is provided by the diesel power plant located at Lungga, using imported fuel at an approximate cost of SB\$200 million per annum. Reticulation of the power from the Lungga plant is restricted to the Honiara urban area. Power is not supplied to the Tina area. The Honiara power supply is tight with demand during peak periods exceeding supply which SIEA manages by load shedding – i.e. power outages. Furthermore, the maximum /peak demand for electricity is growing, estimated by SIEA at 14 MW in 2104, compared with 10 MW in 2005. Figure 2.3 shows the growing demand. In 2014, SIEA reportedly had 11,310 paying customers in Honiara.

Figure 2.3



Tina Hydro is justified by MMERE on several grounds<sup>2</sup> :

- It will add 15-20 MW of clean renewable electricity to the Honiara supply, thereby meeting foreseeable demand and improving energy security;
- It will save the foreign exchange required to purchase increasing amounts of diesel fuel, with expected reductions of about USD30 million per annum (in 2012 terms), and reduce exposure to volatile markets for diesel fuel;
- It will reduce the need for backup diesel generating plant and thus reduce capital cost of replacing the plant<sup>3</sup>.
- It will accelerate the Government move to sustainable energy production based on national resources, as supported by the World Bank and other donors.
- It will help reduce the cost of electricity – already one of the highest in the world.

### 2.1.3 The project details

The hydroelectricity project, the specifics of which are provided on table 2.1, consists of the following key elements

- a 53 metre high concrete dam, incorporating a spillway to release excess water, a flushing outlet to reduce natural sediment build up behind the dam, and an outlet to provide

<sup>1</sup> <http://www.siea.com.sb>

<sup>2</sup> <http://tina-hydro.com>

<sup>3</sup> To meet the demand up until the Tina Hydro comes online, the SIEA has been installing a further four 2.5MW diesel generators and a power house at Lungga, a new 33kVa supply line to Honiara, and upgrading the Honiara substation transformers (SIEA Annual Report, 2014)

sufficient water to maintain an environmental flow in the river with a mini-hydro station attached to that outlet;

- a 30.5ha water storage reservoir in the Tina River Valley behind the dam;
- A water intake on the left bank of the reservoir, a 3.3km long headrace tunnel, powershaft, surge shaft, and power tunnel/penstock;
- A power station containing 4 x 5MW generating machines;
- A powerhouse outlet/tailrace and associated river works to return water safely to the Tina River channel;
- A substation near the powerhouse, a 23km long, 33kVa transmission line, and switching station designed to take the hydro power to the Lungga Power Station;
- Access roads – including upgrading, widening, and realignment of 13km of the existing Black Post Road, and the creation of 7km of new site-access roads.
- An exclusion area of 397ha taking in the infrastructure sites and land on the right and left banks of the Tina River.

Construction activities will last 3 years and will take place in the acquired “Core Area” and along the Black Post Road. Up to 180 technical, highly skilled, and low skilled workers may be required for the construction, potentially providing employment opportunities for 80-100 local people in construction and support roles.

Table 2.1: Key project parameters for Tina Hydro Option 7C (Source: BRL & Entura)

Dam	
Type of dam	Roller Compacted Concrete (RCC)
River Chainage	CH 7km (downstream from junction of the Mbeambea
Height	53 m
Base length at river	35 m
Base length at crest	200 m
River level at dam	RL122 m
Minimum operating level (MOL)	RL170 m
Normal operating level	RL172 m
Full supply level (FSL)	RL175 m
Maximum flood level (MFL)	RL186.5 m
Spillway	
Release of floods	Up to the 1:10,000 year flood level (3,290 m <sup>3</sup> /s). The spillway will release flood water in by the by-passed river, on average, 8 % of the time (when the inflow is higher than 24m <sup>3</sup> /s
Height (FSL)	RL175
Reservoir	
River Chainage	CH 4.5km to CH 7.0
Length	2.5 km
Volume at FSL	7 million m <sup>3</sup>
Volume at MOL	+/- 7.8 m <sup>3</sup>
Surface area at FSL	+/- 30.52 ha
Power water intake	
Location	RL162.5
Size	3 m diameter
Head race tunnel	
Internal diameter	3.3 m, suitable for flow rates up to 24m <sup>3</sup> /s
Flow rate	24 m <sup>3</sup> /s
Length	3.3 km
Powerstation	
River Chainage	CH 12.7km
Average value in GG longer head of power station	97m
Turbine floor	RL 72 m
Turbines	4 Francis machines @ 5MW
Operating capacity	20 MW, 24 m <sup>3</sup> /s
Energy production and taking into account a 1m <sup>3</sup> /s Environmental flow	58 682 MW hr
Mini-hydro station	
Power	400 kW
Riparian outlet for the environmental flow	RL 162.5 m
Turbinated flow	1 m <sup>3</sup> /s
Energy production and taking into account a 1m <sup>3</sup> /s Environmental flow	3 512 MW hr
Roads	
Permanent unsealed existing Black Post road	13.3 km

Permanent sealed access road to powerhouse	1.45 km
Permanent sealed access road to dam	4.7 km
Temporary unsealed access road to intake portal	0.25 km
Permanent sealed road to dam base	0.66 km
Road to quarries	Not provided in Entura (2014)
<b>Transmission line</b>	
Length	23 km
Type	33 kV double circuit overhead – terminating at the Lungga power station.
<b>Estimated project cost</b>	
Full scheme (including mini-hydro) + Additional turbine (4th turbine) + extension of the powerhouse	US\$ 133.3 Million (US\$ 1.7 Million for the mini-hydro) + US\$ 3.4 Millions
Unit cost for the Project	US\$ 165 -185/MWhr
Diesel energy unit cost (Lungga powerstation)	US\$ 330 - 400/MWhr
<b>River hydrology</b>	
Mean flow at dam	11.5 m <sup>3</sup> /s
Tina catchment area	150 km <sup>2</sup>
Catchment area above the dam	125 km <sup>2</sup>

### 2.1.4 Operating arrangements

After an international call for expressions of interest, Korea Water (KW), an independent power producer from South Korea, won the rights to a term of exclusive negotiation for an agreement to build, own, operate and transfer the hydropower infrastructures (known as a BOOT arrangement). Its proposed construction partner is Hyundai Engineering, also of Korea. It is intended that Korea Water will provide electricity to the Solomon Islands Electricity Supply Authority (SIEA) under a power purchase agreement. Such an agreement, which is essential for the project to proceed, is currently being sought.

The land on which the project infrastructure is to be located was acquired with the agreement of the customary landowners, by the SIG on 21 August 2014 under its compulsory acquisition (eminent domain) powers. Compensation offers have been made by the SIG to the identified owners, though as of mid-November 2015, not all land owning groups or registered owners have formally accepted those offers.

The acquired land on which the facilities and infrastructure corridor will be located, plus a protective buffer, will become registered to the Tina Core Land Company (TCLC), a 50:50 joint venture between the customary landowners and the government. The developer will lease the land from the TCLC for a fixed term. At the end of the land lease, the developer may transfer the infrastructure to the Solomon Islands Government. The TCLC has yet to be formally established.

## 2.2 Other options considered

### 2.2.1 General options

The project ESIA documented the various hydropower development schemes for Guadalcanal that have been considered over the past 25 years as an alternative or complement to diesel-based

generation (BRL 2015). The most thoroughly considered of these were the Lungga River hydroelectric project and the Komarindi River hydropower project. According to the World Bank these schemes failed to proceed because of the technical unsuitability of the sites.

More recently, the Solomon Islands, Guadalcanal Renewable Development Concept Study (World Bank Project Power Mission, February 2006) examined the hydropower potential of three additional catchments on Guadalcanal: the Ngalmibiu site on the Tina River, the Nuhu site on the Mbalasuna River, and the Choha site on the Ngheunaha and Kolokumaha Rivers. The study concluded that the Ngalmibiu site had the greatest hydropower potential and the other sites were dropped from consideration (Entura, 2012).

As noted, in addition to investigating hydroelectric development, MMERE and SIEA have undertaken an expansion to diesel generating capacity at Lungga and began a pilot photovoltaic (PVA) generation project on the Lungga site.

## 2.2.2 Ngalmibiu-Tina river development options

### *Option 6*

A range of project options were examined along the Tina River by Entura. The “Phase 1 report” (Entura, 2010) considered six options for a site between the Mbeambea tributary (at the top of the Tina catchment) and the Toni tributary. These options covered different combinations of dam location, type and size of dam, headrace tunnels, and power station location. All were of a similar scale and capacity to the later-preferred Option 6, though with different levels of potential social impacts and displacement of villagers.

### *Option 6E*

The Entura Phase 2 Feasibility Study evaluated several variations of Option 6, labelled Option 6A through Option 6F. This resulted in a preference for Option 6E (Entura, 2012). Option 6E specified a 57m high clay core rock filled dam or concrete faced rock filled dam to be located in a gorge about 0.5 km upstream of Senge Village and a powerhouse located at the toe of the dam.

As noted in the ESIA baseline study (2013), compared with other Option 6 concepts, Option 6E would have resulted in the displacement of considerably fewer residents (10 compared with 90-100).

In 2012-13, village and district community awareness campaigns and the initial ESIA studies focused on Option 6E. The continued Phase 2 feasibility studies subsequently identified a geotechnical risk with the Option 6E dam site, and alternative sites were sought.

### *Option 7*

The Entura Phase 3 study identified and evaluated a potential dam site (Option 7C) at a location 5km upstream of the Option 6E site where geological conditions are more favourable and away from human settlement. Three sub-options were evaluated. The Phase 3 report concluded that Option 7C sub-option 1 has “superior economic, social and technical value in comparison with site 6E”<sup>4</sup>.

BRL updated the environmental studies and provided a comparative social and environmental analysis for Option 6E and Option 7C. This confirmed that the latter had fewer social and environmental negative impacts, and most especially, it would not require any resettlement of local

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<sup>4</sup> BRL, 2015:268

people. Along with technical viability, consideration of the potential social risks and effects of the project was therefore central to the selection of Option 7C.

Figure 2.4 Vicinity and landscape of the Option 7C dam site and reservoir (Source: BRL, 2013)



Figure 2.5: Vicinity and landscape of the powerstation (looking downstream)



## 3 The Land Required For The Project

### 3.1 Core Land

The construction and operation of Tina Hydro Option 7C, with concrete dam located on the Tina River, requires the acquisition of 428 ha of land - referred to as the “Core Land” (Figure 3.1 and 3.2).

The Core Land is described in the acquisition ‘Process Agreement’ with the customary landowners as the area required *“to provide all things necessary for the construction and operation of the scheme, including a concrete dam, reservoir, 3.5 km water tunnel, power station, access road, surge shaft, substation, mini-hydro at the dam site, transmission lines, telemetry, and helicopter landing pads”*. It will also contain temporary sites and structures required for construction, such as quarries, materials borrow pits, a concrete batching plant, set down and storage areas, office and workshop buildings, generator sheds and so on.

The Core Land is in the customary ownership of five local tribal groupings or lineages (as determined by the Commissioner of Lands), that is the

- Roha tribe (171 ha)
- Buhu-Garo tribe (two lineages combined, (161.5ha)
- Kochiabolo tribe (65.7 ha)
- Uluna-Sutahuri tribe (two lineages combined, 29.9 ha)
- Viurulingi tribe (14.0 ha).

Customary ownership of the land required for the project was determined by an ad hoc committee of elders and chiefs (referred to as the Bahomea Land Identification Committee, or BLIC) using culturally accepted and well-established investigative and consultative methods as well as legal processes provided for in Solomon Islands law. As detailed in later sections, the Core Land was legally acquired for the project by the SIG on 21 August 2014 using its powers under the Solomon Islands Land and Titles Act.

### 3.2 Access roads

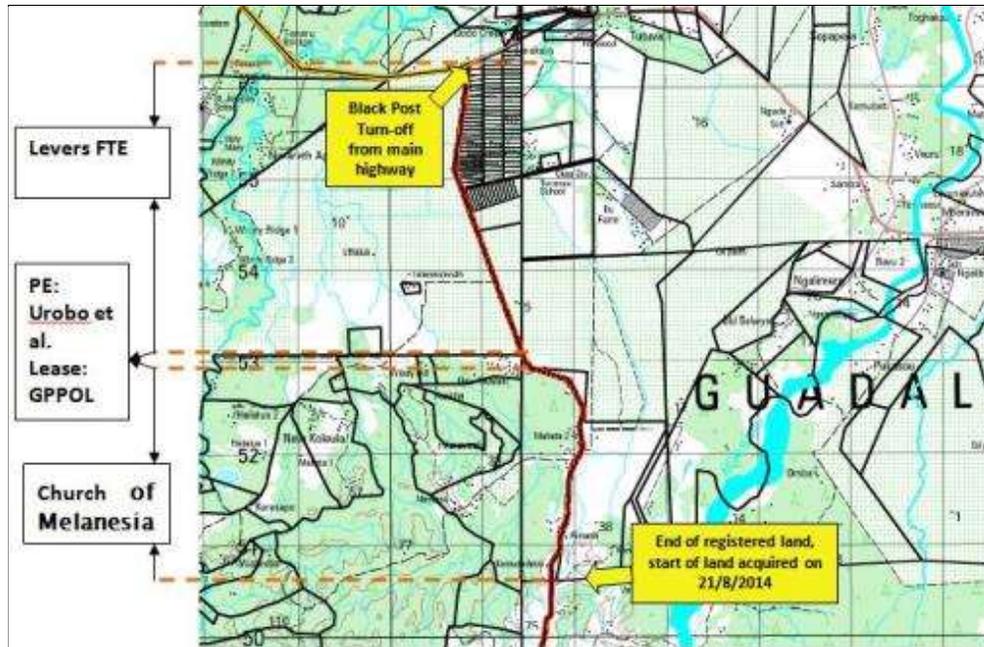
Black Post Road will be enhanced and widened, and a 50 metre width of land acquired to accommodate an improved road and twin power transmission lines from the proposed power station. At present, this single-lane gravel road starts at Black Post (on the Kukum/Prince Philip highway) and, depending on the weather, enables suitable 4WD vehicles to travel as far as Managikiki.

In the northern section, between Black Post and Marava village junction widening will be to the east side of the existing road alignment. Four parcels of registered land are likely to be affected in this section of the road corridor as per table 3.1 and figure 3.1. One of which is already owned by the Commissioner of Lands. The project office intends to subdivide and acquire a 50 metre width of the land from the remaining three parcels of the affected registered land. This will be done through a voluntary purchase from the owners as outlined below.

Table 3.1: Registered land required for the infrastructure corridor

No.	Land Parcel	Perpetual Estate	Other interests
1	192-015-0018	Commissioner of Lands	FTE - Levers Solomons Limited
2	192-005-0015 100 LR 536	Nathaniel Boboli , Timothy Urobo, Nesta Besta, Daniel Sekani, Selwyn Boboli, (Joint Owners)	Lease – Guadalcanal Plains Palm Oil Limited (GPPOL). 50 years from 1 January 2005
3	192-005-0017	Church of Melanesian Trust Board	Nil.
4	192-029-024	Commissioner of Lands	Nil.

Figure 3.1: The location and boundaries of the lands required for the access road\*



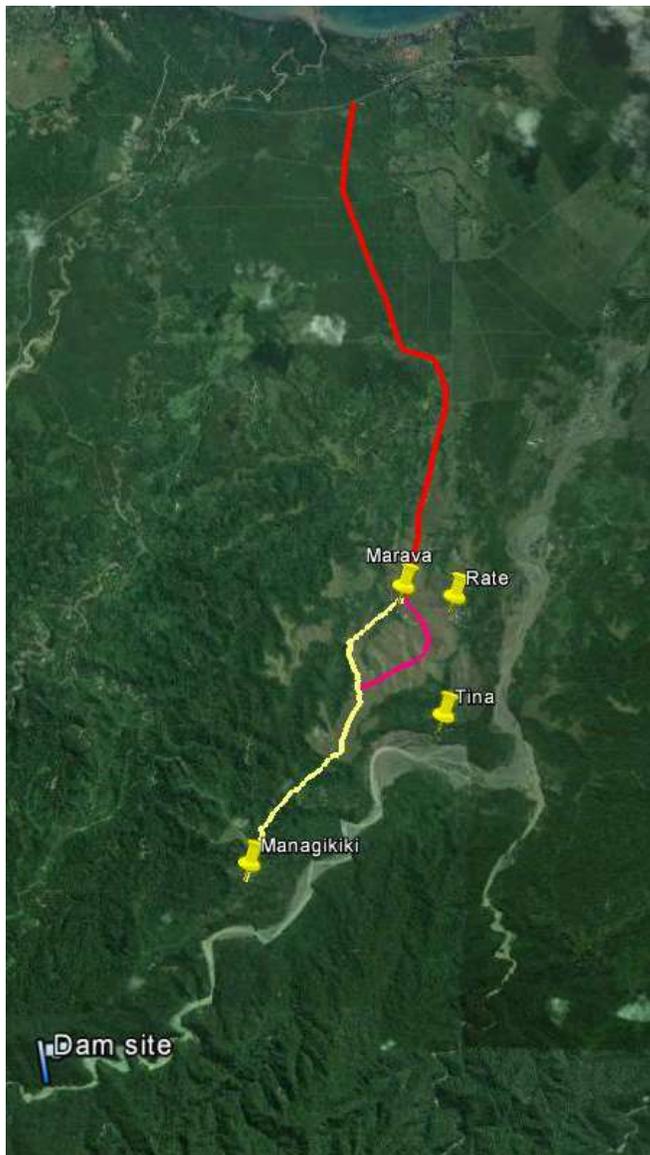
\*Black Post Rd in red (Source- THDP Project Office)

Near Marava the road will turn southeast towards Rate and follow a new alignment for 1.5km within the northern part of the Core Land area, before re-joining the existing Black Point Road to Managikiki. The new alignment will reduce the grade and make it easier for transporting hydro and other equipment (figure 3.2). The land for the road from Ngongoti (just to the east of Marava) to Managikiki, including the deviation, was previously customary land and was acquired by the COL as part of the Core Land compulsory acquisition.

Black Post Road ends at Managikiki. Beyond the village (heading further into the Tina catchment) there is a former logging track that passes across remnant and secondary forests. The site access road will follow the alignment of this old track for about 2.6 km, and will then be extended on new alignments to the west to access the powerstation and dam sites on the left bank of the Tina River. These new roads will pass over land current covered with secondary and primary forest.

Construction will require considerable earth works and forest clearing. Once formed, these roads will be closed to non-project traffic. The daily traffic is expected to be made of light, medium and heavy vehicles, with the future traffic between the construction sites and Honiara estimated at 25 to 40 trips (both ways) per day.

Figure 3.2: Approximate location of the various sections of the access road (not to scale)



**Key:**

Red = Black Post Road - northern section (Kukum Highway to Marava)

Pink = approximate alignment of new diversion at Rate

Yellow = Back Post Road southern section (Marava to Managikiki)

### 3.3 Power transmission line

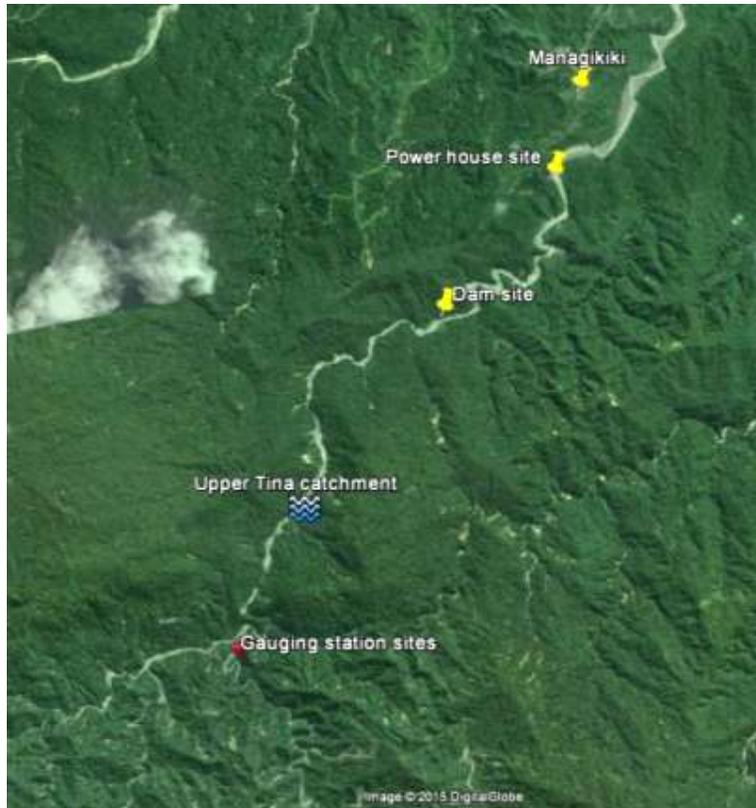
A 33kv overhead power transmission line will take power from the Tina hydro powerstation to the existing Lungga diesel powerstation. The transmission line will be within the corridor for the new access roads within the Core Land, and within the acquired Black Post Road corridor as far as a switching station at the Kukum highway junction. There the line will join existing transmission lines travelling west to the Lungga powerstation. The transmission line will be 22km long and is expected to be completely located within the 50 metre wide corridor.

The PO has proposed that pole mounted transformers of 33kV/415 V be installed at each village along the access road to enable electrification of the village households and community facilities of Bahomea. The final design will specify the type of power pole to be used, including height and length of span.

### 3.4 Catchment monitoring instrument sites

The development of the project requires the permanent siting and securing of a rain gauge and a river flow gauge, respectively at sites known as Chupukama and Koemolu, in the upper Tina catchment. The river flow gauge is in the vicinity of the Mbeabea River and Tina River junction. These sites together are under 500 sq m in area, and have different customary owners. The Chupukama site belongs to the Uluna-Sutahuri tribal group and is in the process of being registered, while ownership of the latter site, attributed to the Kaipalipali tribal group, is the subject of an appeal in the Magistrates Court connected with its registration process.

Figure 3.3: The approximate location of the gauging station sites



## 4 Legal And Policy Context For Land Acquisition

### 4.1 Solomon Islands law

#### 4.1.1 Overview

The legislation governing the acquisition of land in the Solomon Islands is contained in the *Lands and Titles Act 1970* (LTA). The LTA defines ownership arrangements, governs the management of land, and sets out procedures for the acquisition and lease of land.

Land in the Solomon Islands is either customary land or registered land (also referred to as alienated land, since it has been alienated from customary ownership). Approximately 87% of land in the country is still held as customary land and most natural resources (with some exceptions) belong to the land owners under custom. The LTA defines customary land as "*any land (not being registered land, other than land registered as customary land, or land in respect of which any person becomes or is entitled to be registered as the owner of an estate pursuant to the provisions of Part III) lawfully owned, used or occupied by a person or community in accordance with current customary usage, and shall include any land deemed to be customary land by paragraph 23 of the Second Schedule to the repealed Act*".

Land includes "*land covered by water, all things growing on land and buildings and other things permanently fixed to land but does not include any minerals (including oils and gases) or any substances in or under land which are of a kind ordinarily worked for removal by underground or surface working*".

Dealings in land are governed by legislation, primarily the LTA. The LTA regulates the process of acquiring customary land and converting it into registered land as well as the transfer and lease of registered land.

