

# Resettlement Plan

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June 2017

## SOL: Tina River Hydropower Project (Part 1)

Prepared by the Government of Solomon Islands for the Project Financiers.

## **CURRENCY EQUIVALENTS**

(as of 15 June 2017)

Currency unit	–	Solomon Islands dollar (SBD)
SBD1.00	=	\$0.13

## **NOTE**

- (i) In this report, "\$" refers to US dollars.

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This Land Acquisition and Livelihood Restoration Plan (LALRP) provides a consolidated assessment and overall management measures to address project's impacts. It has been prepared by the Solomon Islands Government to meet the applicable safeguards standard of the project financiers and should be read in conjunction with the Community Development Plan and Environment and Social Impact Assessment. Asian Development Bank (ADB) Involuntary Resettlement policy requirements have been considered and complied during the document preparation in anticipation of ADB funding although the document has not explicitly mentioned ADB and mainly referred to applicable World Bank safeguards policies. The tribal communities are not considered as Indigenous Peoples for the purposes of ADB Indigenous Peoples Policy application. Hence, ADB IP Policy has not been triggered. Nevertheless, all indicated measures in the LALRP are deemed applicable and required to be implemented under the ADB Involuntary Resettlement purview.



Solomon Islands  
Government

Ministry of Mines, Energy and Rural  
Electrification

Tina River Hydropower  
Development Project (TRHDP)

A photograph of a river flowing through a lush green forest. The river is surrounded by large, dark rocks, and the water is white with foam as it flows over the rocks. The background is a dense, green forest.

# Land Acquisition and Livelihood Restoration Plan

April 2017

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## Table of Contents

3	Introduction.....	10
1.1	Objectives of the LALRP .....	10
1.2	The need for the LALRP .....	11
1.3	The development of the LALRP .....	11
1.4	Information sources for the LALRP .....	12
2	Project Description .....	14
2.1	Overview.....	14
2.2	Project Area .....	14
2.3	The project elements .....	19
2.4	Construction and Operation of the TRHDP .....	21
2.5	Options considered to minimise resettlement impacts.....	21
2.5.1	Dam and Power Station Site Options .....	21
2.5.2	Infrastructure Corridor Site Options.....	22
3	Land Required for the Project.....	24
3.1	Overview.....	24
3.1.1	The Core Land.....	24
3.1.2	Monitoring Sites .....	24
3.1.3	Northern Infrastructure Corridor.....	25
3.2	The Core Land.....	25
3.3	Northern Infrastructure Corridor.....	26
3.4	Lungga Transmission Line Corridor.....	28
3.4.1	Section 1 - The Tina Infrastructure Corridor .....	29
3.4.2	Section 2- The Lungga corridor.....	29
3.5	Monitoring Sites .....	29
3.6	Use of the Tina River water.....	31
4	Policy and Legal Context for the Land Acquisition and indigenous peoples 33	
4.1	World Bank requirements.....	33
4.1.1	Overview.....	33
4.1.2	OP 4.12- Involuntary Resettlement.....	33
4.1.3	Indigenous peoples.....	34
4.2	Solomon Islands law.....	35

---

4.2.1	Overview.....	35
4.2.2	Registered Land .....	35
4.2.3	Customary land.....	36
4.3	Land acquisition for the Tina Hydro Project.....	36
4.4	Compulsory Acquisition .....	37
4.4.1	Compulsory Acquisition Powers .....	37
4.4.2	Procedures for compulsory acquisition.....	38
4.4.3	Judicial Remedies .....	40
4.4.4	Compensation.....	40
4.5	Voluntary Registration and Lease of Customary Land .....	41
4.5.1	Overview of the LTA Division 1 Process .....	41
4.5.2	Purchase or Lease Process .....	42
4.6	Acquisition of registered land .....	42
4.6.1	The ownership situation .....	42
4.6.2	Legal process .....	43
4.7	Gap Analysis - Involuntary Resettlement.....	43
4.8	Gap Analysis - Indigenous Peoples.....	50
5	Indigenous peoples safeguards .....	56
5.1	Overview.....	56
5.2	Meeting World Bank Policy Requirements .....	56
5.2.1	World Bank Policy Policy Requirements .....	56
5.2.2	Definition of Broad Community Support.....	59
5.2.3	Methods of Consultations and Affected Communities Broad Community Support and Free and Informed Participation .....	60
5.2.4	Conduct of Gender Inclusive Consultations .....	73
5.2.5	Broad Community Support.....	74
6	The Acquisition of the Land for the Tina Hydro Project.....	79
6.1	Project planning access agreement.....	79
6.2	Acquisition of the Core Land .....	80
6.2.1	Identification of customary owners for the purpose of seeking free, prior, informed consent .....	81
6.2.2	Consultations on the BLIC Process.....	82
6.2.3	Identification of prospective Core Land Tribes following identification of 7C Site .....	85

---

6.2.4	Process Agreement Negotiation.....	85
6.2.5	Public information distributed on the Process Agreement .....	87
6.2.6	Terms of Process Agreement .....	88
6.2.7	Advantages of Compulsory Acquisition .....	90
6.2.8	Acquisition Process.....	91
6.2.8.1	Ministerial Declaration.....	91
6.2.8.2	Consultation and Awareness.....	91
6.2.8.3	Independent Legal Assistance .....	92
6.2.8.4	Land Valuation .....	92
6.2.8.5	Compensation Offers and Grievance Options .....	93
6.2.9	Land based resettlement option.....	95
6.2.10	Equal Benefit Sharing.....	95
6.2.11	Targeted measures for dis-advantaged and vulnerable persons .....	97
6.2.12	Improved income generation and employment opportunities .....	100
6.3	The acquisition of the registered land.....	102
6.3.1	Northern Infrastructure Corridor – registered land.....	102
	Parcel One .....	102
	Parcel Two .....	103
	Parcel Three .....	103
	Parcel Four .....	103
6.3.2	The Lungga transmission corridor.....	104
6.4	Information disclosure, consultation and participation .....	104
6.4.1	Free prior & informed consultation .....	104
6.4.2	Consultation Outcomes.....	106
6.4.3	Project Implementation Consultation Mechanisms .....	108
7	Profile of the Project-Affected People and Communities .....	110
7.1	Information sources .....	110
7.2	The Core Land owners .....	111
7.2.1	Population and affiliation.....	111
7.2.2	Residence.....	111
7.2.3	Gender & age .....	113
7.3	The users of the Core Land .....	115
7.4	Population affected by the Tina infrastructure corridor .....	117
7.5	Ethnicity of the PAPs .....	118