Two predominant types of estate are provided for under the LTA, perpetual estates (commonly referred to as PE) and fixed term estates (commonly referred to as FTEs). The "perpetual estate" is akin to a free-hold estate and gives the right to occupy, use and enjoy the land in perpetuity, subject to the performance of any obligations, and subject to any restrictions that may be imposed under law. The Solomon Islands Constitution establishes that only a Solomon Islander, or other person as may be prescribed by Parliament, has the right to hold or acquire a perpetual interest in land. A "fixed term estate" provides for the right to occupy, use and enjoy the land and its produce for a fixed period of time (usually 75 years), subject to payment of any rent and the performance of any obligations and subject to restrictions that may be imposed.

Lease estates in land, including long term leases, are also increasingly common.

#### 4.1.2 Customary land

There are a number of characteristics of land under customary tenure that influence the resettlement process associated with involuntary land acquisition. In Guadalcanal, as in much of Solomon Islands, there is no systematic authoritative record of customary ownership or tribal land boundaries. Land use, settlement, and community composition are dynamic in response to a number of social and physical influences, as described in the social impact assessment for the Tina Hydro project. In many areas, including the Project site, broad clans have in recent times divided into smaller sub-clan groups or lineages made up of family units. These units are referred to by Bahomea locals as "tribes" – implying communities of interest based on kinship and having a degree of internal cohesion and leadership structure. Among the Malango-speaking people of this part of Guadalcanal, tribal membership is assigned through matrilineal descent, i.e., based on the mother's lineage.

Land ownership claims are made through reference to custom, particularly special knowledge of oral histories, custom stories, legends etc., ancestors and lineages, the whereabouts of boundary markers (such as special landscape features, rocks, special trees etc.), and the whereabouts of sacred (tambu) places, i.e., places with special spiritual significance, ancestors' settlement sites, grave sites, etc. and knowledge of their 'stories'.

#### 4.1.3 Disputes about customary land

Outside of the land registration process in the LTA, an authoritative record of customary land ownership will only arise where a land dispute has been referred by one of the parties to a House of Chiefs under the *Local Courts Act*. Many of the disputes heard relate to the commercialisation of land for logging.

Disputes as to customary ownership are first referred to the House of Chiefs in the area. In the Tina Hydro area the Bahomea House of Chiefs (HOC) has approximately 56 representatives made up of tribal and village chiefs and 4 clan paramount chiefs<sup>5</sup>. The HOC has a constitution and acts as a council for customary local affairs. There is a separate HOC for the people of the Malango district. In a customary land dispute, the HOC considers the various claims using customary consultation processes drawing on traditional knowledge of the land under dispute (as above). Appeals against the HOC decisions about a land dispute may be taken to the Local Court<sup>6</sup> and then, on points of law only, to the Customary Land Appeals Court. Where any customary land dispute has gone through the above process the outcome is binding on the parties to the dispute.<sup>7</sup>

The outcomes of the land dispute resolution process can be used to inform the identification of land owners for the registration of customary land under the LTA, discussed below. Where a land acquisition officer (Division 1 process) or the Commissioner of Lands (Division 2 process) makes a decision as to customary land ownership, they should have regard to any decision of the HOC or a Court.

It is important to note, however, that the land identification process under the LTA and the land dispute resolution processes are otherwise independent. Land identification for the registration of customary land under the LTA does not need to go through the land dispute process; separate procedures are provided in the LTA for determining the owners of customary land for the purposes of registering customary land that do not involve the HOC.

It is noted for completeness that the *Customary Land Recording Act* is also concerned with the identification and recording of customary interest holders. However, the statutory bodies required under this Act have not been established and other than a pilot project the Act has never been formally used.

#### 4.1.4 Land acquisition processes for the Project

The Government is undertaking three separate acquisition processes to obtain ownership of the land for the Project. Each of these processes is provided for under the LTA and will result in the registration of all the land needed for the project, as follows:

- The first is a compulsory acquisition, under Division 2 of Part V of the LTA, of the customary land needed for the bulk of the Project activities, including the dam site, power station and those parts of the access road located on customary land, known as the Core Land. Following acquisition the land will become registered land. This process is well advanced.

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<sup>5</sup> Jean Williams, 2012.

<sup>6</sup> Section 12 of the *Local Courts Act*.

<sup>7</sup> There is no time limit for an appeal from the House of Chiefs so any decision of the Chiefs is binding only in the absence of any later appeal.

- The second is a voluntary land acquisition, under Division 1 of Part V of the LTA, for the two small parcels of customary land (total 500m<sup>2</sup>) needed to site rain gauge and flow gauge instruments in the upper Tina catchment. Through this process the 2 parcels of land will be registered in the name of the customary tribal owners and will then be voluntarily leased to the developer.
- The third is the voluntary purchase of registered land needed for the widening and enhancement of the section of access road from Black Post to Rate. The original registration of this land occurred largely in relation to the establishment of plantations in the area and predates the Tina Hydro proposal.

## 4.2 Compulsory Acquisition

### 4.2.1 Scope of the power of eminent domain

The Solomon Islands Government's powers of compulsory acquisition are set out in Division 2 of Part V of the *Land and Titles Act*. Division 2 gives the Minister of Lands the power to compulsorily acquire any customary or registered land where it is 'required for any public purpose'.<sup>8</sup>

However, this broad power is circumscribed by protections provided in the Constitution: Section 8(1) of the Constitution only allows a compulsory acquisition to occur where:

- the 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 in such a manner as to promote the public benefit";
- there is reasonable justification for causing any hardship to the interest holders;
- the acquisition is done under a law which provides for reasonable compensation (including lump sum or instalments, and by cash or other form) in a reasonable time; and
- the acquisition is done under a law which provides interest holders with the option of appealing to the High Court with respect to their ownership, the legality of the acquisition, or the compensation payable.

The Constitution also requires Parliament to provide the following additional safeguards where customary land is compulsorily acquired (section 112):

- prior negotiations must take place with the owners;
- the owners shall have a right to access independent legal advice; and
- as far as practicable, the interest acquired shall be limited to a fixed term interest.

Although Parliament has not provided for these safeguards in the LTA, the Minister of Lands and the Commissioner of Lands can take these into account in conducting the acquisition. These safeguards are discussed in more detail below.

### 4.2.2 Legal and administrative procedures for compulsory acquisition

The compulsory land acquisition process is set out in Division 2 of Part V of the LTA, taking into account the additional protections afforded in the Constitution. The legal process therefore becomes as follows:

1. Landowner identification – While not a legal step, landowner identification is necessary to identify the owners of any customary land in order to conduct the prior negotiations

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<sup>8</sup> Section 71(1) of the LTA.

required in the Constitution. As discussed above, there is no recognised record or register of customary landowners or land boundaries in Guadalcanal.

2. Prior Negotiation – Negotiations must be conducted with the owners of customary land before the land is acquired<sup>9</sup>
3. Declaration – the Minister of Lands declares that land is required for a public purpose. The declaration specifies the boundaries and extent of land required and the nature of the purpose for which the land is required;<sup>10</sup>
4. Publication – The declaration must be published in such manner as the Minister thinks fit. It is common practice to publish the declaration in the Government Gazette. It is upon publication that the land is legally acquired.<sup>11</sup> At this point owners have six months to appeal to the High Court to have the declaration quashed;<sup>12</sup>
5. Public Notification – following the declaration the COL posts notices describing the declaration, its effect and the right to compensation;
6. Notification of owners – the COL serves written notice of the declaration to each owner or landowning group, or each person who appears to own, or to claim to own, the land. The identification of landowners above will also assist in this step.
7. Assistance to prepare claims – the Provincial Secretary for each Province assists claimants to prepare claims.<sup>13</sup>
8. Access to legal advice – the timing of access to the independent legal advice that must be provided to customary landowners is not specified in the Constitution but would be relevant to the preparation of compensation claims.<sup>14</sup>
9. Submission of claims – by persons or groups wishing to claim compensation for their rights and interests taken in the acquisition of the land. Claims must be submitted within 3 months of the acquisition (date of publication in gazette). For customary land these claims in effect should include some evidence of customary ownership as well as any evidence as to value<sup>15</sup>;
10. Valuation and payment of compensation – The COL considers the claims, accepts or rejects them, and makes an offer of compensation. Offers and rejections are to be issued within 3 months of receipt of the claim. While not a specified legal step, it is at this stage that the COL may seek advice from the Valuer General, or other valuer, to inform the amounts of compensation payable.
11. Compensation by land – Where the land that is acquired is customary land, the COL may make an offer of land in lieu of cash, with the approval of the Land Board and the endorsement of Cabinet. Landowners may chose to accept either the land or the cash equivalent.<sup>16</sup>

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<sup>9</sup> Section 112(a) of the Solomon Islands Constitution

<sup>10</sup> Section 71 of the LTA

<sup>11</sup> Section 75 of the LTA

<sup>12</sup> Section 76 of the LTA

<sup>13</sup> Section 74 of the LTA

<sup>14</sup> Section 112(b) of the Solomon Islands Constitution

<sup>15</sup> Section 79(1) of the LTA

<sup>16</sup> Section 84 of the LTA (as amended in 2014)

12. Acceptance or appeal – Claimants have 3 months from the COL’s decision to appeal any rejection, or the amount of compensation offered, to the High Court. Where no appeal is lodged landowners are taken to have accepted an offer.
13. Provided there are no appeals in respect of the compensation amount and the offer is accepted, the COL shall cause payment to be made within 3 months of acceptance;<sup>17</sup> and
14. Notice to vacate – persons with an interest in the acquired land may continue to use and occupy the land until the COL gives them a notice in writing requiring them to vacate, but cannot develop the land without the COL’s consent<sup>18</sup>;
15. Alteration of the Land Register – provided that there are no appeals and the declaration has not been quashed, the land may be registered to the COL on behalf of the Government.

### 4.2.3 Judicial Remedies

The LTA provides two broad types of judicial remedy to those with an interest in the acquired land. The first is the option to appeal the validity of the acquisition. An appeal against the validity of the acquisition must be made to the High Court within 6 months of the acquisition of the land (the publication of the Minister’s notice in the Gazette).<sup>19</sup> The primary ground for such an appeal is that the acquisition was not made for a public purpose. Only persons with an interest in the land have standing to appear under the LTA. The timeframe to hear such an appeal will vary. The two previous public purposes appeals suggest that a judgment at first instance will take between 8 -12 months from the date the appeal is lodged. Any appeal to the Court of Appeal can take a further 12 months.

The second judicial remedy is an appeal to the High Court against the COL’s offer of compensation. This can be an appeal as to ownership or the COL’s valuation. Any person who has submitted a claim for compensation will have standing to bring an appeal. The appeal must be lodged within 3 months of the COL’s offer or rejection of their claim. It is open to the COL and Attorney General Chambers to settle a Court case out of Court and ADR procedures may be used to agree a disputed compensation amount.

### 4.2.4 Law governing valuation

The Constitution allows for Parliament to provide for the “*criteria to be adopted in regard to the assessment and payment of compensation for ... compulsory acquisition (which may take account of, but need not be limited to, the following factors: the purchase price, the value of improvements made between the date of purchase and the date of acquisition, the current use value of the land, and the fact of its abandonment or dereliction).*”

Notwithstanding this power, Parliament has not provided express criteria. The LTA provides that the COL may offer such “*amount of compensation as he may think proper*”.<sup>20</sup> Where an offer of compensation is appealed, the High Court may award such compensation as it “*in its absolute discretion thinks just*” with regard to the condition of the land on the date of acquisition and such other matters and circumstances the Court may consider relevant.<sup>21</sup>

Under the Constitution, the Acts of the United Kingdom Parliament of general application and in force on 1 January 1961 continue to apply in Solomon Islands where not inconsistent with national laws.<sup>22</sup> The relevant UK laws include the *Land Clauses Consolidation Act* and *The Acquisition of Land*

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<sup>17</sup> Section 79(2) of the LTA

<sup>18</sup> Section 78 of the LTA

<sup>19</sup> Section 76 of the LTA

<sup>20</sup> Section 79(2) of the LTA

<sup>21</sup> Section 83 of the LTA

<sup>22</sup> Section 76, Sch 3, Para 1 of the Constitution

(*Assessment of Compensation*) Act 1919. Basic valuation principles stemming from these Acts include:

- “Equivalence” – an owner should be paid no more or less than he suffers as a consequence of the forced sale. The principle of equivalence can include an amount for disturbance or other incidental loss;
- Compensation to have regard for the development potential of the land, where land is undeveloped or under developed;
- Compensation cannot be based on the value of the land to the acquiring body;
- Any increase in value due to the underlying scheme for which the land is acquired must be disregarded (often referred to as the Pointe Guardé Principle).

There have been no cases considering the applicability of these laws in the Solomon Islands.<sup>23</sup>

In addition to these broad principles, laws governing natural resource usage rights will also be relevant to the valuation of compensation. As discussed above, customary land rights include rights to some natural resources in accordance with customary law unless inconsistent with national legislation.

The value of profits from commercial timber should be taken into account in the valuation of land as trees are broadly considered ‘owned’ under custom. When determining the value of such resources to landowners reference must be had to the *Forest Resources and Timber Utilisation Act* which regulates the forestry industry and the sale of customary timber rights.

In contrast to timber, flowing water is not owned as property under Solomon Islands law and compensation for water flowing in a river bed is not payable. Water is taken to be a free resource available to all. Consideration of livelihoods impacts associated with the river for this project, however, is a component of this LRP<sup>24</sup>

## 4.3 Voluntary Registration and Lease of Customary Land

### 4.3.1 Overview of the Division 1 Process

The second type of land acquisition being used by the Project is the voluntary registration of customary land under Division 1 of Part V of the Lands and Titles Act, and the lease of that land from the registered owners for the Project. This is the process underway for the acquisition of the two small parcels of land needed to situate the flow gauge along the Tina River above the dam site, and the rain gauge in the upper Tina River at Chupukama in the very upper Tina Rier catchment.

The voluntary acquisition process is separate to and distinct from the compulsory acquisition process. Voluntary acquisition was not used for the Core Land because it presented various risks, as experience in Solomon Islands has shown, that it could lead to lengthy Court appeals and bitter and entrenched community disputes. Such risks would be amplified because the Tina Hydro development is a comparatively large project for the Solomon Islands and significant payments would be at stake.

However, voluntary acquisition was considered appropriate for the gauging station sites due to the small amount of land involved and the correspondingly lower amounts of compensation potentially

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<sup>23</sup> It is a question to be determined by the High Court as to whether the wide discretionary provisions of the LTA would be inconsistent with the application of English law in this regard.

<sup>24</sup> *Solomon Islands Water Authority v Commissioner of Lands* [2015] SBHC 58

due to the owners. The Project has secured the use of the gauging station sites with the agreement of the relevant tribes while land ownership is resolved. The money owing as rent on the sites is being held by the Project on trust for the owners who are to be identified through the statutory process. This is a common practice in Solomon Islands for smaller developments while the (sometimes lengthy) landowner identification is undertaken. As noted, one of the sites has a recognised tribal group owner, while ownership of the other is under appeal by several groups.

The registration of customary land under Division 1 of Part V requires the involvement of the Government through the Ministry of Lands, Housing and Survey. At the completion of the process title is ordinarily transferred to up to five nominated representatives (trustees) of the customary land owning group and a lease is granted to the COL on the terms agreed.

#### **4.3.2 Legal Process for the Acquisition of Customary Land under Division 1 of LTA**

The process for purchasing or leasing customary land is set out in Division 1 of Part V of the LTA as follows:

1. The Commissioner of Lands (COL) must appoint an Acquisition Officer (AO) to act as the Commissioner's agent;
2. The AO marks out the boundaries of the relevant land on the ground or on a map in such manner as to bring them to the notice of the persons affected;
3. The AO prepares a written agreement for the purchase or lease of the land with the people who claim to be the owners;
4. The AO gives public notice of the written agreement and organises a public meeting to determine whether the persons named in the agreement are the correct customary land owners;
5. If there is no dispute at the meeting, and no other claimants, the AO records this fact and sends a copy of their determination to the COL;
6. If there are rival claimants, the AO must determine the rightful owners of the land and send a copy of his determination to the COL and bring it to the attention of the originally identified parties and any claimants;
7. An appeal of the AO's determination can be made to the Magistrates Court within 3 months;
8. The decision of the Magistrates Court can be appealed to the High Court only on a question of law.
9. Once any appeals have been determined, or the period for appealing has expired, the agreement for sale or lease of the land in question can be implemented. Where the land is being leased, the Commissioner makes an order vesting the perpetual estate in the persons named as lessors – commonly representatives of the customary land group found to own the land.

### **4.4 Voluntary acquisition of land for the road and transmission corridors**

#### **4.4.1 The ownership situation**

Portions of the access road corridor (and transmission route) are made up of registered/alienated land. As noted, this land was legally registered many years ago. The route will pass through four

parcels of registered land. Since this land is already registered, the legal process for purchasing the land for the project is a relatively straightforward negotiation, sale, subdivision and transfer.

Two of the four parcels are owned by the Commissioner of Lands on behalf of the SIG, one by the Church of Melanesia, and one by the trustees of a Guadalcanal plains tribal group.

#### 4.4.2 Legal process for purchase of the registered land

The LTA provides a standard process for the purchase and transfer of registered land. Section 172 enables an owner of a perpetual estate, fixed term estate, or lease interest to transfer that interest using a standard instrument of transfer in the prescribed form.

The consent of the Commissioner of Lands may be required where this was a condition of the original grant of the estate. As the purchaser will be the Commissioner in this instance, this step will be part and parcel of the transfer.

The LTA provides an additional safeguards for a transfer where registered land is owned (or presumed to be owned) by trustees on behalf of a tribe.<sup>25</sup> Land that is jointly owned by two or more persons is deemed to be held on a 'statutory trust' for the beneficiaries.<sup>26</sup> These safeguards will apply to the disposition of the perpetual estate owned jointly by Timothy Urobo, Daniel Sekani and Selwyn Boboli. The law requires<sup>27</sup> that before the transfer may be registered there must be produced to the Registrar a statutory declaration made in public by each of the joint owners that the persons beneficially interested (usually the tribal members) have been consulted, and that the majority of them are in favour of the transfer.

The law also considers all jointly owned registered land to be subject to the following requirements (known as the "statutory trusts")<sup>28</sup>:

- The registered interest is held upon trust for the beneficial owners;
- The registered owners have the power to sell the land;
- The trustees must hold the net proceeds of sale on behalf of the beneficiaries; and
- Any beneficiary is entitled to full account of the proceeds.

In negotiating for the transfer of the portion of the access road that passes through the property of Timothy Urobo et al., the Government must ensure that these requirements are fulfilled.

#### 4.4.3 Valuation

As a voluntary sale the law does not impose any requirements pertaining to the valuation of the land, or require that market compensation be paid. The parties may undertake their own valuations to inform negotiations.

## 4.5 World Bank and IFC requirements

### 4.5.1 Overview

The Tina Hydro project planning is supported by the World Bank (WB). The project must therefore comply with the World Bank's Safeguard Policies (which make up Operational Policy 4). The WB Safeguard Policies collectively aim to avoid, mitigate, or minimize adverse environmental and social

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<sup>25</sup> Section 195(3) of the LTA.

<sup>26</sup> Section 200(1) of the LTA

<sup>27</sup> Section 195(3) of the LTA

<sup>28</sup> Section 214 of the LTA.

impacts of projects supported by the Bank. Two of the Safeguard Policies, OP 4.12 and OP 4.10, relate to land acquisition and livelihood impacts, and the management of their impacts.

Finance for the Tina Hydro development is being sought with the help of the International Finance Corporation (IFC), a member of the World Bank Group. The IFC is focused on supporting private sector-lead development through finding and providing capital and providing expertise. The IFC's Sustainability Framework and associated eight Environmental and Social Performance Standards (PS) apply to all investment and advisory clients whose projects go through IFC's initial credit review process. The Tina Hydro project developers must therefore meet the Performance Standards.

The IFC Performance Standards “are directed towards clients, providing guidance on how to identify risks and impacts, and are designed to help avoid, mitigate, and manage risks and impacts as a way of doing business in a sustainable way, including stakeholder engagement and disclosure obligations of the client in relation to project-level activities” (IFC, 2012). The Performance Standards (PS) are similar to the World Bank's Operational Policies in that two of the Performance Standards, PS 5 and PS 7, are directly relevant to land acquisition and livelihood impacts.

#### **4.5.2 The World Bank operational policies on project-related displacement**

##### ***Involuntary resettlement***

OP 4.12 concerns the effects of involuntary displacement of people and communities caused by a project or part of a project. Two kinds of displacement or loss are recognised, physical displacement (loss of shelter), and economic displacement (loss of assets and/or means of livelihood). Economic displacement is of relevance to the Tina Hydro project.

While the ESIA shows that no physical displacement or loss of shelter will occur with the Tina Hydro project, OP 4.12 is triggered because the project, through the land acquisition process being employed:

- will cause an involuntary loss of assets or access to assets for some owners, including the land and resources of the Core Land area; and
- an involuntary loss or curtailment of access to income sources and/or means of livelihood by owners and non-owning users of the land being acquired for the project.

In this case, the Project Office (on behalf of the SIG) is drawing up and implementing a mandatory plan to compensate in full for the lost assets and access, and provide livelihood support and economic development opportunities to those affected.

##### ***Indigenous peoples***

OP 4.10 is specifically concerned with the effects of a development on Indigenous People, and requires special consideration of their needs on the part of developers. The Policy requires that indigenous people affected by the development be fully engaged and consulted about the development (in a process called ‘free prior and informed consultation’), that they assent to the development, and that they benefit directly from it.

OP 4.10 is triggered because the Tina Hydro project affects Indigenous Peoples. All of the local people of the Tina hydro project area are indigenous people according to the Solomon Islands Constitution and definitions provided by the World Bank. However, some of the assumptions made about indigenous people in OP 4.10 do not apply to peoples of the Solomon Islands - where over 98% of the population belongs to an indigenous Solomon Islands ethnic group and there is no apparently dominant ethnic group.

As outlined on table 4.1 below, the developer must avoid potentially adverse effects on the Indigenous Peoples' communities, and when avoidance is not feasible, minimize, mitigate, or

compensate for such effects. The developer/borrower must also undertake a process of free prior and informed consultation with them about the development, receive their agreement for the development to proceed, and ensure they receive appropriate social and economic benefits from the development.

### 4.5.3 The IFC Performance Standards on Land acquisition and displacement

#### *Land acquisition and involuntary resettlement*

As with the World Bank's OP 4.12, the IFC PS 5 is concerned with economic displacement as well as physical displacement that results from project-related involuntary land acquisition. PS 5 says that involuntary acquisition occurs when 'affected individuals or communities do not have the right to refuse land acquisition'.

PS 5 is triggered for the Tina Hydro project in several ways. First, much of the land required for the project is being acquired by the government using its lawful powers under the LTA to expropriate customary land for the project and restrict its use. Second, the acquisition will lead to a loss of assets or access to assets belonging by custom to five tribal groups, and that this has been assessed in the ESIA as potentially leading to loss of income sources or means of livelihood for the owners and users of the land concerned.

In regard to effects on livelihoods, PS 5 encourages borrowers to use negotiated settlements for land, rather than involuntary or compulsory acquisition. If involuntary acquisition occurs, as with Tina Hydro, the developer/IFC client must

- seek to avoid and minimise the negative impacts on the affected peoples' livelihoods, and where possible seek to improve their standard of living;
- provide compensation, and a transparent and consistent manner, for loss of assets at full replacement cost, along with assistance to restore standards of living or livelihoods;
- not take possession of the land until compensation has been made;
- engage the affected communities about the proposed compensation and livelihood restoration activities, including a mechanism for resolving grievances;
- prepare a livelihoods restoration plan.