---

7.6	Marital status .....	118
7.7	Educational status of the PAPs .....	119
7.8	Disabilities .....	120
7.9	Household composition.....	121
7.10	Economy and livelihoods of the PAPs and Communities .....	122
7.10.1	Livelihoods .....	122
7.10.2	Livelihoods goals and strategies.....	122
7.10.3	Subsistence activities of PAPs .....	123
7.10.3.1	Food production.....	123
7.10.3.2	Fishing .....	123
7.10.3.3	Hunting .....	125
7.10.4	Cash generating activities .....	126
7.10.5	Cash incomes .....	128
7.10.6	Access to land.....	129
7.10.7	Diets and utilisation of natural assets .....	129
7.10.8	Shelter.....	130
7.10.9	Household energy .....	131
7.11	Vulnerable households .....	131
8	Impacts of the Project on Livelihoods.....	134
8.1	The main effects .....	134
8.2	Loss of commercially-valuable forest .....	134
8.3	Loss of non-timber forest resources .....	135
8.3.1	Core land assets.....	135
8.3.2	Infrastructure Corridor assets.....	136
8.4	Effects on vulnerable persons and communities .....	138
9	Livelihoods Restoration .....	140
9.1	Approach to livelihoods restoration .....	140
9.2	Livelihoods protection and restoration mechanisms .....	140
9.3	Impacts and compensation and restoration responses .....	141
9.4	Asset values .....	142
9.5	Entitlements Matrix .....	143
9.6	Community Benefit Share Scheme .....	153
9.6.1	A pre-operation Community Benefit Share Pilot.....	153

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9.6.2	Ongoing Community Benefit Share from commencement of operation .....	153
9.7	Institutional arrangements .....	154
9.7.1	Project Office .....	154
9.7.2	The Developer .....	155
9.7.3	Independent SIA and livelihoods specialist .....	156
9.8	Implementation schedule, responsibilities, and budget .....	156
9.9	Financing Arrangements .....	163
10	Grievance Resolution .....	171
10.1	Types of grievances .....	171
10.2	Grievance management approach .....	172
10.3	Mechanism for dealing with grievances .....	173
11	Monitoring .....	176
11.1	Purpose .....	176
11.2	Organisation and roles .....	176
11.3	Approach & Methods .....	177
12	Resettlement and Livelihoods Restoration Framework for the Lungga Transmission Corridor .....	179
12.1	Background .....	179
12.2	Project planning and assessment .....	179
12.3	Preparation of a Resettlement Action Plan .....	180
12.4	Principles underpinning the RAP for the Lungga Transmission Corridor .....	181
12.5	Potential livelihoods impacts of the Transmission Corridor .....	182
12.6	Resettlement and livelihoods restoration .....	183
12.7	Grievance mechanism .....	188
12.8	Monitoring .....	188



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## List of Figures

Figure 2-1 - Map of Project Location .....	15
Figure 2-2 Guadalcanal Island showing the location of the Tina Hydro project.....	16
Figure 2-3 Key locations, rivers, villages, and hydro infrastructure.....	17
Figure 2-4 Project layout and study areas .....	18
Figure 2-5 - Map of Malango/Bahomea Area within Malango Ward.....	19
Figure 2-6 - Illustration of Project Scheme .....	20
Figure 3-1 - Acquired Core Land.....	26
Figure 3-2 The location and boundaries of the lands required for the Tina Infrastructure Corridor .....	27
Figure 3-3 Approximate location of the various sections of the Tina access road (not to scale) .....	28
Figure 3-4 The approximate location of the catchment monitoring sites .....	31
Figure 6-6-1 Map of Acquired Core Land.....	80
Figure 6-2 Land Acquisition Timeline .....	84
Figure 6-6-3 Process Agreement Signing Ceremony before Prime Minister Gordon Darcy Lilo, J uly 2014 .....	86
Figure 6-6-4 Female representative at signing of Process Agreement in J uly 2014 .....	89
Figure 6-5 Tribal interests in the Core Land and Compensation Offered by Commissioner of Lands in August 2015.....	95
Figure 6-6-6 Tribal member registration for Co-operative Societies and photographs for bank account identification with Project Office - March 2016 (names removed for privacy) .....	96
Figure 6-6-7 - Member of Roha Co-operative Society voting in secret ballot on the distribution of the land compensation payment.....	99
Figure 6-6-8 - Chairperson of Roha Co-operative Society, Daniel Una, business launch - October 2016 .....	101
Figure 7-7-1 The location of the Core Land, Tina infrastructure corridor, villages, and census enumeration areas .....	114
Figure 7-7-2 .....	116
Figure 7-7-3 Incidence of impairment or disability or in the Project Affected Communities* .....	121
Figure 7-4 Approximate locations of the main areas used for hunting and fishing expeditions .....	126
Figure 7-5 - Main sources of income 2009 .....	127

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Figure 7-6 - Weekly cash incomes in Solomon Islands Dollars (SBD) for the sampled households in the study area.....	128
Figure 7-7 Local use of traditional materials & wood for dwellings and fuel.....	131
Figure 8-1 Productive livelihood assets identified in the Core Land.....	135
Figure 9-1 Compensation and restoration plan: responses, entitlements, and implementation.....	143
Figure 9-9-2 Vulnerable persons and women's development.....	151
Figure 9-3 Recorded livelihoods assets on the acquired land (names of owners removed for privacy) .....	164
Figure 10-1 Grievance resolution process and options .....	175
Figure 12-1 Impacts identification and management process.....	181