#### *Indigenous peoples*

The IFC's PS7, like the World Bank's OP 4.10, concerns the treatment of Indigenous Peoples who are affected by a development project. This standard recognises that such people can be especially vulnerable to loss or degradation of their lands and livelihoods resources, and should specifically benefit from project-related activities in order that they may achieve their economic and social development aspirations. In regard to the effects on Indigenous Peoples livelihoods, PS 7 broadly requires the developer/client to

- obtain the free, prior, informed, and documented consent of the communities of Indigenous Peoples for the particular development to occur that will affect their customarily held lands and natural resources;
- established such consent through good faith negotiation between the affected communities and the developer/client;
- seek to avoid and minimise adverse effects on the peoples livelihoods;
- provide culturally appropriate compensation for any unavoidable impacts;
- ensure that any proposed actions are developed with the informed consultation and participation of the affected Indigenous Peoples, and are time-bound.

As will be seen in subsequent sections, each of these requirements has been well attended to in the planning for the project and in the proposed livelihoods protection and restoration principles, proposals, and entitlements.

Table 4.1: Alignment of World Bank Operational Policies and International Finance Corporation Performance Standards on Environmental and Social Sustainability

WB Operational Policy OP 4.12: Involuntary Resettlement	IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement	WB Operational Policy OP 4.10: Indigenous Peoples	IFC Performance Standard 7: Indigenous Peoples *
<p><i>Policy Objectives</i></p> <p>Involuntary resettlement may cause severe long-term hardships, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out.</p> <p>The overall objectives of the World Bank’s policy on involuntary resettlement are:</p> <ul style="list-style-type: none"> <li>• Involuntary resettlement should be avoided where feasible, or minimised, exploring all viable alternative project designs</li> <li>• Where it is not feasible...resettlement activities should be conceived as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and have opportunities to participate in planning and implementing resettlement programs</li> <li>• Displaced persons should be assisted in their efforts to improve</li> </ul>	<p><i>PS 5 Objectives</i></p> <p>Performance Standard 5 (PS5) recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land.</p> <p>Involuntary resettlement should be avoided. Where unavoidable, it should be minimized and appropriate measures to mitigate adverse impacts ... should be carefully planned and implemented.</p> <p>Clients are encouraged to use negotiated settlements while addressing the following PS5 objectives:</p> <ul style="list-style-type: none"> <li>• avoid, when avoidance is not possible, minimize displacement by exploring alternative project designs</li> <li>• avoid eviction</li> <li>• anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by: providing compensation for loss of assets at replacement cost, and; ensuring that land resettlement</li> </ul>	<p><i>Policy Objectives</i></p> <p>To ensure that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples.</p> <p>For all projects that are proposed for Bank financing and affect Indigenous Peoples, the Bank requires the borrower to engage in a process of free, prior, and informed consultation (FPIC).</p> <p>The Bank provides project financing only where FPIC results in broad community support to the project by the affected Indigenous Peoples.</p> <p>Such Bank-financed projects include measures to (a) avoid potentially adverse effects on the Indigenous Peoples' communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. Bank-financed projects are also designed to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate</p>	<p><i>PS 7 Objectives</i></p> <p>Performance Standard 7(PS7) recognizes that Indigenous Peoples are particularly vulnerable if their lands and resources are transformed, encroached upon, or significantly degraded.</p> <p>Opportunities can be created for Indigenous Peoples to participate in, and benefit from project-related activities that may help them to fulfil their aspiration for economic and social development.</p> <p>Clients should collaborate with the responsible authorities in managing the risks and impacts of their activities, while addressing the following PS7 objectives:</p> <ul style="list-style-type: none"> <li>• ensure that the development process fosters full respect for the human rights, dignity, aspirations, culture, and natural resource-based livelihoods of Indigenous Peoples</li> <li>• anticipate and avoid adverse impacts of projects on communities of Indigenous Peoples, or when avoidance is not possible, to minimize and/or compensate for such impacts</li> <li>• promote sustainable development benefits and opportunities for</li> </ul>

<p>their livelihoods and standards of living or at least to restore them</p>	<p>activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected</p> <ul style="list-style-type: none"> <li>• improve, or restore, the livelihoods and standards of living of displaced persons</li> <li>• improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites.</li> </ul>	<p>and gender and inter-generationally inclusive.</p> <p>For the purposes of this policy, the term "Indigenous Peoples" is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:</p> <p>(a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;</p> <p>(b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;[7]</p> <p>(c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and</p> <p>(d) an indigenous language, often different from the official language of the country or region.</p>	<p>Indigenous Peoples in a culturally-appropriate manner</p> <ul style="list-style-type: none"> <li>• establish and maintain an ongoing relationship based on Informed Consultation and Participation (ICP) with the Indigenous</li> <li>• Peoples affected by a project throughout the project's life cycle</li> <li>• ensure the Free, Prior, and Informed Consent (FPIC) of the Affected Communities of Indigenous Peoples when the circumstances described in this Performance Standard are present, and</li> <li>• respect and preserve the culture, knowledge, and practices of Indigenous Peoples.</li> </ul>
<p><i>Impacts covered</i></p> <p>Direct Economic and Social Impacts caused by the involuntary taking of lands, resulting in:</p> <ul style="list-style-type: none"> <li>• Relocation or loss of shelter</li> <li>• The loss of assets or access to assets</li> <li>• The loss of income sources or means of livelihood, whether or</li> </ul>	<p><i>Impacts covered</i></p> <p>Involuntary resettlement as a result of project-related land acquisition refers to:</p> <ul style="list-style-type: none"> <li>• Physical displacement - relocation or loss of shelter, and/or</li> <li>• Economic displacement - loss of assets or access to assets that leads to loss of income sources or other means of livelihood</li> </ul>	<p><i>Impacts covered</i></p> <p>The identities and cultures of Indigenous Peoples are inextricably linked to the lands on which they live and the natural resources on which they depend. These circumstances expose Indigenous Peoples to different types of risks and levels of impacts from development projects, including:</p> <ul style="list-style-type: none"> <li>• The loss of identity and culture,</li> </ul>	<p><i>Impacts covered</i></p> <p><i>Indigenous Peoples</i> may be more vulnerable to the impacts associated with project development than non-indigenous communities. In addition to possible threats to languages, cultures, religions, spiritual beliefs, and institutions, vulnerability may include:</p> <ul style="list-style-type: none"> <li>• The loss of identity and culture</li> </ul>

<p>not the affected persons must move to another location.</p>		<ul style="list-style-type: none"> <li>• The loss of customary livelihoods, and</li> <li>• Exposure to disease.</li> </ul>	<ul style="list-style-type: none"> <li>• The loss of natural resource-based livelihoods</li> <li>• Exposure to impoverishment and diseases</li> </ul>
<p><i>Required Measures</i></p> <p>To address the impacts covered, a resettlement plan (or abbreviated plan) is prepared. It is to include measures to ensure that:</p> <ul style="list-style-type: none"> <li>• Affected Persons are informed about their options and rights, consulted with and provided technically and economically feasible alternatives; provided prompt and effective compensation at full replacement cost for asset losses attributable to the project and/or alternative or similar resources to compensate for the loss of access to community resource, and; provided support (for a transition period) and developmental assistance</li> <li>• The needs of vulnerable groups warrant particular attention</li> <li>• The taking of land is to take place only after compensation has been paid and measures to assist are implemented</li> <li>• Appropriate and accessible grievance mechanisms are to be established</li> </ul>	<p><i>Required Measures</i></p> <p>The IFC requires its clients to apply the Performance Standards to manage the environmental and social risks and impacts so that developmental opportunities are enhanced.</p> <p>PS 5 Measures comprise:</p> <ul style="list-style-type: none"> <li>• Project Design: Feasible alternative designs will be considered to avoid or minimize physical and/or economic displacement, while balancing environmental, social, and financial costs and benefits and paying particular attention to the poor and vulnerable</li> <li>• Compensation and Benefits: Compensation will be awarded for loss of assets at full replacement cost, along with assistance to restore standards of living or livelihoods as provided by PS5. Compensation standards will be transparent and applied consistently to all communities and persons affected. Where livelihoods are land-based or land collectively-owned (and where feasible), land-based compensation will be offered.</li> </ul>	<p><i>Required Measures</i></p> <p>A project proposed for WB financing that affects Indigenous Peoples requires:</p> <ul style="list-style-type: none"> <li>• Screening by the WB to identify whether Indigenous Peoples are present in, or have collective attachment to, the project area</li> <li>• A social assessment by the borrower, to evaluate the project's potential positive and adverse effects on the Indigenous Peoples, and to examine project alternatives where adverse effects may be significant.</li> <li>• A process of FPIC with the affected Indigenous Peoples' communities at each stage of the project, and particularly during project preparation, to fully identify their views and ascertain their broad community support for the project</li> <li>• The preparation of an Indigenous Peoples Plan (IPP) or an Indigenous Peoples Planning Framework (IPF)</li> <li>• Disclosure of IPP or IPF.</li> </ul> <p>The level of detail necessary to meet the specified requirements is proportional to the complexity of the proposed</p>	<p><i>Required Measures</i></p> <p>The IFC requires its clients to apply the Performance Standards to manage the environmental and social risks and impacts so that developmental opportunities are enhanced.</p> <p>Performance Standard 7 Measures comprise:</p> <ul style="list-style-type: none"> <li>• Avoidance of Adverse Impacts: Through the risks and impacts assessment process the affected communities of Indigenous Peoples will be identified, along with the nature and degree of the expected impacts. The client will minimize, restore, and/or compensate for the impacts in a culturally appropriate manner commensurate with their nature and scale, and the vulnerability of Communities.</li> <li>• The client's proposed actions will be developed with the Informed Consultation and Participation of the Affected Communities and contained within a time-bound plan</li> <li>• Participation and Consent: The client will undertake an engagement process</li> </ul>

<ul style="list-style-type: none"> <li>Existing social and cultural institutions are to be preserved, to the extent possible, and the affected persons' preferences honoured</li> </ul>	<ul style="list-style-type: none"> <li>Possession of acquired land and related assets will occur after compensation has been made available. Opportunities will be provided to displaced communities and persons to derive appropriate development benefits from the project.</li> <li>Community Engagement: The client will engage with affected communities through the process of stakeholder engagement described in PS1. Decision-making processes related to resettlement and livelihood restoration should include options and alternatives where applicable. Disclosure of relevant information and participation will continue during the planning, implementation, monitoring and evaluation of compensation payments, livelihood restoration activities, and resettlement to achieve outcomes consistent with PS5.</li> <li>A Grievance Mechanism, consistent with PS1 will be established by the client in the project development stage.</li> <li>Resettlement and Livelihood Restoration Planning and Implementation (outlined in Planning, Implementation and Monitoring).</li> </ul>	<p>project and commensurate with the nature and scale of the project's potential effects on the Indigenous Peoples, whether adverse or positive.</p>	<p>with the Affected Communities of Indigenous Peoples as required in PS1. This process includes stakeholder analysis and engagement planning, disclosure of information, consultation, and participation, in a culturally-appropriate manner. It is to involve Indigenous Peoples' representative bodies and organizations, and provide sufficient time for community decision-making processes.</p> <ul style="list-style-type: none"> <li>The client will obtain the free, prior, and informed consent (FPIC) of the Affected Communities of Indigenous Peoples in relation to impacts on lands and natural resources subject to traditional ownership or under customary use; the relocation of Indigenous Peoples from lands and natural resources subject to traditional ownership or under customary use, and significant impacts on critical cultural heritage.</li> <li>The client will document the mutually-accepted process as well as evidence of agreement between the parties as the outcome of negotiations.</li> </ul>
<p><i>Eligibility for Benefits</i></p>	<p><i>Eligibility for Compensation and Benefits</i></p>	<p><i>Eligibility/Identification</i></p>	<p><i>Eligibility for Compensation and Benefits</i></p>

<ul style="list-style-type: none"> <li>• The borrower carries out a census to identify the persons who will be affected by the project to determine who will be eligible for assistance and to discourage the inflow of people ineligible for assistance.</li> <li>• The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons will be deemed eligible.</li> <li>• For losses of assets other than land, all persons are provided compensation.</li> </ul>	<p>A census will establish the status of <i>'Displaced persons'</i> who may be classified as:</p> <ul style="list-style-type: none"> <li>• Persons who have formal legal rights to the land or assets they occupy or use</li> <li>• Persons who do not have formal rights to land or assets, but have a claim to land that is recognized or recognizable under national law</li> <li>• Persons who have no recognizable legal claim to the land or assets they occupy or use</li> </ul>	<p>In OP4.10, 'Indigenous Peoples' refers to distinct social and cultural group possessing these <i>characteristics</i>:</p> <ul style="list-style-type: none"> <li>• Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others</li> <li>• Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories</li> <li>• Customary cultural, economic, social or political institutions, and</li> <li>• A distinct language or dialect.</li> </ul>	<p>In PS7, <i>'Indigenous Peoples'</i> refers to a distinct social and cultural group possessing these <i>characteristics</i>:</p> <ul style="list-style-type: none"> <li>• Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others</li> <li>• Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories</li> <li>• Customary cultural, economic, social or political institutions, or a distinct language or dialect.</li> </ul>
<p><i>Planning, Implementation, and Monitoring</i></p> <p>The borrower is responsible for preparing, implementing, and monitoring:</p> <ul style="list-style-type: none"> <li>• A resettlement plan or abbreviated resettlement plan/policy framework</li> <li>• A comprehensive process framework for projects involving restriction of access, with a strategy for achieving policy objectives. It will: <ul style="list-style-type: none"> <li>- Include early screening, scoping of key issues and the information required to prepare the resettlement component or subcomponent</li> </ul> </li> </ul>	<p><i>Planning, Implementation, and Monitoring</i></p> <p>The client will be responsible for the development of:</p> <ul style="list-style-type: none"> <li>• A Resettlement and/or Livelihood Restoration Framework, outlining general principles compatible with PS5.</li> <li>• A Resettlement Action Plan or Livelihood Restoration Plan and Procedures (expanded and specific)</li> </ul>	<p><i>Planning, Implementation, and Monitoring</i></p> <p>The borrower undertakes to:</p> <ul style="list-style-type: none"> <li>• conduct a social assessment to evaluate the project's potential positive and adverse effects on the Indigenous Peoples</li> <li>• engage in free, prior an informed consultation with affected Indigenous Peoples by: <ul style="list-style-type: none"> <li>- establishing a gender and inter-generationally inclusive framework that provides opportunities for consultation at each stage of the project</li> <li>- designing consultation methods appropriate to the social and cultural values of the affected peoples and their local</li> </ul> </li> </ul>	<p><i>Planning, Implementation, and Monitoring</i></p> <p>The client will be responsible for the development of:</p> <ul style="list-style-type: none"> <li>• A time-bound plan of proposed actions based on the Informed Consultation and Participation of the Affected Communities.</li> <li>• The client will undertake an engagement process with the Affected Communities of Indigenous Peoples as per the requirements of this Standard and those of PS1. This process will identify mitigation measures in alignment with the mitigation hierarchy described in PS1, as well as culturally appropriate and sustainable development benefits.</li> </ul>

<ul style="list-style-type: none"> <li>- draw on appropriate expertise and relevant community-based organisations and NGOs</li> <li>- vary in scope and detail, depending on the magnitude and complexity of the component of resettlement</li> <li>- be cost-effective (with costs of resettlement included in the overall costs of the project)</li> <li>• The plan will be provided, in draft, to the Bank, and made available to the displaced persons and local NGOs in a form, manner and language understandable to them.</li> </ul>		<p>conditions that give special attention to the concerns of Indigenous women, youth and children and their access to development opportunities and benefits, and</p> <ul style="list-style-type: none"> <li>- providing all relevant information in a culturally appropriate manner at each stage of the project</li> <li>• develop a Social Assessment (SA) Report that documents the findings of the SA; the process of FPIC with the affected communities; additional measures, modifications, and recommendations, and; formal agreements with the Indigenous Peoples/Organizations, and includes an Indigenous Peoples Plan or Planning Framework (IPP/IPPF) that sets out measures to ensure that affected Indigenous Peoples receive culturally appropriate social and economic benefits, and adverse effects are avoided, minimized, mitigated, or compensated for</li> <li>• make the SA Report and draft IPP/ IPPF available to the affected communities, in an appropriate form, manner and language</li> <li>• make the Report and final IPP/IPPF available to the Bank for review, and</li> <li>• when approved by the WB, make the Report/Plan available to the affected Indigenous communities in</li> </ul>	<ul style="list-style-type: none"> <li>• The client will ensure the timely and equitable delivery of agreed measures to the Affected Communities</li> <li>• The determination, delivery, and distribution of compensation and other benefit sharing measures will take account of the laws, institutions and customs of these communities as well as their level of interaction with mainstream society.</li> <li>• Eligibility for compensation can either be individually or collectively based, or be a combination of both. Where compensation occurs on a collective basis, mechanisms that promote effective delivery and distribution of compensation to all eligible members of the group will be defined and implemented.</li> </ul>
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		the same manner as the draft documents.	
<p><i>Resettlement Instruments</i></p> <ul style="list-style-type: none"> <li>• Resettlement Plan or abbreviated RP that conforms to this policy</li> <li>• Resettlement Policy Framework</li> <li>• Process Framework</li> </ul>	<p><i>Resettlement Instruments</i></p> <ul style="list-style-type: none"> <li>• A Resettlement and/or Livelihood Restoration Framework, outlining general principles compatible with PS5.</li> <li>• A Resettlement Action Plan or Livelihood Restoration Plan and Procedures.</li> </ul>	<p><i>Resettlement Instruments</i></p> <ul style="list-style-type: none"> <li>• A Social Assessment Report that conforms to this policy, integrating</li> <li>• An Indigenous Peoples Plan/Planning Framework</li> </ul>	<p><i>Resettlement Instruments</i></p> <p>A time-bound plan of proposed actions based on the Informed Consultation and Participation of the Affected Communities.</p>
<p><i>Assistance to the Borrower</i></p> <p>In furtherance of the objectives of this policy, the Bank may support the borrower and other concerned entities.</p>			
			<p>* Note that PS 7 states that where members of affected indigenous community members hold the legal title to land and/or resources, or the national law recognises customary rights for individuals, the requirements of PS5 apply.</p>

Table 4.2 – Gaps between OP 4.12, PS5 and PS7, and Solomon Islands law regarding assets and livelihoods loss from land acquisition

Provisions of OP 4.12	Provisions of PS5 & PS7	Provisions of Land and Titles Act and Constitution
Requirement to avoid or minimize impacts of economic displacement	Objective- to avoid & minimize physical and economic displacement of land acquisition. Avoid impacts on indigenous cultural places and resources.	No requirement to avoid or minimize impacts, can declare any land subject to acquisition for public purposes.
Meaningful consultation and free, prior and informed consent is obtained	<p>Requirement for disclosure, and community engagement throughout LR programme.</p> <p>PS7: Requirement for free prior and informed consent of affected indigenous communities, and evidence of agreement.</p>	<p>Constitution requires prior negotiation with customary owners and access to independent legal advice.</p> <p>LTA Part V Division 2 has no requirement for consultation; Minister declares land is required and provides for “notification” of owners.</p>
Compensation and assistance for land and resource acquisition, restricted access to land and resources, and loss of livelihood	<p>Provide replacement or compensation for all lost livelihoods assets and shelter, including restrictions of access, due to involuntary acquisition.</p> <p>PS7: Compensation, impacts mitigation and benefit sharing to Indigenous people from land acquisition, and loss of access &amp; transit , including for lands and resources under customary title and use.</p>	<p>Covers only acquisition of land, however, valuation will include all fixtures on land including trees and gardens. Does not specifically require consideration of livelihood impacts or losses.</p> <p>Recognises customary title and right to compensation for it compulsory acquisition.</p>
A time-bound plan setting out assessment of losses and impacts, consultations, compensation process and schedule is to be prepared	<p>Requires a Resettlement Plan or Livelihoods Restoration Plan (for economic displacement only) describing appropriate measures to mitigate adverse effects of physical and/or economic displacement and to meet the objectives of the PS. Details for the plan are specified where there is physical displacement of people.</p> <p>PS7: A time-bound plan such as an Indigenous Peoples’ Plan or community development plan describing actions for dealing with impacts on indigenous peoples. Evidence of efforts to avoid, minimize and compensate for effects of project</p>	Does not require a “plan” or assessment report, requires only publication of declaration

Recognizes non-titled persons as eligible for compensation (for structures, crops, trees etc.) and land in some cases	Affected persons or communities with land rights and land use rights, including traditional rights, and those with no recognisable legal right to the land or assets they use.  PS7 Covers indigenous peoples with attachment to and dependence on habitats and territories in the project area but without legal title , Where indigeous peoples have legal customary rights, PS5 applies.	Recognizes all interest holders in the land whether registered or customary. Also recognises secondary customary interests to crops, trees and structures where claims are made.
RP must be satisfactorily implemented (compensation paid, livelihood assistance measures commenced and monitoring undertaken) prior to any changes in land title	Compensation must be made available (paid or placed in escrow), resettlement sites provided, and moving and other allowances paid prior to the client (borrower) taking possession of the land.	Land register can be altered in favour of Government provided there are no appeals against declaration (prior to compensation being awarded)
Compensation to be paid proactively to land/resource owners (including individuals or groups) based on identification in an inventory –as of certain date.	Compensation to be paid proactively to land/resource owners (including individuals or groups) based on identification in a land and assets inventory –as of certain date.  PS7:Can be individual and/or collective compensation. Must be effective, timely and equitable delivery of copensation and benefits	Compensation only paid if interest holders submit a claim within three months of declaration and offer of compensation accepted by interest holder
Valuation of land and resources based on replacement cost at current market prices	Valuation for purposes of compensation based on full replacement cost, based on local market prices. Compensation in kind in lieu of cash provided for.	Valuation primarily based on condition of land. Amount of compensation is at the discretion of the Commissioner of Lands (though must be just). No case law exists. Best interpretation is current market value of land and resources.
Special identification of and measures to be provided for “severely” affected households (i.e. those losing 10% or more of productive assets)	No differentiation made based on level of affects and availability of benefits.  PS7: Provides for additional proceedures and measures for indigeous people and communities due to their particular vulnerability. Indigeous people must benefit from the project. Requirement of assesments and responses to be gender inclusive.	No differentiation made for magnitude of losses, no additional measures required (compensation for land and assets lost regardless of impact of loss.

## 5 The Acquisition of the Land for the Tina Hydro Project

### 5.1 Project planning access agreement

In 2011, to facilitate site investigations and other fieldwork for the Tina Hydro Project, the SIG entered into a land access agreement with the 27 land owning tribes of the Ngalimbiu-Tina River area. In the agreement, the customary landowners guaranteed to provide physical access to their lands for 18 months to enable investigative drilling, environmental and social impact studies to be carried out. In return the SIG gave each tribe a “goodwill payment” SB\$100,000, i.e., a total of \$2.7 million, paid into a “*special account held on behalf of the landowners, and under control of the [then] Landowner Council.*”<sup>29</sup>. These funds were disbursed to the landowners through the formula for their distribution, and their final use, is not clear.