## List of Tables

Table 3-1 Registered land required for the Tina infrastructure corridor .....	27
Table 4-1 - Acquisition Types .....	37
Table 4-2 - Gaps between WB OP 4.12 and Solomon Islands law regarding assets and livelihoods loss from land acquisition.....	43
Table 5-1 - Project Stakeholder and Engagement Plan.....	60
Table 5-2 - Summary of the timing and location of consultation undertaken by the Project Office.....	64
Table 5-3 - Classification of settlements by Potential Project Impacts .....	68
Table 5-4 - Communities where focal workshops were held in 2013 .....	69
Table 5-5 - Incorporation of Feedback in Process Agreement.....	75
Table 5-6 - Key issues raised by the affected indigenous peoples communities.....	77
Table 6-1 - Consultation Outcomes .....	106
Table 7-1 - District Residences of the Registered Members of the Core Land Owning Tribes .....	112
Table 7-2 - Age and sex profile of Core Land Tribes .....	113
Table 7-3 - Households and populations of the project neighbourhood (River, Core Land, and Infrastructure Corridor) .....	116
Table 7-4 - Residences of owners of individual assets in the Tina infrastructure corridor (may change) .....	117
Table 7-5 - Educational achievement in the project affected communities .....	119
Table 7-6 - Common agricultural activities in the project-affected communities*.....	124
Table 7-7 - Household fishing in the project-affected communities*.....	124

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Table 9-1 T Tina Hydro Livelihoods Restoration Plan Implementation S chedule.....	157
Table 12-1 Lungga Transmission Corridor T resettlement and livelihoods restoration entitlements for involuntary land acquisition .....	185

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## 3 INTRODUCTION

### 1.1 OBJECTIVES OF THE LALRP

This document describes the actions that will be taken to avoid, minimise, mitigate, and otherwise manage the adverse impacts on peoples' livelihoods of the land acquisition for the Tina River Hydropower Development Project (TRHDP) in Solomon Islands. It also details the manner in which indigenous communities in the project area are involved in a way which ensures that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples in the project area. It includes identification of measures to avoid potentially adverse effects on the Indigenous Peoples' communities; or when avoidance is not feasible, to minimize, mitigate, or compensate for such effects. The LALRP also details how social and economic benefits are culturally appropriate and gender and inter-generationally inclusive.

This LALRP provides consolidated assessment and management measures for the overall project. In turn, the project is covered by a number of policies which reflect international good practices for both private sector and public sector infrastructure investments. The LALRP has been prepared to meet the highest applicable standard of the World Bank safeguard policies concerning Involuntary Resettlement (OP 4.12) and Indigenous Peoples (OP 4.10), and the requirements of SIG, for any particular aspect. The intention is to ensure that for all activities, the highest level of protection is afforded to the people and communities affected by the project and its components.

The goal of this Land Acquisition Livelihoods Restoration Plan (LALRP) is to achieve an equitable and sustainable outcome for the people and communities transferring or surrendering their ownership or use of land and livelihoods assets in order for the hydro development to proceed. This includes ensuring those directly affected by the development activities are involved in the planning, and have opportunities to participate in devising and implementing livelihoods impact mitigations and enhancements.

This plan has been prepared as part of the World Bank safeguard requirements with respect to the management of the impacts on local communities caused by the involuntary taking of land by the Solomon Islands Government for the TRHDP and/or by economic displacement of people in the project affected area. The requirements of the World Bank are described in Operational Policies 4.10 and 4.12.

The requirements under Solomon Islands' law relating to land acquisition and compensation are specified in the Land and Titles Act.

This plan complements the Environmental and Social Impact Assessment (ESIA) for the Project, which has been prepared as a separate document with reference to funding agency safeguard requirements including World Bank Performance Standards OP 4.03 and World Bank Operational Policies as they apply to the private entity developing the dam and power house. Chapter 12 of the ESIA, 'Assessment of Socio-Economic Impacts' and the Environmental and Social Management Plan in Chapter 13 of the ESIA, set out the socio-economic and cultural impacts, and mitigation measures, relating to the construction and

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operation of the Project. In addition, the LALRP complements the Community Development Plan (CDP) prepared to provide for culturally appropriate benefit sharing for Indigenous Peoples communities in the Bahomea and Malango areas. This LALRP, which can be read together with the ESIA and CDP, looks specifically at the impacts of the acquisition of land and assets by the Solomon Islands Government (SIG).

## 1.2 THE NEED FOR THE LALRP

The LALRP establishes the processes under which the communities affected by land acquisition are an integral part of the project and its benefits either directly or indirectly through the project's development outcomes. As a key development premise of the Project, no physical displacement of people will occur. All land selected for the Project, including the dam site, reservoir, powerhouse, access roads, construction lay-down areas quarries, realignment and upgrade of the Black Post Road, and the transmission line corridor along the Black Post Road alignment is non-residential land and no physical relocation of houses will be required.

However, the Government's land acquisitions could impact negatively on some peoples' livelihoods assets and incomes, that is, there could be 'economic displacement'. In these circumstances, and on the basis that SIG is undertaking all land acquisition required for the Project, WB OP4.12 (Involuntary Resettlement) will apply.

In addition, WB OP 4.10 applies. Since the vast majority of project beneficiaries and affected people are indigenous as defined by OP 4.10, the elements of an IPP have been integrated into the project design and the LALRP (and ESIA) rather than requiring the preparation of an Indigenous Peoples Plan (see Section 5). The CDP is also designed to integrate all the elements of an IPP to ensure that the project provides culturally appropriate benefits to indigenous peoples based on a process of free, prior and informed consultations leading to broad community support.

## 1.3 THE DEVELOPMENT OF THE LALRP

The process of developing the LALRP has been both integral to and an extension of the social impact assessment and community consultation activities undertaken as part of the overall project planning.

The social safeguards/assessment methodology and studies used to inform the LALRP are described in the ESIA. These include:

- ¿ a systematic program of participatory village workshops in which a rich picture was developed of the social, economic and cultural context for the project, of peoples' understandings and concerns about the development, and the potential impacts and local development opportunities;
- ¿ a questionnaire survey of a sample of village women about their households, livelihoods, nutrition, and way of life;
- ¿ semi-structured face-to-face interviews with village leaders about local society, culture, important places, livelihoods, and impacts management;

- 
- ¿ face-to-face consultations with agency and NGO representatives about the potential socio-economic impacts and their management;
  - ¿ team conferencing, including participation by village-based community liaison officers on the potential impacts and their management, including livelihoods issues;
  - ¿ preparation of preliminary environmental and social impacts mitigation proposals, which were then refined at 2 workshops of leaders from the affected communities; and
  - ¿ preparation of a written draft ESIA document, which was then provided to key stakeholders for ongoing review and comment.