In February 2013, following a programme of community consultations involving more than 500 members of the affected communities, the landowners agreed to extend the access agreement for a further 18 months to enable finalisation of the technical studies.

### 5.2 Acquisition of the Core Land

While the process used was a ‘compulsory’ process under the LTA, the acquisition of the Core Land was contingent on first obtaining the consent of all identified landowning tribes. This consent was obtained through the negotiation of a written ‘process agreement’. The steps involved in the acquisition process are discussed in more detail below. As will be seen, the land acquisition process is consistent with the requirements of the World Bank’s OP 4.12 and 4.10, and the IFC’s PS5 and PS7 where there must be free prior and informed consent by the land owners and communities. Community support for the overall project was evident in the community SIA workshops in 2013 and 2014.

#### 5.2.1 Identification of the customary owners of the core land

The Bahomea Land Identification Committee (BLIC) conducted the primary landowner identification for the Core Land over a period of eight months spanning December 2012 to August 2013. BLIC was a Bahomea initiative led by several traditional chiefs and other leaders sitting on the Bahomea House of Chiefs following and extended period of ineffectiveness on the part of the project Landowner Council.

The Landowner Council was established and funded by the SIG via the Project Office as a Malango-ward consultative body for the project and primary agent for undertaking the identification of the customary landowners. While mandated to conduct this identification, its internal dynamics, makeup, orientation and incentive structure meant that it was unable to make any progress on identifying any customary landowners. It also was unable to transmit information effectively, leading to tribal members to express strong dissatisfaction with performance of its consultative role.

Its lifespan was explicitly tied to the completion of customary landowner identification, and when this was successfully accomplished, albeit through the BLIC, its term came to an end.

The BLIC was made up of traditional knowledge holders (known as story tellers), chiefs and elders from different tribes within the Bahomea and Malango districts of Central Guadalcanal. The status of the chiefs, elders and story tellers in their tribes and communities gave the Committee a reputation as representative of the community and as providing an authentic land identification process. The Committee used traditional Central Guadalcanal methods to determine land ownership – including

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<sup>29</sup> Press release TRHDP project office, 2011. “Energy minister hands over 2.7 million dollars to Tina River landowners”.

examining as historical and traditional oral knowledge about land ownership, tribal groupings, and evidence of ownership such as details of the location of tambu sites, boundaries, totems, spirits, migration routes, and of genealogies. Much of this information would not be available to the younger generation and is considered confidential to each tribe; hence the reluctance to have it aired in a public forum as described earlier. No women served on the BLIC, despite women being traditionally the bearers of knowledge about the matrilineal lines, and their originating places.

As mentioned, the BLIC land identification process took more than 12 months and involved more than 50 meetings between different elders, chiefs and tribal representatives. There is no evidence of land owner bias or of conflicts of interest in BLIC's determinations of landownership – as evidenced in the Committee's findings that none of BLIC's principal members have been determined to hold primary interests in the Core Land. However, the decision making process appears to have been dominated by men.

The Project Office subsequently sought to confirm BLIC's findings through a series of discussions with representatives from different tribes. It also reviewed and considered written and verbal landownership claims. As a result of this process, the Project Office took into account:

- Customary land evidence received;
- Previous decisions of Chiefs' Hearings, Local Court, Customary Land Appeals Court and High Court concerning land ownership in the Core Land. (These are court cases stemming from the customary land disputes process set out in paragraph 4.1.3 above);
- Boundaries walked by tribal representatives with a qualified surveyor;
- Tambu sites identified by tribal representatives with a qualified surveyor; and
- The support of neighbouring tribes for land boundaries.

This process resulted in some refinement of BLIC's initial findings with respect to some of the smaller land parcels to arrive at the land boundaries set out in Schedule 2 to the Process Agreement.

Using this culturally appropriate and accepted consultative and investigative process, the customary land owning lineages were identified as being

- the Roha tribe,
- the Buhu Garo tribe,
- the Kochiabololo tribe, and
- the Vuralingi tribe.

In addition, the Commissioner of Lands, (in considering evidence submitted in support of claims for compensation arising from the compulsory acquisition in August 2014) further determined that a fifth tribal grouping Uluna-Sutahuri was customary owner of the land on the right bank of the proposed reservoir.

The Uluna-Sutahuri grouping was included in the process agreement and compensation negotiations as below.

### **5.2.2 The process agreement with the Core Land owners**

With BLIC having identified the customary owners of the Core Land, the Project Office undertook a negotiation with those owners on how to proceed with the land acquisition. The "Process Agreement" with each of the four relevant tribes was arrived at during negotiations undertaken over 3 months in mid 2014. Project staff and 6-10 representatives of each identified tribe were involved. The four tribes were asked to bring both male and female representatives to the negotiation meetings, and approximately half complied with this request. The project funded a lawyer, engaged through the Landowner's Advocacy and Legal Support Unit (LALSU) of the Public Solicitor's Office, to provide independent legal support to each tribe during the negotiations.

Six or so rounds of negotiations were held with each tribe. After each round, amendments were made to the text of the process agreement ahead of the next round. Some negotiations took place with each tribe separately, and others with representatives of all tribes together.

When the final text (in English) was agreed by representatives of all four tribes, Project Office staff held community awareness meetings in key villages populated by the members of each tribe. At the meetings the Project Office presented on the key clauses of the process agreement, explained the acquisition, and provided maps of the Core Land to be acquired. Tribal members were given an opportunity to comment and to ask questions. None of the tribal members attending these meetings objected to the acquisition of the land for the project.

Each tribe chose seven representatives, including two women, to sign the final agreement. The final few signatures were made at a ceremony before the then Prime Minister (Gordon Darcy Lilo) in July 2014.

At the time the agreement was negotiated, a portion of the land acquired for the purposes of the reservoir was outside of Bahomea. As such, BLIC did not conduct land identification for this area and the reservoir land was not included as part of the Process Agreement. The potential owners were advised to register an interest in the land by the Commissioner of Lands as part of the compulsory acquisition step that followed, and they did so in November 2014. Furthermore, provision was made in the Process Agreement for the inclusion of the owners of the reservoir land in the Tina Core Land Company once they had been identified formally. This was the land parcel later found to belong to Uluna-Satahuri.

The main features of the agreement are as follows:

The Core Land Tribes consented to:

- the “compulsory” acquisition of the land by the SIG under Section 75 of the LTA; and
- provide unimpeded access to the Core Land for the constructor, and developer/operator;

The Solomon Islands Government agreed to:

- A return to the tribes of a 50% ownership in the acquired land after the acquisition through the creation of the Tina Core Land Company (TCLC). The TCLC will be a joint venture company between SIG and the landowning tribes (with shares in proportion to the land acquired). It is this joint venture company which will lease the land to the developer;
- Provide assistance to the Core Land and Reservoir Land tribes for each to establish a corporation to receive and invest or distribute the royalty payments, dividends from the TCLC, and the compulsory acquisition compensation;
- A revenue share (royalty) of 1.5% of the price paid by SIEA to the developer each year, paid directly to each tribes’ corporate organisation. The payment is calculated as a percentage of the monthly power purchase price payable by SIEA under the power purchase agreement;
- A consent fee for each tribe and signatory - paid in cash;
- Financial, management and investment training for tribal members;
- A guaranteed minimum payment per hectare for the acquired land (with the land owning tribe also entitled to compensation under the LTA - and as per the World Bank and IFC requirements);
- Legal support to assist the tribes to work through the statutory compulsory acquisition claims process.
- The benefit of the full rental payable by the developer to the Tina Core Land Company under the lease; and
- Free transfer of the SIG shares in the TCLC to the landowners after the hydro scheme has ceased operations.

The Process Agreement also contained a timeline for the implementation of various aspects of the agreement.

### 5.2.3 Compulsory acquisition of the core land

#### *Advantages for land owners*

The Process Agreement provided the written consent of the identified Core Land owning tribes to proceed with a statutory compulsory acquisition for the purposes of the Tina Hydro project.

As noted elsewhere, a compulsory acquisition process under Division 2 of the Land and Titles Act was selected because it had advantages over the other form of customary land registration available under Solomon Islands' legislation, as follows.

LTA Division 1 acquisition, which requires public hearings for the presentation of traditional and sacred evidence in support of customary ownership claims, publicly exposes the Indigenous Peoples' secret traditional cultural knowledge of the land and its resources and therefore risks its theft. People have had the experience of their sacred and secret knowledge being recorded by rival claimants during such public hearings, and then having this knowledge used later by the rivals to strengthen their own claims. The local people were therefore legitimately concerned that use of the Division 1 process could lead to the wrong claimants being recognised as rightful owners, thereby giving rise to long-term injustice and internal social conflict.

The Division 1 process results in a "winner-loser" outcome. In this process the Land Acquisition Officer makes a decision as to which of the claimants is the rightful owner of the land to be acquired. There is no possibility of recognising overlapping claims, so the result of the Division 1 process always results in a winner and a loser in the community. People who have experienced this result from Division 1 acquisition say that they did not want it to be repeated for the Tina Hydro development.

Division 1 acquisition results in the identification of "trustees" who hold the title of the land on behalf of the tribal owners. Unfortunately, trustees are not always trustworthy or representative of the whole tribal group, and tend to be exclusively male. For example, tribes people have experienced (in logging and other developments) that trustees often act as the 'sole owners' of the tribal land, and absorb or appropriate all the lease payments and royalties received. Also, only five trustees can be selected and do not always fairly represent the whole group and women's interests are frequently ignored.

Throughout the Tina Hydro Project Office awareness meetings and consultations, and in the social impact assessment surveys and village workshops, local people have insisted that they did not want the land acquisition resulting in title being given to trustees, which would happen if there were a Division 1 acquisition.

The Division 2 process provides greater certainty in allowing the acquisition of the land to take legal effect even while disputes as to the amount of compensation or the identity of the beneficial landowners are being determined by the High Court. Division 1 examples suggest that land ownership disputes, which must be settled prior to acquisition, can take up to 10 years or more to progress and can see matters referred through the Magistrates Court, High Court and Houses of Chiefs.

#### *Land acquisition to November 2015*

The statutory process to date has included the following key steps:

1. The Core Land (which includes the main project area and part of the infrastructure corridor) was acquired by publication of a notice, from the Minister of Lands and Housing, in the Government Gazette on 21 August 2014, entitled "Tina River Hydro Public Purpose Declaration Order, 2014". In this the Minister was using his powers under Section 71 of the LTA. Section 75 of the Act provides for the acquisition of rights over the land and extinguishes all prior rights. The notice was vetted by the Attorney General for its compliance with the legislation. In addition to the Gazette notice, all the tribal leaders were informed in writing of the acquisition by the SIG. The Project Office supplemented this with a programme of public awareness and education.
2. On 2 October, 2014, following the requirements of Section 73 of the LTA, leaders of all 27 known tribes in the Bahomea and Malango districts were advised by letter from the COL of the tribes' rights to claim any interest in the acquired land should they believe they had one. In addition, the letter
  - a. included a map of the land to be acquired;
  - b. provided a notice "*setting out the effect of the acquisition and of the rights, liabilities and restrictions resulting from it*" including the Commissioner of Lands' right to use and occupy the land on behalf of the Government;
  - c. advised that the acquisition "*removes customary rights of ownership or usage in the land and changes those rights into the right to receive payment for their value*";
  - d. provided details of the process for registering a claim for primary or secondary customary interest in the land ("*such as the right to use resources on the land or to access the land*"), the date by which the claim must be made, and how to get assistance with lodging a claim;
  - e. included a brochure with a list of peoples' frequently asked questions.
3. Tribes claiming an interest in the land under custom were advised they had 3 months to submit claims for compensation for the value of their interest in the land. The statutory process provides that claimants may seek assistance from the Provincial Secretary for Guadalcanal Province. The Project Office assisted the signatories and other claimants to make compensation claims for the loss of their land and resources, by providing :
  - a. Legal assistance through LALSU for the identified Core Land owners;
  - b. Funds to support the Provincial Secretary for Guadalcanal Province in the provision of legal assistance for all other claimants;
  - c. Funds for an independent valuer, engaged by the Core Land Tribes, to value the compensation payable for ownership interests in the Core Land.
  - d. An independent forester to assess the volume of commercial trees on each tribe's land and to calculate the potential market value for the purposes of calculating compensation.
4. The COL received the claims in November 2015. She considered each claim and determined (a) the customary owners of interests in the land and (b) the value of each interest in the Core Land and Reservoir Land (the land to be covered by the proposed hydro lake). The latter required a programme of valuation and research, after which, in August 2015, formal compensation offers were made to the five tribal groups recognised as having a primary interest in the Core Land, including the Reservoir Land. Three additional groups had their claims for an interest in the land refused by the Commissioner.
5. As of mid-November 2015, the five tribes given offers by the COL have all either accepted or been deemed to have accepted the offer (when the three month time for appeal ran out). Appeals may still be made to the High Court by the three tribes which were not given an offer of compensation. The final appeal date is in late December.

Although the process used was a ‘compulsory’ process under the legislation, the acquisition was contingent on first obtaining the full consent of all the identified landowning tribes. This consent was obtained through the negotiation of the earlier written ‘Process Agreement’. It is therefore reasonable to claim that the land acquisition by the SIG was consistent with the standard of free, prior, and informed consultation and consent. This is presented in more detail below.

As noted in earlier sections, in 2011 and 2012 the Project Office had negotiated access rights to the land of the Tina River catchment to undertake project design work. In return, the SIG made significant payments to each of the 27 land owing tribes, including those eventually identified as the owners of the land required for project Option 7c.

### *Informed Consent*

In addition to the extensive and sustained programme of awareness raising, community engagement, relationship building, and information provision for the planning of the Tina Hydro project since 2010, the COL (assisted by the Project Office) provided information on the proposed land acquisition and compensation arrangements beyond the statutory requirement to all the indigenous tribes of the project area. These public information and engagement activities were explicitly designed to ensure that all potential interested landholders were made aware of the proposed land acquisition their right to claim compensation, and appeal arrangements, and included:

- Publishing a full page notices, maps and FAQs in both of Solomon Islands’ national newspapers;
- Posting A3-sized notices and maps at the boundary to the Core Land and in key locations in the villages of Bahomea and Malango;
- Posting A3-sized notices and maps at Guadalcanal Provincial headquarters;
- Training, providing and equipping multi-lingual community educators to speak in villages in and around the area about the acquisition process and to display the associated printed information;
- Delivering letters to representatives of each of the 27 tribes registered in Bahomea and Malango explaining the acquisition and compensation claim process.

In addition the Project Office continued to maintain communication in person, by phone, and by SMS with many individual community members. Numerous meetings have also been held at the Project Office to discuss the acquisition process with those potentially affected. The lawyer engaged through LALSU has also undertaken a series of community awareness meetings to discuss the compulsory acquisition process and landowners’ rights.

It is important to note that the land identification undertaken by BLIC and the Project Office for the purposes of negotiating the Process Agreement did not supersede the statutory process under the LTA.

### *The Commissioner of Lands’ compensation offer*

In August 2015, acting under Section 79 of the LTA, the Commissioner of Lands made written offers of compensation to each of the Roha, Buhu-Garo, Kochiabolo, Viurungli, and Uluna Sutahuri tribal groups. These offers included acknowledgement of their interests in the land. Each offer included the details of the named land areas in which the tribal groups had an acknowledged interest. The total land area covered by these offers was 442.1 ha. The size and value of each of the land areas were determined by a registered surveyor.

The COL’s offer to each tribal group covered two interests: The market value of the acquired land as assessed by a registered valuer, and the market value of commercial forests standing on that land, as

inventoried and valued by Mr Myknee Quisa Sirikolo, a recognised and qualified forester, in April 2015. The total value of each offer has therefore incorporated the commercial forest asset on the land block – as expected under WB OP4.12 and IFC PS5.

Table 5.1: Tribal interests in the Core Land and Compensation Offered by Commissioner of Lands in August 2015

Tribal group	Area (ha)	% of total area acquired	Number on tribal register	Compensation offered (SBD)	Compensation for costs of the claim <sup>a</sup>
Roha	171.0	38.7%	168	6,973,000	82,250
Buhu-Garo	161.5	36.5%	65	6,586,000	82,250
Kochiabolo	65.7	14.9%	109	2,468,000	82,250
Uluna Sutahuri	29.9	6.8%	435	1,221,000	82,250
Viurulingi	14.0	3.2%	0 <sup>b</sup>	810,000	82,250
<b>Total</b>	<b>442.1</b>		<b>777</b>		

<sup>a</sup> To cover custom ceremonies and valuation costs (already met by the Project Office).

<sup>b</sup> Since the tribal registration, the last remaining members of the tribe have passed away. The tribe's interest was passed by written will to four male relatives

For each tribe, the compensation package was as cash only, or cash plus an interest in a proportion of a 6.5 ha parcel of urban residential land at Vara Creek Heights in Honiara (described on a map attached to the offer), which if accepted, would to be transferred as perpetual title to the claimant, subject to approval by the SIG Land Board.

**Figure 5.1: The location of the customary tribal lands acquired for the project**

The COL's compensation offer to each tribe also stated that other assets on the land would also be compensated for, though under a separate process:

*“Compensation will also be available for any food crops and other improvements that you may own on the land, including gardens, fruit trees and forest produce. Compensation will be paid to the owners of these improvements through a process facilitated by the Tina Hydro Project Office.”*

The notice of offer also stated that

- *“Acceptance must be given by a majority of the tribe. Minutes of a meeting recording the vote of the tribe must be provided”, and*
- *“Payment will be made to a corporate entity representing the tribe or, where such an entity is not established within a reasonable time, payment will be made in such manner as to ensure fair distribution to tribal members at the discretion of the Project Office.”*

The COL’s compensation offer to the recognised customary owners of the project land is consistent with the fulfilment of the World Bank and IFC requirements for compensation for involuntary land acquisition – in terms of both the extent of compensation and the FPIC process requirements. The offer also anticipates the establishment of the tribal corporate entities described in the Process Agreement, and is predicated on there being a register of tribal group members. This register was compiled during 2014-15, with the assistance of the Project Office.

### 5.3 The acquisition of the registered land for the infrastructure corridor

The land required for the project infrastructure corridor (for the road and power transmission lines) was indicated on figure 3.3, and is detailed below. In addition to the customary land compulsorily acquired for the infrastructure corridor, four parcels of registered land at the northern end will be affected by the acquisition, as follows:

No.	Land Parcel	Perpetual Estate holder	Other interests
1	192-015-0018	Commissioner of Lands	FTE - Levers Solomons Limited
2	192-005-0015 100 LR 536	Nathanial Boboli Timothy Urobo Nesta Besta Daniel Sekani Selwyn Boboli (Joint Owners as trustees)	Lease – Guadalcanal Plains Palm Oil Limited (GPPOL). 50 years from 1 January 2005
3	192-005-0017	Church of Melanesia Trust Board	Nil.
4	192-029-024	Commissioner of Lands	Nil.

As parcel 4 is already owned by the Commissioner of Lands no acquisition will be required. The land may be subdivided to provide the future option of a transfer to SIEA or a lease to the developer.

One of the parcels is owned jointly by trustees on behalf of a tribe of Ghaobata people from the Guadalcanal plains. The parcel is in the name of five men: Nathanial Boboli, Timothy Urobo, Nesta Besta, Daniel Sekani and Selwyn Boboli. Of these five, Timothy Urobo, Daniel Sekani and Selwyn Boboli are still living.

Consultation with the interest holders on the remaining registered land required for the infrastructure corridor has occurred on multiple occasions over the last 2 years, and negotiations for its purchase are continuing.

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The proposed route has recently been surveyed and marked with permanent pegs. In addition, the project office arranged a survey of the assets within the alignment of the proposed corridor and the Core Land, and the owners of those assets have been recorded identified and recorded by Kellington Simeon (see appended report). The Project Office will offer compensation to the individual owners of each asset according to the schedule provided in this LRP. Informed by that report. Prior to any mitigations or compensation payments, there will be a validation of the assets identified in the survey and their current value.

## 5.4 Compliance with World Bank, IFC and Solomon Islands requirements

### 5.4.1 Informed consent (FPIC) of indigenous people

Information flow from the TRHDP Project Office to the affected communities has been of a high standard. The Tina Hydro Project Office recruited a well-known indigenous media person to develop and document the information sharing and awareness raising activities for the Project. The presentation of information briefings and associated consultations and discussions with local communities, tribal groups, specific landowning tribes, and various other stakeholders has been done in local languages, and where appropriate accompanied by the use of audio-visual aids.

The Tina Hydro Project Office has made use of a variety of culturally acceptable means for communicating with local communities and stakeholders. Important communications are done face-to-face, starting with clan and village chiefs and senior women, and then extending out to the wider village communities. Local communications are done by the project's indigenous community relations staff and Community Liaison Assistants (CLAs), and endorsed by community leaders. Where outside consultants have been involved in community engagement, the CLAs have acted as translators to ensure local people, especially women, are able to understand and participate in discussions.

A wide variety of communications tools have been used to inform the communities and to receive comment and advice in return. Among these are:

- printed materials, including a project booklet;
- a project website ([www.tina-hydro.com](http://www.tina-hydro.com));
- face- to-face briefings and discussions with groups of community leaders, individuals, community interest groups (e.g., mother's clubs, and church groups) and agency representatives;
- newspaper articles;
- presentations using video, photographs, maps, and posters;
- mobile phone and SMS; and
- accompanied site visits.

From the records of the TRHDP Project Office, discussions with TRHDP Project Office staff and CLAs, observations, and explicit comments from participants during the 2013 ESIA village community workshops and 2014 mitigation workshops, it appears that:

- there is broad support among local communities for the project and there is no clear direct opposition to it, a minority of clan leaders and political aspirants however objected publically to the land identification and acquisition process, but accepted the results of the deliberations of BLIC.

- hydroelectricity development is widely seen as the most preferred and least destructive development opportunity for the Tina/Ngalimbiu catchment (others being gold mining and logging of primary forest)<sup>30</sup>;
- community concerns about the project are generally confined to the mitigation of potential impacts and the securing of benefits;
- there has been a comparatively high level of participation of community members of all genders and ages in the TRHDP Project Office's activities. However there are still considerable customary constraints on women speaking out in mixed community meetings.
- there is wide-spread understanding of the purpose of the TRHDP, and what it generally involves, although the details of the project operational modes are not always well understood, especially by women;
- given that there is typically low trust of central government among ordinary Solomon Islanders, there is a comparatively high level of trust of the TRHDP Project Office and the information it provides. Local people generally believe that their concerns are listened to and dealt with; and
- there has been considerable discussion within the communities about the project, including its benefits and potential impacts.

In short, TRHDP planning to date appears to comply with the requirement for free, prior, and informed consent . Ongoing community engagement by the Project Office at present is focusing on land acquisition, assets compensation, livelihoods protection and restoration, benefits sharing arrangements, and the establishment of the 5 Core Land tribal corporations.

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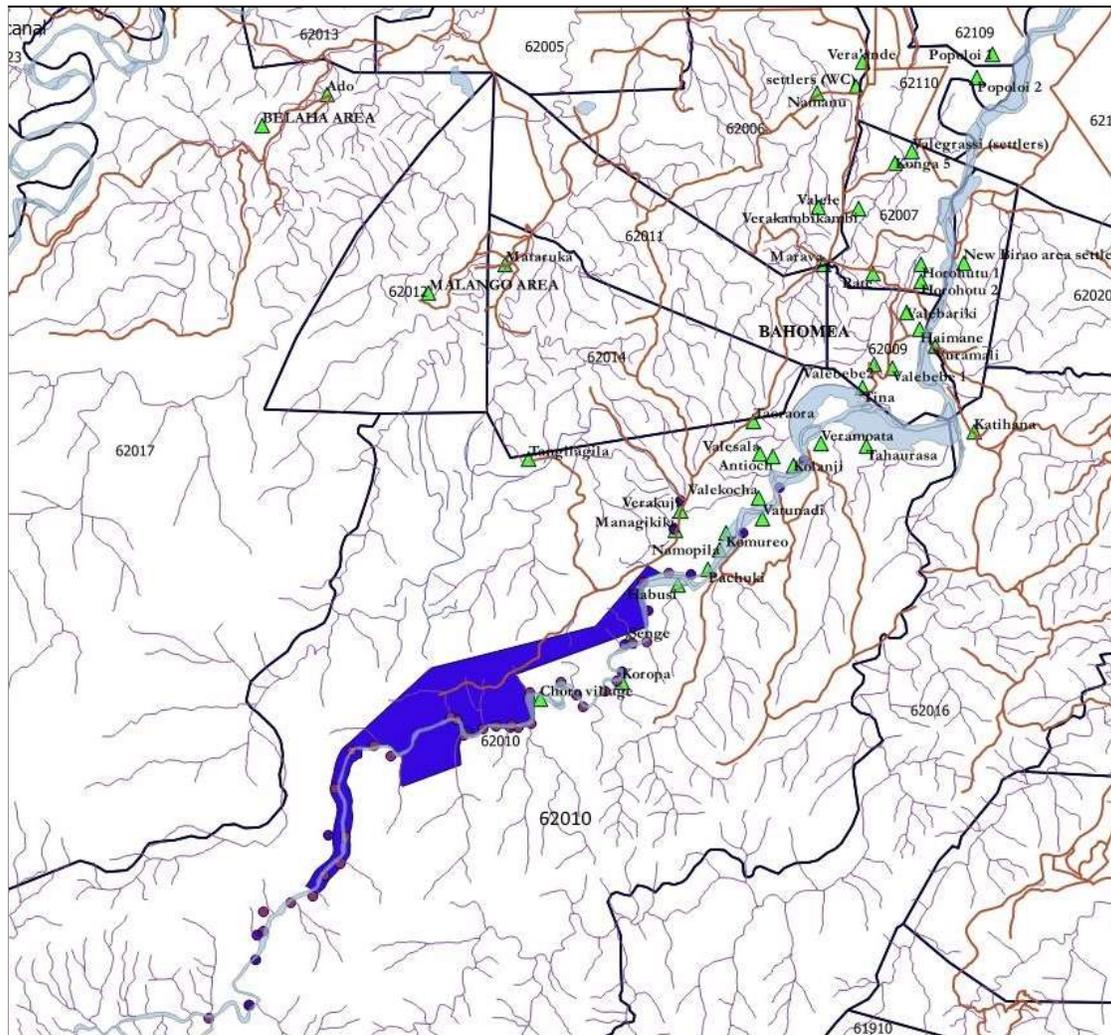
<sup>30</sup> However, this is not stopped some tribes exercising their right to harvest their forests in the Tina catchment. As of late 2015 logging was occurring on the ridges and hills between the Tina and Toni Rivers opposite the Core Land, with the logging trucks using the Tina village and Black Post Roads.

## 6 Profile Of The Project-Affected People

### 6.1 The project area

From the ESIA baseline report, the population of the project area in 2013 was estimated at 1800, in approximately 362 households. In 2009, the total population of Malango Ward, of which the project area is part, was 10,500, of whom about 3,500 are listed on the tribal register of the Malango/Teha-speaking people. 95% of the Malango Ward population is ethnically Melanesian Solomon Islander. Figure 6.1 shows the boundaries of the 2009 census enumeration areas which do not necessarily coincide with the social boundaries and locations of the project affected peoples.

Figure 6.1: Map of the project area showing Core Land and the 2009 Census Enumeration Areas



In the absence of a full census of the Malango-speaking peoples, 2009 national census data for the enumeration (collection) areas for Bahomea district, where the members of the Core Land tribes are concentrated (figure 6.1 and table 6.1), are used for indicating the local social and economic conditions of those affected by the acquisition of the Core Land as below

## 6.2 Affected population

The customary owners of the Core Land were identified by the BLIC as the Kochiabolo Tribe, Roha Tribe, Buhu Garo Tribe and Vuralingi Tribe. These are matrilineages associated with originating female ancestors. These descent groups (or “tribes”) were recognised by the COL as having a legitimate and defensible interest in the Core Land. The Uluna Sutahuri tribal group was subsequently recognised by the COL as holding an interest in the right bank of the reservoir. All five groups are Malango (or Teha) speaking peoples and the descendants from the female line/clan that first came down from the mountainous interior and settled on the land in question.

The whole of the Core Land area lies in single national population Census Enumeration Area (EA), that is, EA62010. We refer to this as the “project neighbourhood”. Most of the settlements of the Tina River part of the Bahomea district also lie within EA62010. In 2009 the EA had a total population of approximately 536 people in 86 households.<sup>31</sup>

According to the Malango language group tribal register that was assembled by an independent researcher on behalf of the PO during 2014-15, approximately 777 people belong to the five tribes who are the original owners of the Core land. Together they make up 22% of the 3,464 people on the register of the 27 tribal groups.

The vast majority of the Core Land owners reside within Malango Ward. For example, the details in the tribal register indicate that 51% reside in settlements within the Bahomea district, 29% in settlements in Malango district to the west of Bahomea, and 12% reside in settlements in Belaha district to the west of Malango (Table 6.1). The remaining 8% reside mainly in Honiara or elsewhere in Guadalcanal. Appendix 2 lists the current residences of the registered members of the Core Land tribes.

Table 6.1: District residences of the registered members of the Core Land owning tribes

district	Roha	Kochiabolo	Buhu - Garo	Vuralingi	Uluna-Sutahuri	Total registered members	%
Bahomea	54	94	0	0	250	398	51%
Malango	95	2	0	0	127	224	29%
Belaha	19	0	49	0	27	95	12%
Elsewhere	0	13	16	0	32	61	8%
<b>Totals</b>	<b>168</b>	<b>109</b>	<b>65</b>	<b>0</b>	<b>435</b>	<b>777</b>	<b>100%</b>

The different tribes tend to be associated with particular villages and districts. For example, the Buhu-Garo members are most likely to be living at Pao in Belaha district – some 15km from the Core Land area – and therefore do not regularly use the land for their livelihoods (Appendix table 2). The Kochiabolo tribe are almost completely limited to settlements in Bahomea, and especially found at Managikiki, Antioch, and Vuramali which are very close to the Core Land and within Census EA62010. These landowners are those who are most likely to make regular use of the land and resources of the Core Land, especially the upper forested area. The Roha tribe are scattered throughout Malango and Bahomea although with concentrations in Pamphylia and three other villages in Malango district. In the Bahomea district they are found at Horohotu and Managikiki (both within EA62010). The Uluna-Sutahuri tribal grouping, numerically the largest of the five Core Land-

<sup>31</sup> Where specific data are not available on the socio-economic situation of the people affected by the land acquisition, census enumeration area data for the neighbourhood of the project and Core Land are used. Census data are rounded.

owning tribes, is more concentrated in Bahomea district including in settlements immediately adjacent to the Core Land.

Overall, of all those on the Tribal Register living in Bahomea district, members of the five core tribes make up 50.2%. More particular, of the 539 people on the tribal register who reportedly live within EA62010, 255 (47%) appear to be Core Land owners. As owners with primary use rights those living close to the Core Land are likely to be more-regularly using that land as part of their livelihoods.

Choice of residence is largely dictated by custom: regardless of the decent system (which in the project area is matrilineal), indigenous Solomon Islands women tend to move to their husband's village after marriage (known as virilocal residence). In a matrilineal descent system, this means that women live away from their own land, which will be under the control of their brothers. As people living in villages where they are not members of its land-owning groups, women are therefore outsiders when it comes to village-level decision-making, particularly about land and resource use. Women are far more likely to be in this situation than men. Among the tribes of the greater project area, 66% of people appear to be living in their husband's / father's village, although there is a degree of variation in marital residence. As noted, this is important when it comes to access to livelihoods resources.

### 6.3 Gender & Age Profile

The tribal register contains only basic information about the members, including the Core Land owner. Table 6.2 summarises the available data on the members of the 5 Core Land tribes.

There are more males than females, the former comprising 55%. Males outnumber females among children (5-14 years) and the child-rearing age group (25-44 years). There is a noticeably higher proportion of female youth compared with the males, and a comparatively low proportion of females in the child-rearing age group (figure 6.1).

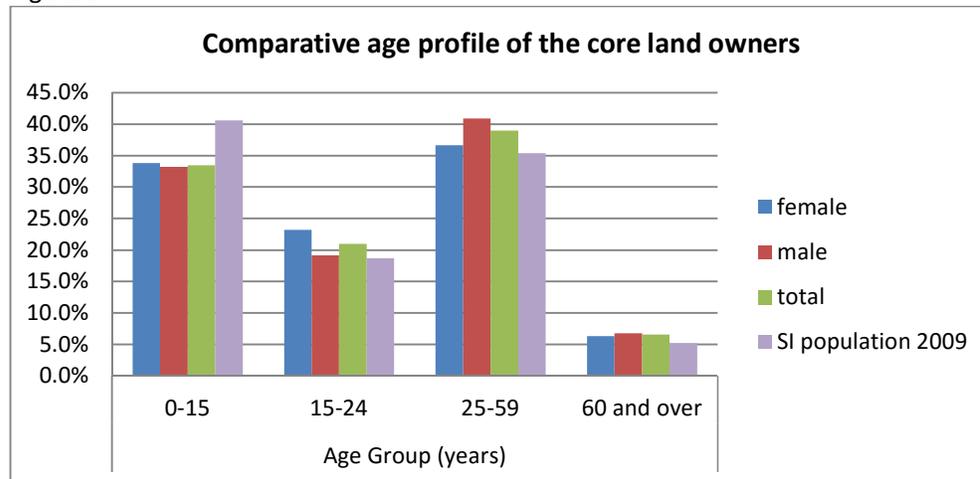
The median age for the 5 tribes is 21 years, which is consistent with the other local tribes and slightly higher than the national population (i.e., 20 years). The oldest member among the Core Land owners was aged 83 in 2015. Compared with the national population, the Core Land owners are older, have fewer children, but have a higher proportion of youth (Table 6.2). They also have a relatively low dependency ratio (0.67) compared with the provincial and national populations (both 0.85), though similar with Malango Ward (0.70). In 2009, the project neighbourhood (EA 62010) had the comparatively high population dependency ratio of 1.102, i.e., there were 1.1 dependents for each person of working age (15-59 years).

Table 6.2: Population of the Core Land-owing tribes

	Age Group (years)						Total	Dependency ratio
	0-4	5-14	15-24	25-44	44-59	60 and over		
female	36	82	81	87	41	22	349	
male	34	108	82	137	38	29	428	
<b>total</b>	<b>70</b>	<b>190</b>	<b>163</b>	<b>224</b>	<b>79</b>	<b>51</b>	<b>777</b>	<b>0.67</b>

Household sizes are lower in the Tina Hydro project area (average 5 persons) than for Malango Ward and the nation.

Figure 6.2:



## 6.4 Ethnicity

The available 2009 census data shows that the population of Malango Ward is 95.4% Melanesian Solomon Islander. This compares with 97.8 % Melanesian in the adjacent West Ghaobata Ward and 98.5% for the whole of Guadalcanal Province.

Groups of Weather Coast settlers are residing legitimately in the Tina-Ngalimbiu area under formal customary agreements with the land owning clans and their chiefs. Through exchanges of pigs, produce and custom money (chupu), they have been granted rights to use local land for residences and gardens, but primary ownership is retained by the customary landowning clan. These agreements are renewed periodically. One of the challenges for the customary landowning peoples of North-central Guadalcanal since the 1970s has been the unsanctioned occupation of their land by people from Malaita and elsewhere who have come to Guadalcanal to work in the city, in the plantations on the plains, and the resource extraction industries.

## 6.5 Livelihoods

### 6.5.1 What is a livelihood?

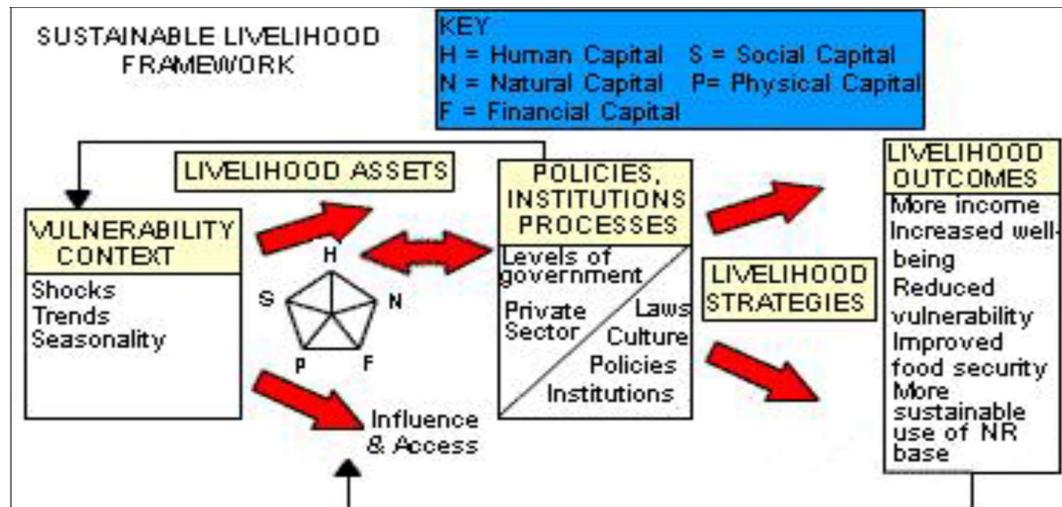
The UK Department for International Development (DFID) Sustainable Livelihoods Framework<sup>32</sup> provides a way of conceptualising and describing livelihoods. In short, households utilize the assets available to them (i.e., natural, social, human, physical, and financial capital) to achieve their particular livelihoods goals, but access to these assets and the achievement of their goals is conditioned by the particular physical, economic and institutional, social and cultural context in which people find themselves (figure xx) – which can be supportive or otherwise. Thus, livelihoods are considered adaptive and dynamic.

In the SLF, a livelihood is taken to be *“the capabilities, assets (including both material and social resources) and activities required for a means of living”*. In the SLF, a livelihood is considered sustainable when *“it can cope with and recover from stresses and shocks and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource*

<sup>32</sup> UK Department for International Development, 2000. : Sustainable livelihoods guidance sheets.

base". The various elements of the SLF are used in the discussion that follows on livelihoods of those affected by the acquisition of land required for the Tina Hydro development.

Figure 6.3



### 6.5.2 Livelihoods goals and strategies

According to the Tina Hydro ESIA, the main livelihood goals of the people and households of the project area appear to be daily food security, obtaining cash to acquire necessary goods and services for their families, and protection of the family from a range of environmental and other risks. Most indicators show that local people are not well off in terms of access to financial capital (cash and credit) but have other important livelihoods assets available that can be drawn on directly or converted, depending on circumstances. The most important of these are the commercially valuable timber species of the indigenous natural forest, which continue to be exploited by the customary landowners working in conjunction with logging companies. Local households therefore tend to use a range of strategies involving different activities at different times to achieve a livelihood, though not all of these are environmentally sustainable. These commonly include:

- Slash and burn based shifting small-scale agriculture focused on growing staple foods for subsistence, combined with gathering or wild foods (e.g. plants, nuts, fruits) and very occasional hunting;
- Cash-generating activities in order to purchase imported foods, shop goods, and technology, and to meet community obligations and pay for school fees and other household needs. Such activities typical include one or several of the following:
  - household-scale cash crop production, with the produce typically sold in the markets in Honiara;
  - chainsaw-based small-scale timber milling for the local and Honiara markets;
  - local day labouring;
  - full or part time employment for a government agency or large company – typically the Gold Ridge Mining Company (GRMC), GPPOL, Earthmovers Logging Company, a local market gardening enterprise, and the Tina River Hydro project;
  - home-based business, such as home baking, handicrafts, a canteen selling small items, or vehicle hire etc.

- Sale of logging commercial rights to logging companies who export whole logs. These are basically short-term “windfall” cash payments distributed by tribal trustees, and are based on environmentally unsustainable activities. Similar windfalls include royalties from gold mining, gravel extractions from the river bed, and more recently, payments from the SIG and Tina Hydro project office.

The range of livelihoods activities is evident in the findings of the SIA village workshops (Appendix table 3), though the relative importance and level of each livelihood activity in each community could not be accurately determined at the time. Data from the household meal recall survey, observations in the affected communities, and the 2009 Census results provide additional data on local livelihoods.

Local livelihoods strategies are based on having good access to

- local tribal natural capital such as land, natural forests, forest products , and waterways;
- household human capital, including traditional and formal skills and knowledge, and labour power;
- physical capital in the form of tools, specialist equipment (e.g. chainsaw), and transport infrastructure;
- social capital in the form of assistance from village neighbours, relatives, and fellow church members (sometimes referred to as wantoks) ; and
- a system of customs, laws, institutions, leadership and decision making and practices that are generally supportive of local collective ownership and utilization of livelihoods assets, especially natural capital.

### 6.5.3 Subsistence activities

Subsistence activities underpin local livelihoods and those of the Core Land owners, and support the overall goal of food security. The 2009 census included questions on several livelihoods activities related to home production and consumption. Table 6.3 shows that almost all households in the project neighbourhood (99%) and Bahomea district (93%) grow food for home consumption. Across the district only a minority of households keep poultry and pigs, though pig raising is more common among households in the project neighbourhood (typically being for exchange and ceremonial occasions where there is feasting). Data on fishing shows that only 31% of households ever catch fish or shellfish for their own consumption, and for the majority it typically occurs only monthly or even more seldom. Since the affected people are mountain rather than coastal people it indicates that the Tina and other local rivers do not function as a regular food or income source.

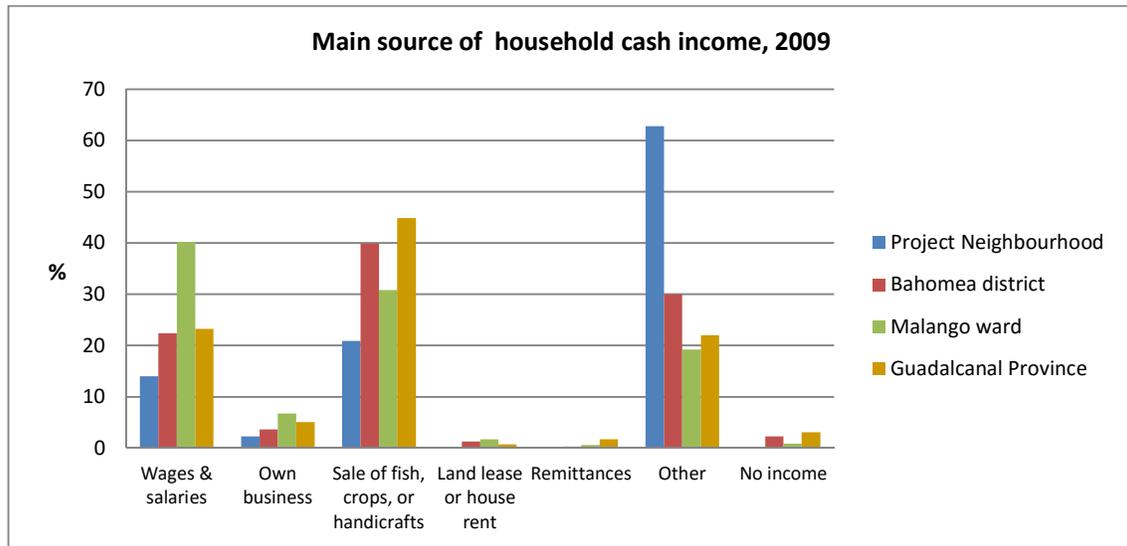
Table 6.3: 2009 Census data on common livelihoods activities in the project-affected communities

Household livelihoods activities	Project neighbourhood - EA 62010 % of households (n=86)	Bahomea district (5 EAs) % of households (n=353)
Growing food for subsistence only	59.3	28.9
Growing food for subsistence & sale	39.5	63.7
Growing vegetables as a cash crop	52.3	70.2
Keep poultry	18.6	21.0
Keep pigs	46.5	28.0
Growing cocoa as cash crop	16.3	17.6
Growing timber as a cash crop	15.1	6.8
Growing betel nut as cash crop	34.9	15.0
Growing other cash crops	18.6	14.2



neighbourhood are food (mainly vegetables and fruits) and betel nuts – for which the Bahomea district is renowned.

Figure 6.5



Up until 2014, a resident of Senge village<sup>33</sup> was running a small ecotourism business. The operation was receiving 20-25 visitors per year until 2014. It relied on having access to the nearby forest and the pools of the Tina River and use of the foot track from Managikiki to Senge. This operation, if continued by another person, could be compromised by the reduced flow in the Tina River at this point, loss of the attractive river pools, destruction of the access trail/path, restriction of access over the Core Land, and during the construction, loss of the tranquil natural atmosphere.

### 6.5.5 Access to land

Access to land is crucial for subsistence and cash crop horticulture in the project-affected communities. 2009 Census data show that 57% of households in the project neighbourhood were owners of the land they used, while 43% were “leasing land” under a customary or private arrangement. Looking at the Bahomea district, a similar proportion (of the 353 households) were freehold owners, 45% were customary leasing, and 10% (or 35 households) were leasing from the government. The location of such leased lands, the identity of the leasees, and whether there are custom leased lands within the Core Land area are not known and therefore need to be investigated.

### 6.5.6 Diets and utilisation of natural assets

While participants in the community workshops claimed to use a wide range of natural food resources (appendix table 3), their use not especially evident in people’s diets as recorded in the household 24 hour meal recall survey conducted in conjunction with the SIA community workshops. Indeed, the survey shows that households largely rely on shop-bought food supplemented by garden produce, and that wild game and fresh-water fish account for very few households’ consumption. Canned tuna (tayo) is the main source of protein for local households. This is consistent with the census data on fishing. Rice, along with locally-grown root crops, is the main source of carbohydrates.

It can be reasonably concluded that despite local peoples’ obvious knowledge of the fish and animal species in the Tina and Ngalimbiu catchment and wider district, from a livelihoods point of view

<sup>33</sup> Since deceased.

hunting is a minor activity and essentially limited to periodic hunting and spear fishing trips by youths and younger adults into the hinterland – upstream of the proposed hydro reservoir. These trips are often associated with getting wild game (e.g. pigs) for community events (such as fund raisers) and customary feasts. Likewise, the wide range of edible wild green leafed plants & ferns (“cabbage”), fruits, and nuts claimed to be harvested by local people are not especially evident in their day to day diets. Fishing for home consumption is largely confined to the Tina and Tony Rivers and their respective pools downstream of the proposed dam site and reservoir.

That local village people are able to list wild food and game species collected from the forests, streams and wetlands indicates that these assets have a role in peoples’ lives even if they are only periodically utilised. Such assets may be thought of as ‘stocks’ that can be drawn on when money to buy shop food is in short supply, when cash is required, for church or community fund raising or other events, and in emergencies (e.g. climatic shocks, garden crop loss etc.). No accurate assessment of such use has been done or indeed seems possible in the wake of the announcements of the acquisition of the core land and other land.