Subsequent to the completion of the draft ESIA and ESMP documents, it was determined that a livelihoods restoration plan would be required. The SIA studies and consultations on the proposed impact mitigations became the basis for preparing the LALRP, supplemented by information from the following (see Chapters 5 and 6 of the LALRP for more details):

- ¿ two community workshops, respectively at Managikiki/Verakuji (adjacent to the Core Area) and at Verañde/Grassy (adjacent to a part of Black Post Road where the road/transmission corridor requires widening);
- ¿ a land survey of the proposed road and transmission routes and Core Area;
- ¿ an inventory and valuation of the timber assets of the Core Area;
- ¿ inventories of the livelihood assets and their owners where applicable on the proposed road and transmission routes;
- ¿ schedules of compensation payments for trees and plants used by the Ministry of Agriculture and Livestock Development;
- ¿ a systematic registration of the members of the local customary landowning tribes; and
- ¿ ongoing consultation by the Project Office with the affected communities (see Annexure 14 to the ESIA).

## 1.4 INFORMATION SOURCES FOR THE LALRP

A host of technical studies, associated reports, and reviews have been produced as part of the Project Planning. Key documents and secondary information used in the preparation of the LALRP include:

- ¿ The Environmental and Social Impact Assessment (ESIA) prepared by BR Li in 2014-15. This includes a description of the pre-project social conditions in the project area and an assessment of the potential impacts of the development on local people and communities. The ESIA was prepared in compliance with the Environment Act (1998) WB safeguards policies. The ESIA was updated by the Project Office in 2016;
- ¿ A draft Resettlement Policy Framework (RPF), prepared by Jean Williams in August 2012 for the SIG and the WB;
- ¿ A land valuation for the Tina Hydro :Core Land~, prepared for SIG in 2014;
- ¿ A Forest Valuation Report, which provides the formal valuation of the commercial timber trees within the Core Land area, prepared by Myknee Sirikolo in April 2015;

- 
- ¿ Report on legal framework and process for the land acquisition prepared by Jen Radford of the Project Office in 2015. This provided the source text for much of Chapters 3, 4 and 6;
  - ¿ The report on the Tribal Registration process for the Malango peoples (the local tribal/language group), with an associated database, assembled by Kellington Simeon in April 2015 and updated in early 2016;
  - ¿ The 2015 reports on the land surveys for the proposed road and transmission line corridor to Black Post, prepared by Solomon Islands Survey and Land Consultancy, Honiara, and updated in early 2016;
  - ¿ The Asset Identification and Valuation Survey for the Core Area and the Black Post Road and Transmission corridor with a geo-referenced database, assembled by Kellington Simeon and Pacific Horizons Consultancy Group in November 2015;
  - ¿ A preliminary Livelihood Asset Survey of two options for the power transmission corridor between Black Post Road and Lungga Power Station, prepared by Kellington Simeon and Sebastian Misiga in mid-2016; and
  - ¿ Statistical Enumeration Area data tables from the 2009 Solomon Islands national census, published in late 2014.

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## 2 PROJECT DESCRIPTION

### 2.1 OVERVIEW

The TRHDP is a 15 megawatt (MW) hydropower scheme to be located on the Tina River, in Central Guadalcanal, Solomon Islands. Tina Hydro is intended to supply renewable electricity to Honiara, the capital of Solomon Islands. The project is located in the Bahomea district of Malango Ward (Ward 20) – approximately 30km east of Honiara (figure 2.1).

The Tina River has a catchment area of approximately 150km<sup>2</sup>, most of which is mountainous, heavily forested, and unoccupied. The site of the proposed 53m high concrete dam and 30.5ha storage reservoir on the Tina River is remote and unoccupied.

Until August 2014, when it was legally acquired by the Solomon Islands Government (SIG), the customary land required for the Project was owned by five indigenous tribes from Bahomea and Malango districts (Figure 2.1 and 2.2). These tribes are part of the Malango-speaking area which is indigenous to the upland central Guadalcanal region.

The Tina Hydro development is being implemented by a dedicated Project Office (PO) within the SIG's Ministry of Mines, Energy and Rural Electrification (MMERE). Beginning in 2009, the PO has undertaken the planning of all aspects of the project in continued dialogue with the indigenous land owners and village communities of the Tina-Ngalimbiu Catchment and wider Malango Ward, and with the assistance of advisors from the World Bank, hydro engineers and other local and international specialists. From a social development and impacts management perspective, a feature of the project planning has been the comprehensive and sustained programme of community consultation and involvement run by the PO (as set out in Annexure 14 of the ESIA), and the collaborative development of a programme of benefits sharing with local peoples (as described in detail in the CDP).

A full description of the Project is set out in Chapter 2 of the ESIA.

### 2.2 PROJECT AREA

Tina River is located 30 km South East of Honiara at the upstream end of the Ngalimbui River Basin in Malango Ward 20, Central Guadalcanal District. The Tina River catchment and proposed transmission line route are in the Malango Ward within Central Guadalcanal District.

The Map at Figure 2-1 depicts the dam, reservoir and power station sites in the context of the Black Post Road, Main Highway and Ngalimbui River.



Figure 2-1 - Map of Project Location



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Figure 2-2 Guadalcanal Island showing the location of the Tina Hydro project



The Tina River is derived from the joining of three rivers: the Mbeambea, the Voraha and the Njarimbisu rivers. The Tina River catchment area is roughly 150km<sup>2</sup>. The Tina River joins the Toni River, a much smaller river with a catchment of about 45km<sup>2</sup>, to form the Ngalimbiu River, which flows through a coastal plain before discharging into Iron Bottom Sound on Guadalcanal's North coast. This coastal plain is more highly developed than the upstream areas of the catchment, and has more settlements and agriculture activity. At its headwaters, Tina River flows through a very narrow, steeply sided and incised, limestone gorge. In its mid reaches, the slopes gradually become less steep and are dotted with a few human settlements and gardens.