It is expected that, providing there is a suitable arrangement between the TCLC and the developer/operator, hunting and fishing on the forests of the Core Land and upstream of the hydro reservoir should be able to continue in the future, through the potential effect of the dam on fish/eel populations is not clear.

#### 6.5.7 Shelter

The dependence on forest materials for construction of houses and other buildings is evident in the project-affected villages, and is recorded in the Census data on household dwellings.

In 2009, within the project neighbourhood, 67 of the 86 households (78%) had dwellings composed of traditional sago palm thatched roofs, 30 (35%) had walls made of plaited bush materials, and the remaining 53 had wooden walls, mostly consisting of planks produced locally by chainsaw-based millers, who may be the home owners themselves. According to local people, sago palm leaves and bamboos are typically sourced from trees located close to villages, posts and poles are taken from nearby forest areas (including the Core Land), and sawn timber is often purchased from logging companies and/or local small-scale sawmillers who may be sourcing some materials from within or near the Core Land.

Traditional houses have a limited life and need to be replaced or repaired periodically. Locals provided estimates of the working life of various components of a local traditional house:

- thatched roof - 5-10 years depending on the quality
- woven bamboo or rattan walls - up to 20 years,
- wood planked walls – up to 20 years
- loya cane for binding – 8-10 years
- split cane/bamboo flooring - up to 8 years
- hard wood flooring – up to 20 years
- framing – hard wood posts and rafters etc – up to 20 years.

In addition to having access to their own resources, local people are able to obtain materials from neighbours and from merchants and markets located in Honiara.

Table 6.4: Local use of traditional materials & wood for dwellings and fuel

Household use of local resources for housing & fuel	Project neighbourhood - % of households (n=86)	Bahomea district (5 EAs) % of households (n=353)
Walls - mainly traditional materials (rattan, leaf)	34.9	37.4
Walls – mainly wood	61.6	60.1
Floors – mainly traditional materials (earth/stone)	54.7	19.3
Floors – mainly wood	44.2	76.5
Roof – mainly traditional materials (palm thatch)	77.9	72.8
Cooking energy – mainly wood or coconut husk	100.0	99.2

Source: 2009 Census of population and households

### 6.5.8 Household energy

Table 6.4 shows that all local households make use of wood and/or coconut husks for cooking. Wood fires are also used for heating. In the project area, this material is typically sourced from the adjacent forest margins, garden clearing, slash and waste from logging operations and small-scale sawmilling. Some may purchase firewood from neighbours or merchants located in the various markets in Honiara. In November 2015 a 25 kg bundle of wood, considered enough for 3 to 4 days cooking, cost \$20 in the Honiara market.

Using 1999 census data, SPREP estimated the national household wood and coconut husk consumption at 311 million kg (311,000 tonnes) per annum. This equates to an average of 512 kg per annum per wood-using household, or approximately 42.5 tonnes for the households of the project neighbourhood, and 180.7 tonnes for the households of the wider Bahomea district. At today's prices, the average annual firewood bill for a household would be in the order of SB\$410, should they be sourcing their wood from the market.

## 6.6 Vulnerable persons

The IFC advises that vulnerable or at-risk groups include *“people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status may be more diversely affected by displacement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.”*

In the context of the Solomon Islands, those who could be especially vulnerable to experiencing negative livelihoods outcomes due to compulsory land acquisition include:

- those living in poverty who are also dependent on the natural capital on the acquired land;
- the elderly, especially widows;
- women headed households;
- those without rights to local land, such as the “settlers” and “squatters”.

More generally, it must be considered that females of the project area are vulnerable persons. Based on the available statistics, on interviews and discussions during the social impact assessment, and on other studies, females typically:

- have shorter lifespans than their male counterparts,
- have poorer nutritional status,
- have lower levels of educational attainment due to gender differences in access,
- have low personal incomes,
- often do not feel safe in their own living environments, and
- do most of the household's work.

The gender division of labour for local communities was documented in the household survey conducted as part of the social impact assessment fieldwork in 2013. It shows, as did previous surveys in the 1990s, that woman and girls are largely (and sometimes solely) responsible for the household and family maintenance activities, livestock care, planting and cultivating food gardens, harvesting crops, marketing, purchasing of supplies, and care of household finances, and yet do not have a significant role in land-related decision making, despite being the source of peoples' rights to land under the matrilineal system.

Women themselves report that senior men within the tribe typically take control (as trustees) over rent & royalty money paid to the land owners by logging companies and mining companies (e.g. Gold Ridge) and then spend a significant proportion of it on drinking, gambling and their own advancement. So despite the matrilineal system of inheritance, patriarchy has become increasingly the norm in traditional communities that become involved in commercial resources exploitation.

The recent survey of livelihoods assets on the acquired land recorded ownership of affected trees, gardens and structures mainly in the name of males, although several gardens, fruit trees, and groves of trees were noted as belonging to women and widows (who have gardens located close to their homes). This is interesting given that females do most of the work associated with gardens, and it may reflect the tendency for women to move to their husband's village after marriage, which over time, is likely to result in women being alienated from their own land.

## 7 Effect Of Project Land Acquisition

### 7.1 The main effects

Table 7.1 outlines the potential effects of the project land acquisition on local people's livelihoods and on communities.

As can be seen one of the principal effects will be a reduction on the availability and loss of access to the natural capital of the core land, the Tina River, and the infrastructure corridor. This has implications for the availability of wild foods, including plants and fruits that are collected both for sale in the market and for household consumption, game animals, especially pigs, that are an essential component of community feasts, and fresh fish. Loss of garden produce and fruit and nut trees within the infrastructure corridor will have negative effects on the households that established the gardens and rely on the produce from them, and on those who harvest the fruit and nuts of their own trees and the trees that are held in common in the vicinity of the villages of the project area. Together the loss of natural capital and planted food crops, if not adequately replaced, could result in hardship and poorer nutrition for some households, and increase local dependence on imported shop food such as rice, noodles, and canned fish. This in itself requires access to cash, which puts pressure on communities to log their natural forests, and which brings its own set of environmental and social problems, especially for women.

A further important livelihood effect will be the potential damage to physical capital in the form of private and community structures, such as homes, huts, and tracks. The loss of people's homes is damaging to the material and psychological well-being of the household.

However, the actual effects of the land acquisition for the project will depend upon, among other things:

- the final confirmed alignment for the infrastructure corridor, and the powerstation and damsite access roads;
- the terms of the land lease between the future Core Land owners (the Tina Core Land Company) and Korea Water regarding community use of the core land and its natural resources (e.g. for hunting, collecting, and transit);
- the livelihoods protection and restoration arrangements put in place and agreed to by the affected parties and by the wider community.

### 7.2 Effects on Vulnerable persons and communities

Of the affected persons, some individual households may already be in a disadvantaged or vulnerable situation that will be exacerbated by a loss of income or significant change in their livelihoods arrangements. Information on these is not obtainable from the Census data, and was not collected during the recent assets survey. Needless to say, most households are poor by international standards in that they have low and unreliable incomes, though a comparatively rich in terms of natural capital in the form of customary collectively owned land and natural resources. Within local households woman are particularly disadvantaged as outlined earlier, and their situation could be exacerbated by a loss of access to natural resource, gardens, and food crops on the Core Land and in the infrastructure corridor, and by the capture of government compensation payments by their tribal menfolk.

As noted in the ESIA, the settler communities are disadvantaged in they do not have primary rights to any land in the Project Area, and comparatively insecure livelihoods – being reliant on wage

labour, subsistence gardening on limited land areas, small scale marketing, harvesting of cocoa on abandoned Levers plantation land, and gold panning. However, the impact on them due to the project land acquisition is likely to be minimal, especially if the water supply to Verakambikambi is protected during the construction of the infrastructure corridor and the new deviation near Rate.

**Table 7.1. Livelihoods Impacts matrix**

Affected persons	People/ places	Main Potential Effects	Potential livelihoods consequences
<p>The affected customary owners whose land is being compulsorily acquired for the Core Land.</p> <ul style="list-style-type: none"> <li>• Roha tribe: 168 members</li> <li>• Buhu Garo tribe: 65 members</li> <li>• Kochiabolobolo tribe: 109 members</li> <li>• Uluna-Sutahuri tribe: 435 members</li> <li>• Vuralingi tribe: (4 named successors)</li> </ul>	<p>Core land area, including the part within the infrastructure corridor</p>	<p>Loss of title over 428 ha of customary land. Loss of rights to harvestable commercial trees, and associated income (inventory &amp; valuation undertaken).</p> <p>Permanently reduced area of natural forest and availability of NTFP due to road making and other permanent infrastructure.</p> <p>Temporary loss of access for hunting, fishing, and NTFP harvesting during the construction period (subject to negotiation with the constructor &amp; developer).</p> <p>Damage to unmarked burial and tambu sites.</p>	<p>Reduced incomes to members of affected tribes</p> <p>Reduced availability of NTFP, fresh fish, and wild game for households. Potential increased expenditure on shop-bought food, poorer nutrition, higher housing costs; Reduced availability of wild green vegetables (e.g. fern “cabbage”, nuts and fruits for sale in the market – and associated lower incomes. Displacement of game, along with hunting and gathering, into adjacent areas, and potential greater competition for resources.</p> <p>Cost of repair or relocation, including ceremonial cost to relatives</p>
<p>The owners of interests in the registered land and customary land acquired for the infrastructure corridor:</p> <ul style="list-style-type: none"> <li>• Customary owners</li> <li>• Tribal trustees</li> <li>• Church of Melanesia</li> <li>• Levers</li> <li>• GPPOL</li> </ul>	<p>Infrastructure corridor</p>	<p>Loss of land, including productive land. Loss of income from leases/rentals if any.</p> <p>Permanently reduced area available for food and materials production, residences, community facilities, and other structures.</p>	<p>Reduced household incomes, and its consequences.</p> <p>Reduced local food production in close proximity to homes and villages.</p>
<p>The owners of assets located on the affected lands that are not landowners.</p>	<p>Approximately 38 identified persons, and GPPOL.</p>	<p>Loss of 18 gardens, with a total area of approximately 4300 sq m containing approximately 1271 food plants and 2600 mounds of root crops (estimated value of crops \$33,100), Loss of approximately 972 fruit, nut and other food trees both within and outside garden areas (estimate value \$55,000). Loss of 14 stands of planted timber trees (total to be verified). Loss of approximately 31 planted sago palms (estimate value \$1,550)</p>	<p>Reduced availability of home-grown and collected food for households, and related increased use of shop food (associated health and income effects). Location of alternative garden land and work of creating of new gardens. Loss of household cash income from crop and fruit sales, especially for women. Fewer fruit and nut trees for common community use. Loss of commercial tree crop and associated income.</p>

		<p>Loss of approximately 59 mature oil palm trees (value not known).</p> <p>Loss of 2 marketing huts, 4 incomplete and unoccupied houses, and 4 occupied leaf houses, all built since August 2014 (values to be assessed if affected). Estimated total floor area of 174 sq. m – 64 sq. m of which is in completed and occupied houses.</p> <p>Loss of 2 community structures (Managikiki community preschool), built prior to August 2014 (total of 40.5 sq m. Value to be assessed if affected).</p>	<p>Need to source building materials from further afield or market.</p> <p>Replacement cost of huts/shelters. Loss of trade Cost of replacement site and of relocating partially completed buildings Cost of replacement of houses and site, household disruption and distress, opportunity cost of time involved. Replacement cost, disruption of preschool education, temporary loss of sheltered community meeting space.</p>
Users of the forests, river, and natural resources located on the affected lands (owners and non-owners)	Male and female members of communities located near the Core Land (especially Koropa, Managikiki/ Verakuji, Senge, Valesala/Antioch, Pachuki, Namopila) who hunt, gather, fish and otherwise use the Core Land.	<p>Temporary loss of access for accessible hunting, fishing, and NTFP harvesting in the Core Land under exclusion during construction.</p> <p>Temporary loss of direct access through the exclusion area to the Upper Catchment for hunting and fishing expeditions</p> <p>Permanently reduced area of natural forest and associated availability of NTFP due to removal for project infrastructure.</p> <p>Disruption to or loss of fishing areas within Core Land, and in the future low flow section of the Tina River.</p>	<p>Reduced protein in local household diets (wild pig, possum, fish, eel), and increased reliance on shop bought goods.</p> <p>Displacement of hunting and gathering activities to other areas that may be further afield.</p> <p>Reduced availability of pigs and other produce for community feasts etc.</p> <p>Longer journeys on alternative tracks.</p> <p>Work of cutting of new tracks.</p>
Communities that have built assets in common likely to be affected .	Villagers at Senge/Koropa, Managikiki, Marava, Rate Verakambikambi, Verande	<p>Damage to main foot path to Senge due to road building;</p> <p>Potential damage to village water supplies (especially Verakambikambi).</p>	<p>Disruption; loss of ecotourism trade; reduced accessibility</p> <p>Need to find and establish alternative water supply. Cost to community. Negative impacts on villagers' health.</p>

## 8 Livelihoods Restoration Plan

### 8.1 Approach to livelihoods restoration

Livelihood restoration is not required under Solomon Islands laws but it is required by the World Bank and IFC. The aim here is to ensure that the livelihoods of people affected by the land acquisition for the Tina Hydro development are maintained at the same level, and preferably, improved – both in terms of sustainability and standard.

The consideration of livelihoods restoration measures and entitlements outlined below has been guided by the findings of the social studies and consultations carried out as part of the project planning, along with the documented socio-economic and cultural circumstances of those likely to be affected by the project land acquisition. These have been developed as a set of principles that have been subject to discussion with affected landowners, PO officers, and other stakeholders.

These principles are:

- do no harm to the livelihoods and property of local householders, and preferably improve their well-being;
- avoid disruption and damage to villages, homes and other structures;
- do not increase social and economic disadvantage and inequality;
- protect affected peoples' livelihoods where possible, and maintain access to livelihoods assets;
- protect essential infrastructure such as water supplies, village access points, schools, churches, and meeting places;
- if assets are taken and restoration is required, it should focus on existing sustainable livelihoods strategies and assets;
- improve the situation of women and other vulnerable persons;
- avoid substituting real livelihoods with cash compensation pay-outs;
- where cash compensation is provided to tribes and households, make sure female members receive a fair share, and the money is not wasted.

These principles, along with WB, IFC and Solomon Islands legal requirements, are embedded in the proposed livelihood restoration measures and entitlements described below.

### 8.2 Livelihoods protection and restoration mechanisms

As specified in the entitlements matrix below, a range of mechanisms and actions are proposed to protect and maintain the livelihoods of those potentially affected by the acquisition of the land for the Tina Hydro project. These are:

- Locate the project infrastructure and construction activities where they will do the least damage to people's livelihoods and property. The choice of dam and powerhouse sites and the proposed alignment of the infrastructure corridor (road and transmission lines) will, it is believed, avoid the need for resettlement of any households or their dwellings.
- Provide sufficient lead time for threatened assets and their owners to be clearly identified, and to enable them to establish replacement assets and maximise returns from existing gardens etc.
- Replace lost assets within the acquired land with similar assets at the same or better standard to ensure continuity of current livelihoods. This will be achieved through provision of materials, seedlings, labour, and expertise.

- Employ able youth in the local communities to undertake reestablishment of garden, tree plantings etc to provide them with employment experience and training.
- Provide incentives for owners of natural assets such as food gardens, fruit and nut trees, timber trees, and structures to re-establish these assets.
- For temporary or permanent loss of common property or shared livelihoods assets, the assets will be replaced where possible by the project or compensation will be paid into a collective fund to be used for community social and economic development and customary events.
- Provide funds and training programmes to enable especially disadvantaged and vulnerable owners and users of assets to improve their wellbeing and build more sustainable livelihoods.

### **8.3 Entitlements matrix**

The entitlements provided for below are intended to protect, restore, and where possible improve the livelihoods of all persons and households affected by the acquisition of land for the construction and operation of the project. Among these proposed entitlements are

- Compensation offers from the Commissioner of Lands according to legal requirements
- Ideas and suggestions raised during consultations by the PO and the ESIA team with communities and land owners
- Compensation and entitlement proposals from the Environmental and Social Impacts Management plan (may 2015)

Table 8.1: Project Entitlement & Compensation Matrix (all dollar values are SBD)

A. LOSS OF LAND, OR LOSS OF USE OF LAND				
Effect	Application	Affected Parties	Entitlements and Compensation	Associated actions and responsibilities
A1. Permanent loss of customary title to land required for the project	All of the customary land alienated for the Core Land (428ha)	Recognised land owning tribes and their members: Roha – 168 members Bahu-Garo – 65 members; Kochiabolo -109 members; Uluna-Sutahuri – 435 members; Viurulingi (4 beneficiaries). Total of 777 registered tribal members . Names provided on Tribal register	<p>Each land owning tribe will receive</p> <ol style="list-style-type: none"> <li>1) Compensation for the land plus full compensation at market rates for the standing volume of commercial timber trees. Compensation offers have been made to each of the qualifying tribes by the Commissioner of Lands in as follows : <ul style="list-style-type: none"> <li>• Roha: 171ha: Compensation package of \$6,973,000 plus \$82,250 costs.</li> <li>• Bahu-Garo:161.5ha: Compensation package of \$6,586,000 plus \$82,250 costs.</li> <li>• Kochiabolo:65.7ha: Compensation package of \$2,468,000 plus \$82,250 costs.</li> <li>• Uluna-Sutahuri:29.9ha: Compensation package of \$1,221,000 plus \$82,250 costs.</li> <li>• Viurulingi:14.0ha: Compensation package of \$810,000 plus \$82,250 costs.</li> </ul> </li> <li>2) Shares in 50% of the Tina Core Land Company (TCLC) in proportion to the area of acquired land (regardless of land cover and value) i.e.: Roha 19.35%, Bahu-Garo 18.75%, Kochiabolo 7.45%, Uluna-Sutahuri 3.4%, Viurulingi 1.6%. The Tina Core Land Company (TCLC) will receive income from the leasing of its land to the Developer.</li> <li>3) An annual royalty of 1.5% of the amount paid by SIEA to the Operator under the power purchase agreement, distributed directly to each tribal corporation in proportion to each tribe’s share of the acquired land.</li> <li>4) Independent legal assistance in navigating the statutory compensation claims process.</li> <li>5) Representation on the board of the TCLC.</li> <li>6) Periodic dividends from the TCLC’s income in proportion to the group’s shareholding, if any.</li> <li>7) Support to set up the formal legal administrative and financial management arrangements (e.g. Cooperative Societies) for each land owning tribe. Compensation is to be paid to the landowners’ corporation (eg cooperative) once such arrangements are in place, including the creation of a bank account for each beneficial member. Compensation payments to the tribe are to be held in a trust fund by the Project Office in the meantime</li> <li>8) Priority access to locally-recruited employment on the Project’s construction and operation.</li> <li>9) Financial management and ethical governance training for male and female leaders of each of the landowning groups, to be paid for by the</li> </ol>	<p><u>Completed:</u> Tribal register (PO). Core land forest inventory and valuation (PO) Core Land valuation (PO &amp; COL). Compensation offer appeal period ended ion November 2015. No compensation offers appealed. All deemed under law to have been accepted (COL) Provision of legal support to CL owners (PO LALSU)</p> <p><u>Still to complete:</u> Legal establishment of the TCLC (PO &amp; relevant govt. agency) Legal establishment of the 5 Core Land tribal organisations – most likely Cooperative Societies (PO) with 1 share per tribal member. (Assistance from PO ) Transfer of Core Land registered title to TCLC (COL) Opening of a bank account for each member of the Core land tribes (Tribal corporation administrator and a retail bank) Transfer of compensation funds to the 5 tribal organisations (PO)</p> <p>Provision of priority employment as part of Implementation agreement between SIG and developer. Engagement of trainer (PO). Trainer to timetable in consultation with tribes.</p> <p>Engagement of an administrator and office for the management of the Tribal</p>

A. LOSS OF LAND, OR LOSS OF USE OF LAND				
Effect	Application	Affected Parties	Entitlements and Compensation	Associated actions and responsibilities
			<p>Project and conducted prior to the payment of the COLs compensation package.</p> <p>10) On the decommissioning of the Tina Hydro facility, return of the registered land to the original customary land owing group in proportion to the group's original lost portion.</p>	organisations and their funds (PO, TCLC, and tribal entities)
A2. Permanent loss of registered land required for the project	All of the registered land sought for the project (see table 3.1)	Perpetual estate and fixed term estate title holders: Levers Solomons Ltd (FTE holders – 12ha). Church of Melanesia Trust Board (11 ha). N Boboli, Urobo, Besta, Sekani, and S Boboli (1.2 ha) and GPPOL as FTE holders.	Price by negotiation on voluntary sale basis, paid by PO	PO and MOLHS

B. LOSS OF LIVELIHOODS ASSETS (OTHER THAN LAND AND COMMERCIAL TREES OWNED BY THE CORE LAND TRIBES)				
EFFECT	APPLICATION	AFFECTED PARTIES	ENTITLEMENTS	ASSOCIATED ACTIONS & RESPONSIBILITIES
B1 Permanent loss of owned assets on customary and registered land	Gardens and crops on the acquired land as identified by 31 January 2016	Identified owners recorded in asset register and validated.	<p>18 food gardens identified (14 under cultivation).</p> <ul style="list-style-type: none"> <li>• Owners will have free use of the identified area of garden land for food production until 31/12/2016 and may retain the produce from that garden. The PO and developer will accept no liability for damage to crops or other assets on the land on or after 1 January 2017.</li> <li>• Garden owners will receive practical assistance with preparing a new garden outside of the boundaries of the acquired land. <ul style="list-style-type: none"> <li>- The new garden must be of similar size, the area for the garden must be identified by the owner of the garden and their household, and if necessary the use of the area for the new garden must be approved by the landowner</li> <li>- the Project office will provide labour (contracted locally) to clear the garden area and prepare the soil ready for planting under the guidance of the Garden owner</li> </ul> </li> <li>• Two months after the planting of the new garden by the owner, the owner's household will receive a "garden re-establishment cash grant" of \$1000, payable in the first instance (where appropriate), to the bank account of the senior female of the owner's household.</li> </ul>	<p>Survey of assets in Core Land and registered land – providing a register of assets and owners (PO – completed).</p> <p>Asset and owner validation programme January 2016 (PO)</p> <p>Adjustment, if any, of the road alignment within infrastructure corridor (PO, surveyor and road contractor's engineer)</p> <p>Engagement, training and equipping of a group of workers drawn from the local youth population (PO and association with local churches and village chiefs).</p> <p>Geo-referenced register of new gardens created.</p>
	Trees (other than timber trees compensated for under A1) on the acquired land as identified by 31 January 2016	Identified owners of fruit, nut and commercial timber trees recorded in asset register and validated.	<p>The identified owners of the 66 single or groups of perennial fruit and nut trees (total 289 trees), plus 26 groups of banana trees (total 452 bottoms) located in or near gardens, plus the 14 single commercial timber trees or groups of trees (minimum of 171 recorded) will be entitled to:</p> <ul style="list-style-type: none"> <li>• Free use of the identified trees until 31/12/2016 and the owners may retain the produce and timber from those trees up to that time. The PO and developer will accept no liability for damage to trees on the land on or after 1 January 2017.</li> <li>• The January 2016 market value of the tree/s based on Ministry of Agriculture' revised schedule of compensation prices with CPI adjustment to January 2016 (the unadjusted schedule is used for the valuation in the asset schedule attached).</li> <li>• Free practical assistance with replacement of trees, including <ul style="list-style-type: none"> <li>- free replacement tree seedlings of same species for planting on land outside of the boundaries of the acquired land – available from February 2016, plus</li> <li>- labour assistance with replanting (contracted locally, and paid for by PO).</li> <li>- Where such individually owned trees are removed within the construction exclusion zone of the Core Land, replanting will be delayed until after the construction is completed and suitable land within that zone is able to be identified.</li> </ul> </li> </ul>	<p>Update to schedule of agricultural compensation rates (PO, MOFAL and an economist)</p> <p>Updated inventory of commercial timber trees on the customary and registered land of the infrastructure corridor and validation of ownership (PO, forestry consultant)</p> <p>Advanced ordering and supply of seedlings (PO, forestry consultant, &amp; nursery supplier)</p> <p>Labour assistance provided from within local youth population (as above) (PO)</p> <p>Geo-referenced register of trees replanted</p>

<b>B. LOSS OF LIVELIHOODS ASSETS (OTHER THAN LAND AND COMMERCIAL TREES OWNED BY THE CORE LAND TRIBES)</b>				
<b>EFFECT</b>	<b>APPLICATION</b>	<b>AFFECTED PARTIES</b>	<b>ENTITLEMENTS</b>	<b>ASSOCIATED ACTIONS &amp; RESPONSIBILITIES</b>
B2. Permanent loss of shared or common community assets on customary and registered land	Fruit, nut, and materials trees (other than trees compensated for under A1)	Unidentified community members who are users of common property fruit and nut and materials trees on the acquired land, as recorded in the asset register	<p>The communities who share in common the use of 89 fruit and nut trees within the acquired core land and infrastructure corridor that will be removed for the project will be entitled to:</p> <ul style="list-style-type: none"> <li>• Free use of the identified trees until 31/12/2016.</li> <li>• The January 2016 market value of the tree/s based on Ministry of Agriculture' revised schedule of compensation prices with CPI adjustment to January 2016 (the unadjusted schedule is used for the valuation in the asset schedule attached). This money will be paid into a suitable community fund for use by the communities of Bahomea district.</li> <li>• Free replacement of the trees, including <ul style="list-style-type: none"> <li>- free replacement tree seedlings of same species for planting on land outside of the boundaries of the acquired land as guided by senior village women, and</li> <li>- labour assistance with replanting (contracted locally, and paid for by PO).</li> <li>- Where such common property trees are removed within the construction exclusion zone of the Core Land, replanting will be delayed until after the construction is completed and suitable land within that zone is able to be identified.</li> </ul> </li> </ul>	<p>Establish a Bahomea and Malango community development fund to receive compensation for losses of common-property assets. Fund to be administered by the PO and advised by a committee of 4 male and 4 female members drawn from across the communities of the district.</p> <p>Post construction assessment of planting areas on exclusion area of Core Land</p> <p>Community-based labour assistance crew drawn from youth population</p>
B3. Temporary loss of shared assets on customary and registered land	Areas of the Core Land used for hunting and gathering by the people of Bahomea	Unidentified community members across the district, who carry out hunting and gathering and other use of NTFPs and will lose access during the project construction period	<p>The communities of the project area who make customary use of the core lands to supplement their livelihoods through local hunting, fishing, and gathering of NTFPs will be compensated in common for the loss of access during the project construction period, as follows:</p> <ul style="list-style-type: none"> <li>- Three annual payments of \$20,000 to a Bahomea and Malango community development fund - to be ring fenced for the purchase of pigs and other produce for community events, regardless of tribal affiliation.</li> </ul>	Establish the "Bahomea and Malango community development fund" to receive compensation for common-property assets (as above) (PO)

B. LOSS OF LIVELIHOODS ASSETS (OTHER THAN LAND AND COMMERCIAL TREES OWNED BY THE CORE LAND TRIBES)				
EFFECT	APPLICATION	AFFECTED PARTIES	ENTITLEMENTS	ASSOCIATED ACTIONS & RESPONSIBILITIES
B4. Other temporary or permanent loss of assets outside of the acquired land	Loss of use of land and resources other than Core Land or Corridor Land taken for project construction, or temporary access for a period of 3 years or less (Contingency only).	Custom owners (land owning group), FTE holders, and other users	<p><u>Contingency only:</u> No compensation for land if returned to the original owner. However, the developer will pay market rent to owners during temporary use of land; Impacts on the use of the land, or income or livelihood derived from land affected by the temporary loss will be compensated by the developer according to the value or utility of that loss (i.e. if crops or trees are lost, then compensation for loss of crops and trees will be in cash at full market values including the annual value of lost production for each year or part year the land is not useable).</p> <p>Where damages occur to the land, the developer will be required to (a) rectify the damage through either payment of compensation to the owner; OR (b) restoring the damaged land and to its former condition to the satisfaction of the owner.</p>	<p>Developer's funds Developer incident &amp; site investigation and inventory of losses (developer, PO) Independent assessment of market rates for crops etc.(valuer) Developer land remediation plan review by PO</p>

C. LOSS OF STRUCTURES				
IMPACT	APPLICATION	AFFECTED PARTIES	ENTITLEMENTS AND COMPENSATION	ASSOCIATED ACTIONS AND RESPONSIBILITIES
C1. Partial or total removal of a structure on the acquired land	Private house, hut, market stall, or animal pen or similar built structure located on the acquired land.	Owners and users of identified structures, with or without legal title	<p>The survey of assets listed 11 structures which could potentially lay within the acquired land, in particular the infrastructure corridor. These include 4 completed houses, 2 incomplete houses, and 4 open sided huts/stalls. All but one of the structures (a house) was built <u>after</u> the formal acquisition of the land by the COL in August 2014. There is also 1 community building used as a classroom and meeting space and built before August 2014. Where damage to or removal of these structures due to the project cannot be avoided, the owners will be entitled to</p> <ul style="list-style-type: none"> <li>• free use of the identified structures until 31/12/2016</li> <li>• compensation in cash for all affected structures at 100% of the full replacement cost for materials and labour, as determined by a formal neutral valuation</li> <li>• free use of salvaged materials.</li> </ul> <p>In addition, for a completed house or community building built and occupied before August 2014, the owners will also be paid a re-establishment allowance of \$10,000 once the replacement structure is completed. On land outside of the acquired land</p>	<p>Finalisation of the alignment and boundaries of the infrastructure corridor (PO)</p> <p>Identification and formal valuation of any structures within the final alignment (PO and independent valuer)</p>
C.2: Displacement of community physical assets other than buildings	Walking or vehicle track, water supply, bridge, spiritual or cultural site on the acquired land.	Village, tribal or community group represented by the chief and senior female, traditional, or religious leaders	<p>The assets survey identified three water supply sources and one grave close to but not within the acquired land. Other community assets may exist within the forested areas of core land. Where identified/discovered all such affected community assets will be re-established or rebuilt at alternative sites if necessary as agreed with the affected group. The full cost of construction, transportation and the culturally appropriate rituals involved will be borne by the PO.</p> <p>Disturbance to graves will be avoided in the design and construction of project facilities and infrastructure. An accidental discovery protocol will be put in place as part of the environmental and social impact management plan.</p> <p>Where relocation of graves is necessary, all costs of excavation, exhumation, relocation and reburial (including ceremonies as necessary, as determined through consultations) will be reimbursed by the PO in cash to the affected family. The graves are to be relocated to an area considered satisfactory to the affected households and to religious leaders of the community.</p> <p>The residents of Senge Village and Koropa Village will be provided with labour and material assistance by the PO and the Developer to relocate and improve their main access track if required. The new alignment and design will be decided between project engineers and the communities.</p>	<p>Cultural Heritage and Sites Survey and Assessment for the core land (PO)</p> <p>Powerhouse access road plan (Constructor)</p> <p>Agreement with Senge village and Koropa village (PO)</p>

D. ALLOWANCES, ASSISTANCE, AND LIVELIHOOD RESTORATION				
IMPACT	APPLICATION	AFFECTED PARTIES	ENTITLEMENTS AND COMPENSATION	
D. Impacts on vulnerable APs	Any loss or impact; significant impacts on APs	Vulnerable APs and households without customary land rights) as referred by village chiefs.	<p>Based on referrals direct to the PO or from village leaders, CLAs, and NGO reps, and a follow up livelihoods assessment, the PO and Developer will provide the affected householder/s:</p> <ul style="list-style-type: none"> <li>• a one-time cash grant equivalent to the value of the poverty line for up to 12 months;</li> <li>• priority access to for training for employment in Project construction work;</li> </ul> <p>Affected female-headed households and affected female asset owners may also participate in the livelihoods restoration package, as below.</p>	<p>Referrals system (PO)</p> <p>Household livelihoods assessment (PO)</p> <p>SIG /PO terms of agreement with developer/operator</p> <p>Bahomea Community funds from the benefit share (PO)</p> <p>Contract with relevant government and non-government providers (PO and agencies)</p>
	Livelihood restoration package (allowance, access to services, training), suitable development assistance	Female head households, women.	<p>Training will be made available to local women by the PO in alternative and enhanced livelihoods, such as:</p> <ul style="list-style-type: none"> <li>• agricultural extension, and agroforestry and non-timber forest product development;</li> <li>• women’s and children’s health and wellbeing;</li> <li>• adult education in literacy , numeracy, money management/budgeting, and technology;</li> <li>• small business training and start-up support.</li> <li>• Electricity-using small enterprises, crafts etc</li> </ul> <p>Training and support for livelihoods improvement for women will be resourced, as a priority, from the Bahomea Community Development Fund.</p>	<p>Community development funds from benefit share (PO)</p> <p>Community development programme and worker (NGO)</p>

## 8.4 Institutional arrangements

### 8.4.1 Project Office

The main agent for the implementation of the livelihoods restoration plan will be the Tina Hydro Project Office. It is proposed that, In early 2016, the Project Office establish sufficient in-house capacity to undertake the day-to-day implementation of the LRP including the following:

- Implementation of the social components of the Tina Hydro environmental and social impact management plan where these are responsibility of PO rather than developer;
- Establishment of mechanisms (such as community liaison committees ) for ongoing liaison, awareness, and consultation with the project affected people, land owner groups, and communities
- Monitoring and reporting on social and cultural effects and their management, and the performance of the livelihoods restoration programme.
- Investigating and resolving project -related community complaints and livelihoods grievances
- Completion, validation, and maintenance of the livelihoods assets register, including the location of replacement assets
- Maintenance of the tribal membership register to ensure full and fair distribution of compensation, livelihoods support, and project benefits.
- Legal establishment of the various proposed institutions/bodies such as the TCLC, and the tribal cooperative societies and their management
- Establishing the systems and processes for delivery of the various livelihoods entitlements.
- Establishing the capacity and mechanism for the delivery of the community benefits package
- Funds management (compensation, CDF, benefits)
- Developer liaison/contracts & performance.

Other participants in the plan include the project constructor, various government departments including the Ministry of Agriculture and Livestock, the Ministry of Forests (and/or forestry consultants).

### 8.4.2 The developer

The Project developer will also have a role in implementing livelihoods restoration and protection measures. Its key contribution will be:

- Produce detailed designs for the scheme infrastructure that avoid creating risks to houses and structures located near the acquired project land
- During construction, putting into place and adhering to protection measures for sacred sites, graves, cultural and archaeological sites, and valued community assets.
- Establishing a compensation fund to cover accidental (unplanned) damage to private and community land and assets outside of the acquired land
- Implementing the Environmental and Social Impacts Management Plan
- Participating in community liaison activities of the project office including meetings with the community liaison committee and consultation with community leaders
- Establishing and implementing system for recording and acting on environmental issues raised by community members.
- Engage in specialist consultants for reviewing the performance of the impact management plan.

### 8.4.3 Independent SIA and livelihoods specialist

The Project office and the developer together need to engage the services of independent specialist external consultants to

- Regularly review the implementation of the environmental and social impacts management plan;
- Regularly review the implementation of the livelihoods protection compensation and restoration activities;
- Regularly review the performance of the community engagement plans of the developer and the Project office;
- Review the effectiveness and performance of the measures intended to manage the effects of the project on vulnerable people and their livelihoods;
- Evaluate the outcomes of the livelihoods restoration activities and plan.

### 8.5 Implementation schedule, responsibilities, and budget

Table 8.2 proposes an implementation schedule for the range of activities that are need to

- a) understand and manage the impacts of the land acquisition for the project on the livelihoods of the people of the project area;
- b) build sufficient capability to carry out livelihoods restoration ;
- c) plan and implement a range of proposed livelihoods restoration and protection activities, that utilises culturally appropriate processes, and is realistic about the capacity of local communities, institutions and agencies to deliver on those activities in a timely fashion;
- d) reflect and learn from the actions taken.

Timing of the multitude of activities is difficult given that compensation and restoration arrangements must be put in place prior to the construction of the project commencing. According to the WB and IFC requirements, all matters of compensation and livelihoods restoration need to be settled prior to the acquisition of people's land and assets. However such formal acquisition has already taken place, and the planning for the development is well advanced. Negotiations over terms of compensation and benefits sharing are also well advanced, and are following the prescribed path under the Lands and Titles Act. The list of activities on table 8.2 and their timing should therefore be read in the light of the action already taken by the Commissioner of Lands and the Project office to advance the project, albeit with a high level of involvement by the affected communities and with their approval.

It is also difficult to establish a budget for the various proposed livelihoods restoration activities since the Solomon Islands Government does not have unlimited access to funds, and indeed may have prescribed a particular sum for livelihoods restoration over and above the compensation that will be payable to the Core Land Owners, as laid out in the land acquisition process agreement and the offers of the Commissioner of Lands. Nevertheless, costs for some compensation and restoration activities have been provided in the entitlements matrix, though overall costs have not yet been able to be calculated. Some monies will be available from the Japan Social Development Fund to assist in maximising the social and economic benefits to the communities of the project area, and especially to help lift women out of a cycle of comparative disadvantage. Funds will need to be sought from other quarters, and a suitable and politically acceptable budget will need to be developed in consultation with WB/IFC specialists, and economist, and local agencies.

Overall the burden of the work of livelihoods restoration will fall on the Tina Hydro Project office, and this is appropriate given its unique capability, team strengths, familiarity with the project, and long-standing positive relationships with the communities and people of the project area .

Table 8.2: Tina Hydro livelihoods restoration implementation schedule

Activity	Lead Organisation	Assisted by	Completion deadline	Budget estimate
Finalisation of tribal register	Project office		31/12/2015	
Maintenance of tribal register	Project office	Tribal leaders	Ongoing	
Completion of the asset inventory in the CL and corridor (timber trees, minor structures, graves)	Project office	Professional forester	31/12/2015	
Publicly disclose register of assets and owners affected by the land acquisition	Project office	Assets surveyor	01/02/2016	
Validate list of assets and their owners through community meetings and workshops	Project office	Assets surveyor	01/02/2016	
Complete geo-referenced asset inventory on the powerhouse and dam site access road alignments	Project office,	Developer	01/02/2016	
Conduct consultations over replacement of community assets and infrastructure (Senge pathway and CL bush tracks)	Project office, developer	Developer	01/03/2016	
Update and close off the register of livelihoods and community assets	Project office	Assets surveyor	31/03/2016	
Update compensation matrix			31/03/2016	
Complete coe land compensation agreements (including appeals?)	Project office	MOLAH	01/02/2016	
Legal establishment of the 5 Core Land tribal corporations/cooperative societies	Project office	Attorney general, Ministry of commerce	01/03/2016	
Appoint an administrator for the management of the tribal cooperative societies	Project office	Tribal leaders, Relevant government agencies	01/04/2016	
Election of tribal cooperative officers/executive	Cooperatives administrator	Project office	01/05/2016	
Provide financial management and governance training to tribal corporation board members	Cooperatives administrator	Project office	31/05/2016	
Pay-out COL compensation to the Coe Land tribal corporations	COL Project Office		on establishment of Tribal corporations	
Set up Core Land corporation shareholders' individual bank accounts	Cooperatives administrator		31/08/2016	

Activity	Lead Organisation	Assisted by	Completion deadline	Budget estimate
Establish the TCLC and transfer ownership of the core land to the company	Project office	SIEA, relevant government agencies	Prior to completion of power price agreement	
Develop a list of policies and requirements to be included in the SIG agreement, and the TCLC's lease , with the developer	TCLC	Project office, developer	Asap	
Develop a written policy on local recruitment for the project construction and operation, Including employment for women	Project office	Developer, tribal and community leaders	31/07/2016	
Complete negotiations with owners of the acquired registered land	Project office	COL	Asap	
Pay-out settlements with the owners of acquired registered land	Project office	COL	within 2 weeks of completion of negotiations	
Recruitment , training and equipping of asset re-establishment crew (new gardens, cultivation, tree planting, track making) from among local youth	Project office	Training provider, Village leaders. work supervisor	31/07/2016	
Completion of replacement gardens	Project office	Asset re-establishment crew	31/01/2017	
Inspections and mapping of asset re-establishment work	Project office	Assets surveyor	Ongoing	
Payments of garden re-establishment grants to households	Project office		31/03/2017	
Update to schedule of compensation rates for fruit and nut and commercial timber trees	Ministry of Agriculture	Project office, market researcher	31/7/2016	
Payment of compensation to owners of fruit, nut, and planted timber trees	Project office		31/01/2017	
Supply, planting, and registration of replacement tree seedlings	Project office	Tree nursery, forestry consultant, Re-establishment crew	Continuous- completion 31/1/2017	
Detailed formal valuation of private and community structures that need to be removed to make way for the project	Project office	Valuer/quantity surveyor	31/03/2016	
Payment of compensation to owners for affected structures	Project office		30/04/2016	

Activity	Lead Organisation	Assisted by	Completion deadline	Budget estimate
Payment of re-establishment grant to owners of houses that need to be removed and were built and occupied prior to August 2014	Project office		Within one month of verified completion of replacement dwelling	
Payment of full costs of re-establishing walking or vehicle tracks, water supplies bridges cultural sites, and graves	Project office & valuer	Community leaders	Prior to the commencement of project construction	
Provision of practical labour support for re-establishment or relocation of community infrastructure	Project office	Assets re-establishment crew	Prior to the commencement of project construction	
Payment of compensation The Bahomea and Malango community development fund for loss of access to common hunting and gathering resources.	Project office		Prior to the commencement of project construction	
Internal monitoring and monthly reports on livelihoods re-establishment and compensation activities	Project office		Continuous, beginning 1/1/2016 for 3 years	
External livelihoods re-establishment monitoring reviews and reports	Independent consultants	Project office, Financial Auditors	Six monthly for 3 years - First report 31/7/2016	
Establish Bahomea and Malango community development fund utilising benefit share funds	Project office	JSDf fund,	30/06/2016	
Appoint Development Fund Advisory Committee of male and female members	Project office		30/06/2016	
Produce first three-year community social and economic development plan in consultation with local communities and relevant agencies	Project office	communities, development facilitator, agencies	31/08/2016	
Implement the program of Community development activities	Project office	Participating agencies, Community groups, Trainers	Ongoing from 31/8/2016	
Ongoing internal monitoring and quarterly reporting on community development fund projects and activities	Project office		Ongoing from 30/6/2016	
External monitoring of community development fund activities and performance	Independent consultants	JSDf/World Bank	As per funders requirements	

Activity	Lead Organisation	Assisted by	Completion deadline	Budget estimate
Conduct livelihoods assessments for vulnerable affected persons referred by community representatives and/or identified by the Project office	Project office		Within two weeks of referral	
Payment of cash grant to qualifying vulnerable person	Project office	Community development fund	Within one week of approval	
Prepare training plan and establish advisory service for women of Bahomea and Malango	Project office	Woman's agencies, community members Community development funds, international aid funds,	Ongoing from 31/3/2016	
Establish and promulgate grievance and issues management system in consultation with the community	Project office	Community members and leaders	31/03/2016	
Train staff and other participants in grievance management and mediation	Project office	Training provider	31/05/2016	
Monitor and report on livelihoods restoration issues and the performance of the grievance management system	Project office		Ongoing from 1/1/2016	
Update the Project community engagement plan to take account of livelihoods restoration activities	Project office	Developer	28/02/2016	
Systematic evaluation and reporting on the performance of the livelihoods restoration programme	Independent reviewer	Project office and program beneficiaries and participants	2019, or as required by the World Bank/IFC	

## 9 Benefit sharing proposals

### 9.1.1 Core Land tribes benefits share

The five core land owning tribes will receive financial benefits from the project in addition to the compensation payable for government's acquisition of their land and resources. They will also be beneficiaries of the community-wide benefit share as outlined below.

The PO's current proposal is that the Core Land tribes will each be established as cooperative societies, with all of the members of the tribe being lifetime shareholders in the cooperative. It is proposed that each co-operative will receive

- Compensation money from the Commissioner of Lands for the acquisition of the Core Land;
- Profits from any business or investment of the co-operative, including in the TCLC; and
- Royalties starting for the time power is first produced by the hydro scheme after construction has finished.

The PO also propose that the compensation money from the Commissioner of Lands be divided between the following:

- Seed funding or start-up funding to set up a business for the tribe;
- Dividends to individual shareholders, paid into individual member's own bank accounts;
- Investment in a reserve fund for the future; and
- customary obligations including two sister tribes.

Together the COL's compensation and the income benefits to each of the core land tribes are expected to fully compensate for losses of customary land and livelihoods assets arising from the project.

### 9.1.2 Community-wide benefits share

While not strictly part of the livelihoods restoration programme, people belonging to tribes that are part of the Bahomea or Malango Houses of Chiefs will be included in benefit share arrangement made possible by the Tina Hydro project, even if their land or assets are not being acquired for the project. Benefits sharing is a way of enabling communities that are asked to host major resource developments (and often suffer the greatest share of the negative environmental and social impacts) to directly benefit from the project. This is especially important for indigenous peoples who directly depend on the land and natural resources being acquired and possibly destroyed for a project. This is relevant to the Tina Hydro situation where the resources of the customary landowners are to be used to create energy primarily for the consumption of the residents and businesses of Honiara.

The proposed shared benefits include:

- A Bahomea and Malango Development Fund which will annually receive 15% share of the national benefit arising from the Tina Hydro scheme – that is, 15% of the annual saving made by using hydro generation rather than diesel generation. It has been proposed by the Project office and the participating communities that the fund be used
  - to improve services in the Bahomea and Malango districts, including water supply, electricity supply, health and social services;
  - to provide training to enhance job skills and employability, especially of woman and youth.
  - to assist and access to education, especially for girls.

- Provision of local power distribution transformers in key Bahomea villages to enable electrification of community facilities and homes, as requested by all local communities.

The details of the proposed community benefit share are still being developed by the Project Office in consultation with the beneficiaries communities. It is anticipated that the design of the benefits programme and its implementation will be done with a high level of community involvement and that the various benefits programme activities will result in livelihoods improvements and increased wellbeing for local people.

To assist in the development of the benefit share arrangements and programme, MMERE through the Project office, applied for and was granted US\$ 2,790,580 (approximately SB\$22.6 million) from the Japan Social Development Fund to *“establish the institutional arrangements and capacity for affected communities to effectively manage benefit sharing revenues from the Tina River Hydropower Development Project and improve their basic services and economic opportunities”*.