The Project area landscape is comprised of volcanic mountains, dissected river ridges in the South and central areas, and low terraces and fertile flood plains toward the North coast. The flora and fauna in Guadalcanal is both rich in diversity and endemism. The project site is dominated by tropical moist forests, and is associated with a majority of low altitude forests, grasslands and mix of habitats. The Tina River upper catchment area is comprised of undisturbed montane forests and aquatic ecosystems.

Key locations, rivers, villages, and hydro infrastructure are shown in Figure 2-3 below.

Figure 2-3 Key locations, rivers, villages, and hydro infrastructure





Figure 2-4 Project layout and study areas

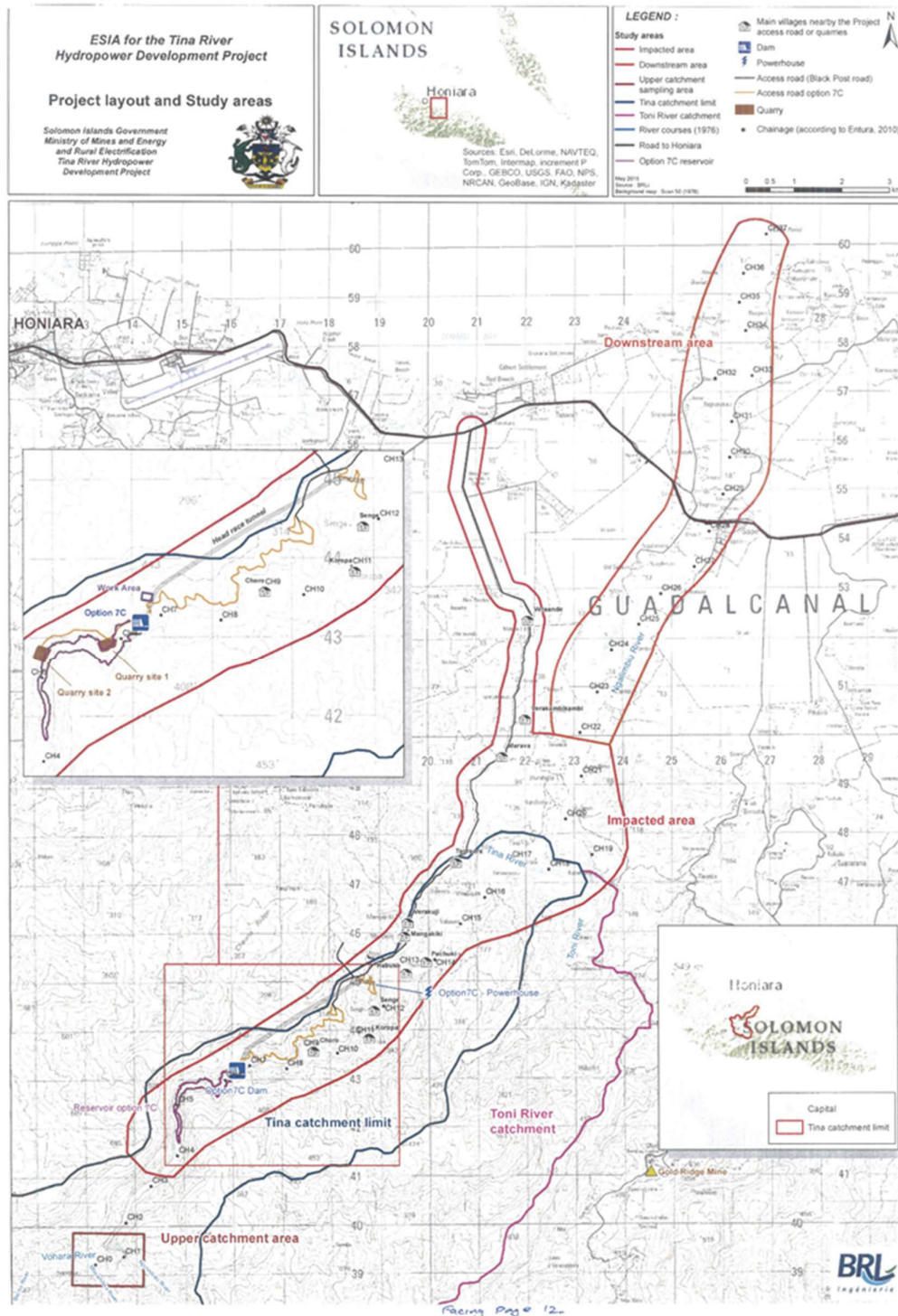
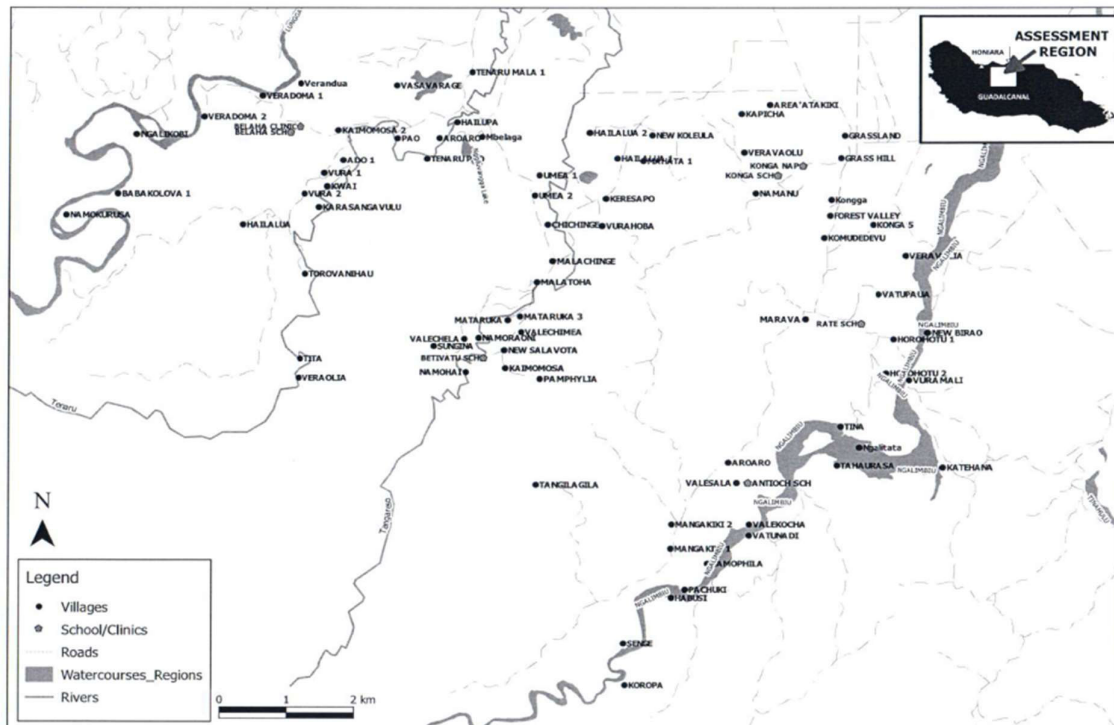


Figure 2-4 shows the areas for social and environmental assessment, as well as the key features of the project. It also shows the impacted area, downstream area where the River joins the sea, catchment areas and the northern access corridor connecting the core area to the highway.