## 10 Grievance Resolution Mechanism

### 10.1 Justification

The IFC standards require that the LRP includes provisions for dealing with concerns or complaints raised by individuals or groups about the project land acquisition and associated mitigations. It is recognised that, given the history of developments in the Solomon Islands and especially this part of Guadalcanal, complaints are likely to arise which if not dealt with in a timely and fair way, could lead to conflict between the community and the developer, the community and the government, and/or between groups or individuals within the affected communities.

Complaints or concerns could arise about the following which will need to be dealt with in a timely and transparent manner:

- the amount of compensation payable to a particular party;
- the ownership of a livelihood asset that is being acquired for the project for which compensation is payable;
- the arrangements for payment of compensation and other livelihood restoration implementation and their distribution;
- accidental damage to or loss of land and assets, including cultural sites etc;
- other matters relating to the project construction and operation.

### 10.2 The proposed arrangements under the ESMP

While there are provisions in Solomon Islands law for dealing with claims about land and property rights, it is preferable that concerns or complaints from those claiming to be affected are dealt with at the community level using traditional conflict resolution processes. The institutional arrangements for the developer and PO's management of social impacts as described in BRL's Environmental and Social Management Plan (ESMP)<sup>34</sup> proposes a mechanism for the resolution of complaints at the community level.

It proposes that a grievance mechanism be included as part of an amended Project Stakeholder Engagement Plan. It proposes that Community Liaison Committees (CLCs) be established for the Bahomea, Malango and Ghaobata districts and these consist of

- male, female and youth representatives of local landowning tribes and affected villages,
- a representative of the settler community
- the local community liaison assistant (CLA)
- a representative from the developer, and
- a representative from the project office.

The CLC would act as focal points for information sharing, receipt and action on grievances from members of the community relating to conditions in the project-affected communities during the construction and operation of the Tina Hydro. The CLC would provide monthly reports on conditions and grievances, and their resolution, to the developer, the Project office, the Council of Chiefs, MMERE, the Ministry of Labour, the Ministry of Health, and an external environmental and social management consultant. The ESMP envisages that the CLC would also meet regularly with the House of Chiefs, local workers, the project developer, and representatives of the relevant landowners to identify any emerging concerns. It is anticipated that grievances or concerns reported to the

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<sup>34</sup> BRL, 2015. Environmental and social management plan of the Tina River Hydropower Development Project, Final report May 2015. Solomon Islands Government, Ministry of Mines and Energy and Rural Electrification. Honiara.

developer and the Project office would require written acknowledgement and reports on the resolution of the matters raised. The mechanism for reporting back to communities and agencies is not specified but presumably would include both written reports and verbal briefings, supported by an online database system.

Whatever the arrangements, the IFC advises that they be *accessible to all and provide for fair, transparent and timely redress of grievances and special accommodations for women and vulnerable and marginalized groups to voice their concerns or make complaints.*

### **10.3 Arrangement for dealing with land acquisition and livelihoods restoration grievances**

Grievances relating to land acquisition, livelihoods restoration, compensation and related matters will need to be separated from grievances relating to the impacts of the project on local communities that arise from the construction and operation of the hydro power facility. The former concerns the Project Office and the SIG, while the latter principally concerns the developer/operator.

It is proposed that the Project Office will appoint (or continue to engage) a community and landowner relations manager (CLORM) responsible for liaison and relations with the owners and users of land acquired for the project. The extent to which this separate function would be necessary will depend on the successful establishment of the Tina Core Land Company (TCLC), the proposed shareholding tribal cooperatives, and the effective implementation of the livelihoods restoration arrangements.

The CLORM's role should include the operation of a grievance/complaints system regarding land acquisition matters that meets the IFC requirements. The CLORM should also liaise with the developer's community relations team, which will need to maintain its own impacts monitoring and complaints management systems.

The PO's CLORM will maintain a system for

- Receipt, recording and investigation of complaints and concerns arising from any person regarding land acquisition and livelihoods restoration (with computer-based tracking system).
- Resolution of complaints and grievances, including agreement making where necessary.
- Communication and sign-off/closeout.
- Follow up project management actions as necessary , and
- Monitoring and public reporting on the grievance system as part of the overall project monitoring and reporting.

Matters relating to land acquisition, compensation, and livelihoods restoration may be lodged verbally (face to face or telephone) to the project office, or indirectly through the CLC or CLAs.

The receiver of the complaint should record in writing the name of the complainant/s, the date, time, and place in which the complaint is made, and the details of the concerns or grievances raised. The details must be provided to the CLORM within 3 days, who will register the complaint/grievance on a database.

Where appropriate, the CLORM will ensure that traditional tribal and village arrangements for resolving internal issues and concerns are used (e.g. through mediation and adjudication by church leaders, village chiefs and/or tribal chiefs). Consultative methods should be preferred over formal legal methods, and a protocol for their use should be developed by the CLORM in consultation with the community leaders.

Where local resolution is not appropriate, or the complainant is not satisfied and wishes to escalate the matter, the head of the PO will be final adjudicator. Complaints or concerns about the project construction and its effects will be directed to the project developer (Korea Water) for resolution.

Prior to the implementation of the compensation programme, the CLORM will prepare and distribute a poster and brochure describing the agreed complaints process and arrangements, provide training to PO staff and HOC members, and conduct awareness raising with the communities of the project area.

In the first year of the project, the CLORM should meet monthly with the CLCs to review the complaints received, the effectiveness of their resolution, and to check on potential emerging local issues – the aim being to improve the grievance process. Ideally, consultation on the performance of the grievance process should be included in the ongoing Stakeholder Engagement Plan for the project.

An annual review of the performance of the grievance process should be carried out by a specialist external consultant in each of the first 3 years of the project.

## 11 Monitoring

The IFC and World Bank require that the SIG as the client *“establish procedures to monitor and evaluate the implementation of a Livelihood Restoration Plan and take corrective action as necessary”*. The extent of monitoring activities should be *“commensurate with the project’s risks and impacts”*.

Because of the approach to design and planning of the project, and the requirements of Solomon Islands law regarding compensation for involuntary land acquisition, there is comparatively low risk to people’s livelihoods, and resettlement is unlikely to be required.

The principal purpose of any monitoring will therefore be to assess whether the livelihoods of those affected by the acquisition of the land for the project have been sustained or improved.

Internal monitoring will be carried out by a monitoring unit within the project office to check on both the delivery of the livelihoods restoration entitlements to the affected persons, and their outcomes. Internal monitoring will cover compliance with agreed policies and procedures, the timeliness and accuracy of payment of cash compensation to the affected persons, and the delivery of other forms of livelihoods support. The monitoring unit will consult with affected persons and local leaders and community liaison committees on the performance of livelihoods activities, and will conduct an annual survey of beneficiaries of livelihoods restoration and support. The monitoring unit will provide monthly reports to MMERE on the status of compensation payments and the delivery of livelihood supports to the affected persons, the amount of funds that have been delivered as compensation and expended on livelihood support, and will annually report on the outcomes of the compensation and livelihoods support provided.

External monitoring and evaluation will be carried out by an independent consultant six monthly for the first two years of the LRP implementation, starting in mid-2016, followed by an overall evaluation. The aim of external monitoring will be

- to assess the overall performance of the LRP and its goal of sustaining the livelihoods of affected persons,
- to verify that the particular livelihoods restoration activities have been undertaken, and the compensation funds have been distributed appropriately and in a timely fashion.
- To review the community engagement and awareness activities of the Project office
- To review the overall performance of the grievance resolution mechanisms.
- To assess the adequacy of measures put in place to protect vulnerable groups and households.

The independent consultant will be supported by a financial auditor appointed by the SIG, and together they will submit periodic written reports to the Project office, MMERE, and the World Bank/IFC, with recommendations for any corrective actions or improvements.

At the end of the plan period the external consultant and financial auditor will provide a written evaluation of the effectiveness of the livelihoods restoration plan and compensation arrangements.

## **APPENDICES**

### **A1 Consultations by project office**

## **A2 Agreements with land owners**

### A3 Location of registered land owners of core land

Table A3: Residences of the registered members of the Core Land owning tribes

District	Settlement	Roha	Kochiabolo	Buhu - Garo	Vuralingi	Uluna- Sutahuri	Grand Total	%
<b>Bahomea</b>	Managikiki	16	36			38	90	
	Antioch		27			32	59	
	Valesala		1			40	41	
	Tina	4				28	32	
	Vuramali	9	15			5	29	
	Pachuki					28	28	
	Haimane					23	23	
	Horohotu	12				4	16	
	Katihana					15	15	
	Ngongoti	1	10				11	
	Marava	5				5	10	
	Veramaota		2			8	10	
	Tagilagila	7				2	9	
	Tahurasa					6	6	
	Habusi					5	5	
	Namopila					4	4	
	Horohotu1			3			3	
	Buvi					1	1	
	Hajoha					1	1	
	Kolaji					1	1	
	Komureo					1	1	
Tantita					1	1		
Valekocha					1	1		
Verabariki					1	1		
subtotal		54	94	0	0	250	398	51%
<b>Malango</b>	Mataruka					36	36	
	Pamphylia	32					32	
	Malatoha	21				6	27	
	Bokorade					21	21	
	Bubulake					18	18	
	Valechimea					18	18	
	Namohoi	15					15	
	Chichinge	9				3	12	
	Salavota	12					12	
	Keresapo					11	11	
	Camp	3				5	8	
	Ngalihau					6	6	
	Greenland		2				2	
	Hailalua	2					2	
	Bubulonga					1	1	
	Koloula	1					1	
	Sungina					1	1	
	Umea					1	1	
subtotal		95	2	0	0	127	224	29%

District	Settlement	Roha	Kochiabolo	Buhu - Garo	Vuralingi	Uluna- Sutahuri	Grand Total	%
<b>Belaha</b>	Pao			35			35	
	Kaimomosa	19				2	21	
	Tita			8			8	
	Ado					7	7	
	Huhula			6			6	
	Kwai					5	5	
	Verachiria					5	5	
	Belaha					3	3	
	Koku					3	3	
	Kwai Kara					1	1	
	Vura					1	1	
subtotal		19	0	49	0	27	95	12%
<b>Other</b>	Nazareth Centre		9				9	
	GPPOL area		1			17	18	
	Tenaru					6	6	
	Guadalcanal other			7		3	10	
	Other prov.		1				1	
	Overseas		1			1	2	
subtotal		0	13	16	0	32	61	8%
<b>Grand Total</b>		<b>168</b>	<b>109</b>	<b>65</b>	<b>0</b>	<b>435</b>	<b>777</b>	

#### A4: Livelihoods recorded in Tina Hydro SIA village workshops, 2013

TINA CATCHMENT COMMUNITIES	VILLAGES REPRESENTED	REPORTED LIVELIHOODS ACTIVITIES	EMPLOYMENT & CASH ECONOMY
<b>SENGE COMMUNITY</b>	SENGE	Fishing & Diving (spears and lines - 19+ types of fish named); Gathering food (5 types, incl watercress & betelnut, cocoa, fern/ <i>kaisume</i> , sold for cash. Gathering plant materials (ropes, building) + medicine; Hunting with dogs and spear (5 species) upstream; foraging in forest.	Selective logging & chainsaw milling at Koropa - landowners -maybe \$1000 mth; Marketing (ferns, tomato, eggplant, timber); Development of eco & culture-tourism (from 2009 till early 2013 had 29 guests- paid a total of \$15,000). - . Koropa chief makes craft items for sale.
	CHORO		
	KOROPA		
<b>VERAKUJI - MANAGIKIKI COMMUNITY</b>	VERAKUJI	Subsistence gardening (list of 15+ crops); Fishing; Hunting (wild pig, possum, hunu, birds, gota, big frog); Firewood; Gathering (water lillies, wild yams, muse, palm, bicho, nuts, megapods);	Marketing (tobacco, bicho, betelnut, kua, wild mango, ngali nuts, vato, ura, housing materials); Handicrafts (baskets, weaving); 5 chain-sawyers/ millers (men and youth); 1 local taxi; 1 4WD hire; 2 employed by GRML, 3 by Earthmovers ;1 teacher headmaster (at Gold Ridge); 1 pastor;
	MANAGIKIKI		
	HANILAKE		
<b>ANTIOCH COMMUNITY</b>	ANTIOCH	Gardening Spear fishing in Tina & Toni Rivers (12 types of fish + shellfish); Collecting river-plants (2 types planted, 9 wild); Hunting, pig, opossum, iguana, flying fox, hunu, giant frog	Employed: 3 teachers, 2 GPPOL, 4 earth movers, 1 Gold Ridge, 1 pastor; Day Labour; milling timber; handicrafts; Others - marketing (timber, firewood, flowers, crafts, crops, megapode & turkey eggs, betel nuts, building materials, local tobacco, ngali nut and coconuts)
	VALESALA		
	KOLANJI		
	KOMEO		
<b>MARAVA COMMUNITY</b>	MARAVA	Gardening (13 crops listed); Fruit Trees (9 listed); Gathering wild foods (swamp taro in emergencies); Hunting (spears, dogs, guns); Spear fishing (7 species); Gathering materials (housing);	Garden produce marketing; 4 employed in GRML; logging; milling timber (employees share proceeds), timber retail; selling firewood; Cocoa to local buyers; Women's jobs (weaving, flowers; baking); operating small canteens; Royalty payments from GRML, (Have been recent Improvements to housing, roads, communication, health)
	NGONGATI		
	VATUPAUA		
<b>PACHUKI COMMUNITY</b>	PACHUKI	Gardening/ subsistence farming; (kasava, kumara, taro); Fishing (trap, line, net, diving); Hunting (wild game, nuts); Gathering (kasume, rova, boto, kaimomosu, kaichiui, bania, kaikai, wild yam (bokoia, uvi kambe, tege), matua.	Employed (1 GRML, 1 Earth); marketing of flowers & plants; crops (kasava, kumara, kasume, fern, taro, banana, betelnut, lemon fruits, cut-nut); Local sale of pigs & chickens; kokorako; Timber milling & building materials sago palm leaves; Saw milling for hire (1 employed at Habusi)
	HABUSI		
	VERALOKA		
<b>NAMOPILA COMMUNITY</b>	NAMOPILA	Gardening (left to regrow as forest after 1 year, left for 5 years before cultivated again).	No salary earners in the village but Day Labourer's earn \$50 - 200 for clearing / brushing, \$2000 - 5000 for house building; Marketing

	KOMUREO	Hunting (wild pigs, lizards); Fishing & eeling (5 locations); Gathering river Plants (list of 23 types);; Emergency Wild Food (used during cyclone in 1986) including uvi kanbe, ngali nut, poicho, matua.	(bettlenut, flowers, loyacane, banubu, sago palms); Crops (cabbage, potato, kasava, coconuts); Timber milling; Hunting and fishing (selling);Piggery; Gravel (Pacific Timber);
	VATUNADI		
	VALELCOCHA		
<b>TINA COMMUNITY</b>	TINA	Gardening (veges, root crops, fruit) - womens activites involve gardening; Fishing -using line, net and diving (10+ types of fish); Hunting (only between Toni and Tina); Gathering wild yams etc;	Employed: 12 GoldRidge, 1 GPPOL, 3 teachers, 1 THP office, 1 public servant, 2 police; local timber milling Marketing at Honiara market (vegetables; crops like potato, cassava, taro; clothes; flowers; wild pig meat)
	VALEBARIK		
	VALEBEBE		
	TAHURASA		
	VALEMAOTA		
	Kaithana		
<b>VURAMALI COMMUNITY</b>	VURAMALI	Gardening (cabbage, eggplant, tomato, capcicum), Hunting & Diving (between Toni and Tina); Fishing top-most part of river;	Sell produce (cabbage, banana, pawpaw, kasava, ferns, kumara); Cash cropping copra and cocoa; Royalties from mining, logging; 15 people at Haimane employed (GRML, GOV, CBSI, ports, Fisheries, teaching); timber milling; canteen; weaving and handcrafts (mats, baskets); sewing; royalties from Gold Ridge; many unemployed youths in the village
	HAIMANE		
	HOROHOTU 2		
	VUVAMALI		
<b>HOROHUTU I</b>	HOROHOTU 1	Gardening (kumara, kasava, tomato, beans, pawpaw, banana, eggplant, yams + poma); Fishing	Crops for selling (eggplant, beans, tomato, corn, cucumber, melon, pumpkin). Day labour to land-owners (timber milling); Truck-hiring; Paid Employment - 12 including with World Vision - 1; Warden - 1; GRML - 1; GPPOL - 6; Aviation -1; Logging Company - 2;
<b>VERA-ANDE COMMUNITY</b>	VERA-ANDE	Gardening is families' main source of food. Fishing and Diving along Tina by young people (no hunting);	Marketing of cocoa, kasune, cake, bettlenut, rolled cigarettes, sago palm; Gold panning Timber Milling; GRML - 1 (kitchen); GPPOL - 1; Day Labour; Lee Kwok Kueen (Veraander - 6, New Mahata - 8, Verakwele - 3)
	VERAKWELE		
	NEW MAHATA		
<b>VERAKABIKABI COMMUNITY</b> (Settlers)	VERAKABIKABI	Gardening; Growing swamp taro; Gathering fern-kasume, amau leaves (eat young ones, old ones for washing pots and utensils) ; Hunting (pig, eelfish, opossum); eel traps at Betisasanga.	Marketing of banana, cocoa; Truck Hire; Panning for gold; Day Labour; many family members away at Goldridge

<b>MALANGO &amp; BELAHA</b>	<b>VILLAGES</b>	<b>LIVELIHOODS</b>	<b>EMPLOYMENT</b>
<b>MATARUKA COMMUNITY</b>	MATARUKA	Gardening (kumara, kasava, banana, taro, yam, pana, cabbage); Hunting for eating and selling (wild pigs, possums, lizards, frogs)	Cocoa (wolf beans and dry beans); Coffee; Piggery (10 - 20 pigs); Marketing (yam, mushrooms, veges); Timber Milling (30 + people with chainsaws);
	PAMPILIA		
	NAMORAONI		

	SUNGINA		Employment with Earthmovers; GRML (~ 50); GPPOL (5); Teachers (30); Central Govt (10); Prov Govt (2); PhD's (2); Medical (1); Ports (1); Operating small shop (many); bus (6 contracted out)
	CHICHINGE		
<b>BELAHA COMMUNITY</b>	ADO	Gardening	Employment (GRML - 20, Earthmovers - 10-20, 10 SIG – teachers), Day Labour; Timber; Piggery and Poultry; Services (transport, store); Running small business, 50% of garden production is for cash crops); Market (cocoa, bettlenut, copra, fish, gardening, coconut); timber milling; Running small shop (rice, taiyo, noodle, drinks) Gold prospecting,
	KWAI	Fishing (river shells - leve & doe, eelfish, tilapia, shrimp);	
	PAO	Hunting (wild pigs, lizards, opossum);	
	VOLVUA	Gathering wild foods & river Plants (taro, choro, bicho, uvi kambe);	
	RAHO		

Source: G. Fitzgerald, 2013: TRHDP Social Impact assessment technical report.

## **A5 Asset identification and Valuation Data**

## A6 Stakeholder consultation on the preliminary plan: issues raised

### **Managikiki:**

Community briefing and consultation on livelihoods restoration plan, and proposed schedule of entitlements. 20 November, 2015. 11.45- 2.15pm

Presenters: G. Fitzgerald (international social consultant), K. Simeon (Assets assessment consultant and translator), S. Para (CLA, indigenous language translator; women's facilitator)

Also present: J. Scott (gender specialist, World Bank); B. Tavalia (PO community liaison officer) , J. Maka'a (PO communications officer), and T. Siapu (PO water resource officer and liaison, and local resident).

### *Matters raised by participants*

- Uncertainty over the final alignment of the corridor, and therefore the actual assets affected.
- Is the recently surveyed alignment & boundaries of the corridor the same as those described in the process agreement and as acquired by the COL in August 2014.
- Presence of gardens and other assets around Senge.
- Alignments of the roads to the powerstation site and the dam site within the Core Land are not known. Hard to determine what private assets might be affected . Will require a specific assessment once the alignment is decided. Due to steepness of the valley, there may be engineering limitations to adjusting the alignment to avoid assets.
- What will be the extent of replacement of structures if necessary , Ref to resettlement conducted at Gold Ridge. Some people want the village, or particular houses to be similarly relocated, even though they will not be affected by the land acquisition.
- Future safety of the road – need for fence.

Notes: One man particularly outspoken about the accuracy and location of the corridor boundaries.

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### **Grassy Hill:**

Community briefing and consultation on livelihood planning and proposed schedule of entitlements relating to the infrastructure corridor and registered land. 20 November, 2015. 2.40 – 4.15pm

Presenters: G. Fitzgerald (consultant), K. Simeon (Assets assessment consultant and translator), S. Para (CLA, indigenous language translator; women's facilitator).

Also present: J. Scott (gender specialist, World Bank); B. Tavalia (PO community liaison officer) , J. Maka'a (PO communications officer), and T. Siapu (PO water resource officer and liaison, local resident).

### *Matters raised by participants*

- Proposed approach to compensation and livelihoods protection for gardens and other assets makes sense, though only one local person is affected, and he was not present.
- A new house has been built 6 mths ago, and home garden created, close to the corridor on the GPPOL leased land nearby. What will happen there?
- Safety of the road in the future
- Compensation for and replacement of shade trees, if affected. Some "timber trees" (e.g. teak) are actually shade trees.
- People here have known for a long time, and have repeatedly heard about the project and the proposed changes to the road. Its peoples own fault if they then go ahead and plant gardens or

build structures in the alignment and they are damaged by the construction (general agreement).

Notes: a balance of males and females present. Women participated well. Several loaded logging trucks passed by during the meeting. The village seems to be a bus stop and pickup point for local people.

## A7: Household Division of Labour

% of households in which each group is involved in the activity	Female adults	Female teens	Female children	Male adults	Male teens	Male children
Fetching Drinking Water	93%	52%	16%	55%	27%	11%
Doing the Laundry	95%	7%	5%	9%	34%	2%
Preparing and Cooking Food	95%	30%	0%	30%	9%	0%
Fetching Firewood	82%	27%	7%	52%	18%	5%
Caring for the Yard	95%	32%	2%	25%	11%	2%
Cleaning the House	89%	30%	5%	9%	5%	5%
Building and Maintaining House	9%	0%	0%	91%	11%	5%
Feeding Pigs and Chickens	52%	20%	2%	25%	11%	5%
Child Minding	98%	25%	5%	45%	14%	2%
Taking Children to School	36%	2%	5%	11%	0%	5%
Clearing Forest for Gardens	50%	2%	5%	86%	5%	5%
Cultivating the Gardens	82%	9%	2%	66%	9%	2%
Harvesting Planted Crops	93%	14%	2%	48%	5%	2%
Hunting	2%	0%	0%	48%	5%	2%
Catching Fish/Eels in the River	32%	9%	2%	61%	20%	9%
Collecting Wild Fruit etc.	50%	20%	7%	45%	18%	5%
Selling Produce/Cash Crops	86%	7%	0%	18%	5%	0%
Looking after Household Finances	82%	0%	0%	50%	0%	0%
Buying Food/Supplies	82%	5%	0%	45%	2%	0%
Attending Community Meetings	93%	2%	0%	68%	2%	0%
Deciding on Land Issues	41%	0%	2%	75%	0%	2%

Source: G. Fitzgerald, 2013: TRHDP Social Impact assessment technical report.