Error! Reference source not found. shows the broader areas of Malango/Bahomea, owned by 27 landowning tribes.. These groups will benefit from a community benefit sharing scheme as detailed in Chapter 9 of this LALRP and in the CDP. This benefit sharing scheme goes beyond the provisions of the LALRP which addresses impacts to the five land-owning tribes and to affected people losing livelihood assets and incomes in connection with the taking of land.

Figure 2-5 - Map of Malango/Bahomea Area within Malango Ward



Communities further downstream along the Ngalimbiu River are not affected by project construction and land acquisition and are therefore not covered by the LALRP or the benefit sharing scheme. Impacts on these communities, which are deemed minor, are addressed in the ESIA through the provision of alternative water supply and through monitoring and mitigation measures, if needed, concerning potential impacts on fisheries and income from gravel extraction are also addressed through the ESIA.

## 2.3 THE PROJECT ELEMENTS

The project consists of the following key elements:

- a 53 meter high Roller Compacted Concrete dam on the Tina River at an elevation of approximately 123m asl and roughly 30 river km from the sea. The dam will include a spillway to release excess water, and an outlet to provide sufficient water to maintain an environmental flow in the 5.7km section of the river between the dam and the powerhouse tailrace.

- ¿ a 3.3 km underground tunnel to a powerhouse and a tailrace, located at elevation 73m asl.
- ¿ A storage reservoir formed by the dam extending upstream approximately 2.6km and with a surface area of about 28 hectares at an elevation of 175m asl.
- ¿ A powerhouse located 3 km downstream from the dam directly alongside the left bank of the Tina River, with water being diverted to the powerstation from the reservoir through the underground tunnel. Initially, the powerhouse will have 3 turbine/generator units, each with a capacity of 5MW, allowing a maximum discharge of about 18m<sup>3</sup>/s and a minimum discharge of 2.4m<sup>3</sup>/s.
- ¿ A 23km or longer 33kVa transmission line along the Black Post road, then via an as yet undefined route west to the Lungga Powerstation.

Several access roads – including upgrading, widening, and realignment of 13km of the existing Black Post Road, and the creation of approximately 7km of new site-access roads for the dam site and powerstation. Construction activities will last 3 years and will take place in the recently acquired ‘Core Area’ and along the Black Post Road (described as the Norther Infrastructure Corridor).

Figure 2-6 shows an illustration of the proposed Project Scheme.

Figure 2-6 – Illustration of Project Scheme



Up to 180 technical, highly skilled, and low skilled workers may be required for the hydro construction, providing employment opportunities for an estimated 80-100 local people in construction and support roles. Workers from outside the local communities will be housed in or around Honiara and Lungga and will be transported to and from construction sites; no labour camps will be established. No construction start date has been announced.

As noted, there are several possible routes for the power transmission line between the Tina/Black Post Road corridor and the Lungga Powerstation - a distance of approximately 10km. Solomon Power (a state owned enterprise) is yet to decide on the final route. A

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Resettlement Process Framework is included in Chapter 12 of the LALRP to inform the preparation of a Resettlement Plan once the route is determined.

## 2.4 CONSTRUCTION AND OPERATION OF THE TRHDP

In 2015, K-Water 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). K-water is a South Korean Government-owned international water resources company developing and operating multi-purpose dams in South Korea, Pakistan, Equatorial Guinea, Philippines, China, Peru, Cambodia and Myanmar. Its proposed construction partner is Hyundai Engineering and Construction, also of the Republic of Korea. SIEA (trading as Solomon Power) will buy and distribute the electricity generated by the Project.

With the agreement of the customary landowners, the SIG compulsorily acquired the land in the Core Area on 21 August 2014. Compensation offers were made to the identified owners by the SIG, and all landowning groups accepted or were deemed to have accepted these offers. The details of the process of identifying the owners of the Core Area and the subsequent land acquisition are described in Chapter 6. The acquired land will be owned by the Tina Core Land Company (TCLC), a 50:50 joint venture established between the customary landowners and the SIG. K-water will lease the land from the TCLC for a fixed term.

## 2.5 OPTIONS CONSIDERED TO MINIMISE RESETTLEMENT IMPACTS

In accordance with WB safeguard requirements, a detailed options analysis was undertaken to define the optimal proposal for delivery of the project development outcome. This assessment including examination of hydro, thermal, wind, solar, and solar and storage. These options are detailed in Chapter 4 of the ESIA. Once hydro was determined the preferred option, the Project then considered different options to minimise resettlement impacts both with respect to the dam site and power station, as well as the alignment of the Infrastructure Corridor.

One of the primary objectives of the Project is to avoid the physical resettlement of any residential houses or villages. Physical resettlement has the potential to have long-term impacts on livelihoods and upset community social structures.

### 2.5.1 Dam and Power Station Site Options

In accordance with WB safeguard requirements, the Project considered options to minimise resettlement impacts.

A range of project options were examined along the Tina River by Entura, the hydro development consulting engineers to the PO. In 2010 six options for a site between the Mbeambea River tributary (at the top of the Tina River catchment) and the Toni River tributary were evaluated. These options covered different combinations of dam location, type

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and size of dam, headrace tunnels, and power station location. All were of a similar scale and capacity, though with different levels of potential social impacts and physical displacement.

Entura's Phase 3 technical study considered two key dam sites, known as Option 6E and Option 7C. Entura identified 7C (the current proposed dam site) as the preferred option, determining that geological conditions were favourable and away from human settlement. Entura evaluated this option as having 'superior economic, social and technical value' in comparison with earlier proposed sites.

In particular, the 7C option selected avoided the physical resettlement of the residents of 3 villages at Choro, Senghe and Koropa. Under the alternative 6E option, the relocation of these villages required the resettlement of 39 inhabitants.

Chapter 4.4 of the ESIA compares the various site options in terms of potential impacts, and confirms that the current proposed site would not require any physical displacement (and therefore resettlement) of local people.

## **2.5.2 Infrastructure Corridor Site Options**

The Infrastructure Corridor alignment was selected to prevent physical displacement and to minimise economic displacement.

An initial route selected for the road corridor, based on existing roadways, optimal terrain and the avoidance of villages and settlements, was then assessed for displacement impacts.

The assessment was undertaken by a team of local consultants working together with a surveyor. All assets, included fruit and nut trees, trees providing building materials or timber, gardens, houses, canteens, pig pens and other structures along the 50 metre corridor and adjacent land were logged by GPS with reference to the surveyed route, photographed and described.

The consultants met with the PO Land Team to assess each identified asset and consider alternative routes to minimise impacts on the asset with reference to adjoining assets mapped outside of the initial corridor.

This process resulted in four amendments to the initial alignment to avoid acquiring land hosting residential houses and to relocate the alignment further away from a settler community to minimise traffic impacts. Areas amended included:

- ¿ A diversion to the east along the border of the Levers Parcel and Timothy Urobo et al. Parcel (these parcels are described in section Error! Reference source not found.;
- ¿ A diversion immediately north of Mengakiki; and
- ¿ A diversion south of Mengakiki.

The amended alignment was confirmed by a road engineer from the Ministry of Infrastructure Development to confirm engineering feasibility. A qualified and registered surveyor completed a formal survey of the re-aligned corridor for the purposes of land registration.



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The final alignment avoids the need for any physical resettlement in the Infrastructure Corridor.

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## 3 LAND REQUIRED FOR THE PROJECT

### 3.1 OVERVIEW

Land is required for the construction and operation of all Project elements set out in Section 2.2. The land requirements can be broadly divided into the three areas defined below:

#### 3.1.1 The Core Land

The Core Land is an area of 428 Ha on which the vast majority of project elements will be located. This includes the dam, reservoir, water tunnel, penstocks, powerhouse, new access roads, substation, quarries, supporting construction infrastructure, laydown areas and buffer areas.

The Core Land includes the part of the 50 metre wide infrastructure corridor for road and transmission lines south of Marava, the point at which the land changes from registered land to customary land. The portion of the infrastructure corridor north of this point is registered land, discussed separately below.

Prior to the compulsory acquisition in August 2014, the Core Land was customary land owned by tribal groups.

The land was acquired for the Project at that time, as a measure to assure potential developers that land acquisition would not be a deterrent to investment.

#### 3.1.2 Monitoring Sites

A rain gauge site located on a small area of land called Chupukama (approx. 500 square meters) in the catchment has been used during project design to obtain rainfall data. During preparation, the PO consulted with the land owners and have been paying a monthly rental fee for the land. A registration process has commenced for this land. It is not known whether the project developer will continue to use this land, or relocate the rain gauge. The project developer will negotiate any ongoing arrangement (purchase or lease) either in this location or in another location.

SIG will work together with the project developer to provide documentation to allow due diligence assessment by WB. This documentation will include consultation records, valuation/negotiation processes, and transfer/use documentation.

During project preparation, the PO also installed a flow gauge in the Tina River above the reservoir within an area known as Koemolu. As with the rain gauge site, the PO consulted with landowners regarding the gauge and paid a monthly rental fee. This gauge has now been relocated to a site within the core land area following a flood and the rental of land at Koemolu is no longer required.

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### 3.1.3 Northern Infrastructure Corridor

The Northern Infrastructure Corridor is a 50 metre wide stretch of land from the Black Post turnoff on the main highway to Marava. It comprises the existing constructed Black Post Road, as well as land adjacent to the road to accommodate road corridor widening and improvements, and the installation of the transmission line.

This land is currently registered land (rather than customary land), owned by a combination of private and public owners. SIG is in negotiations to acquire the corridor by private treaty.

The potential effects on the livelihoods of the owners and users of these land areas are assessed in subsequent sections, and compensation and impacts management arrangements are presented according to the requirements of the World Bank OP4.12 (Involuntary resettlement). Each of the land areas being acquired for the project is described in more detail in section Error! Reference source not found..

## 3.2 THE CORE LAND

The Project Office identified that 428.8 ha of forested and partly forested land under customary ownership by local indigenous people is required for the key infrastructure elements of the Project (Figure 3-1). In 2015, the SIG's Commissioner of Lands, using the legally sanctioned land identification process (described in Section 5) determined that 5 of the 27 Malango peoples' tribes were the customary collective owners of this land, as follows<sup>1</sup>:

- ζ Roha tribe (171 ha) - 161 registered members
- ζ Buhu-Garo tribe (two lineages combined, (161.5ha) - 65 registered members
- ζ Kochiabolo tribe (65.7 ha) - 109 registered members
- ζ Uluna-Sutahuri tribe (two lineages combined, 29.9 ha) - 537 registered members
- ζ Viurulingi tribe (14.0 ha) - 4 members

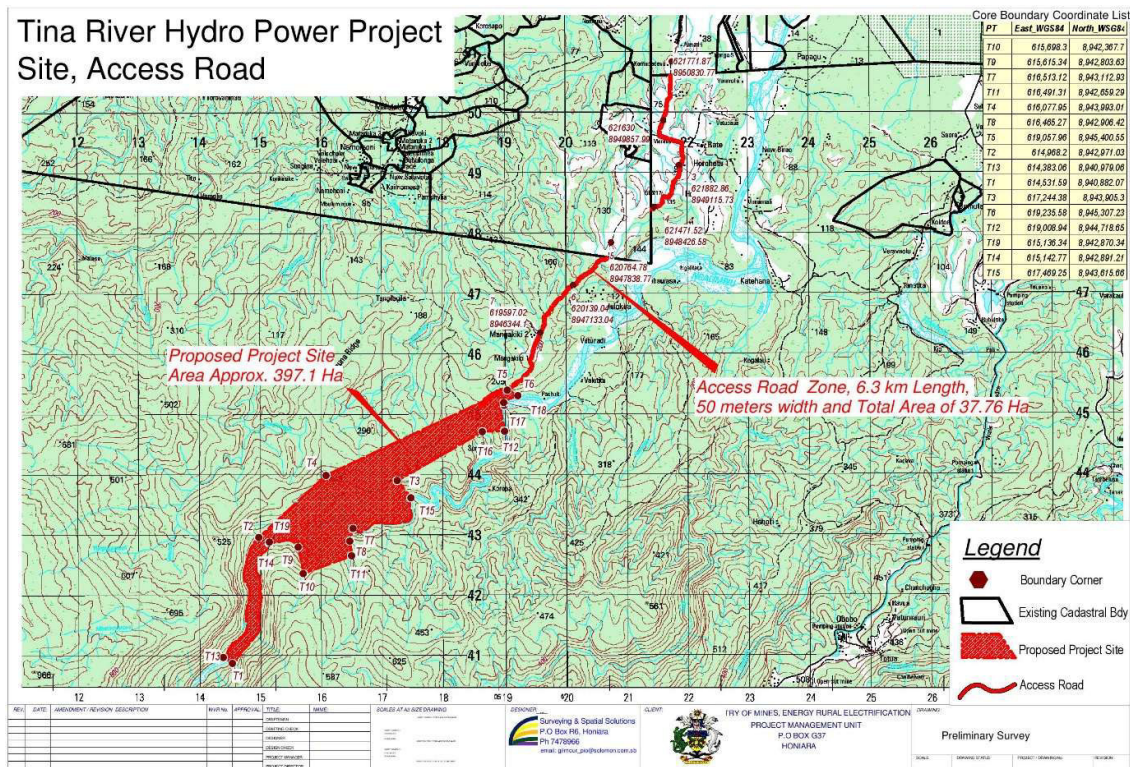
On 21 August 2014, under a written agreement with the identified owners, the SIG acquired this land, and its commercial assets, using its 'compulsory acquisition' powers under the Solomon Islands' Land and Titles Act.

The Core Land includes the southern part of the Infrastructure Corridor. Near Marava and Ngongoti the road will deviate towards Rate and follow a new alignment south for 1.5km before re-joining the existing formed road that travels as far as Mengakiki. This short section of new alignment is intended to reduce the grade, making it easier to transport heavy equipment and freight to the construction sites.

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<sup>1</sup> Membership details are according to the Tribal register, as of September 2016.

Figure 3-1 - Acquired Core Land



### 3.3 NORTHERN INFRASTRUCTURE CORRIDOR

Along Black Post Road 32.4 ha of privately owned registered land from the Black Post turnoff to Marava will be acquired by the SIG to provide for a 50 meter-wide improved public roadway and power transmission corridor (Northern Infrastructure Corridor).

Black Post Road begins on the Kukum Highway and is the current main access to the villages of Bahomea district and the left bank of the Tina Valley. Depending on the weather, the current shingle and dirt road enables suitable vehicles to travel as far inland as Mengakiki village, and potentially beyond.

Within the Northern Infrastructure Corridor the land to be acquired is largely incorporating and to the east of the existing road reserve. The road widening and transmission lines will avoid displacing those living on the west side from their homes and will make the road safer.

Four parcels of registered land will be affected (Table 3-1 and Figure 3-2), one of which is already owned by the SIG. Using a voluntary purchase arrangement, SIG is subdividing and acquiring land from the remaining three parcels with a total area of 32.4 ha. This acquisition will not require any physical resettlement of people, though a survey in 2015 showed some livelihoods assets will be affected. Again, because it is being acquired by the SIG, the requirements of WB OP4.12 will apply to the livelihoods assets on that land. See Chapter 6.

Table 3-1 Registered land required for the Tina 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	Nathanial Boboli , Timothy Urobo, Nesta Besta, Daniel Sekani, Selwyn Boboli, (J oint 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 3-2 The location and boundaries of the lands required for the Tina Infrastructure Corridor

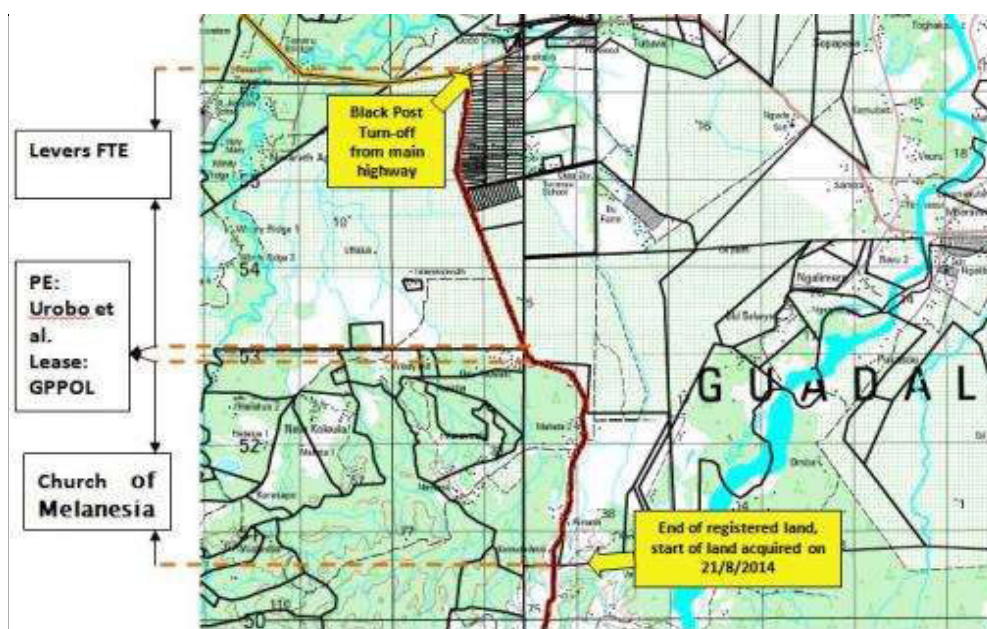
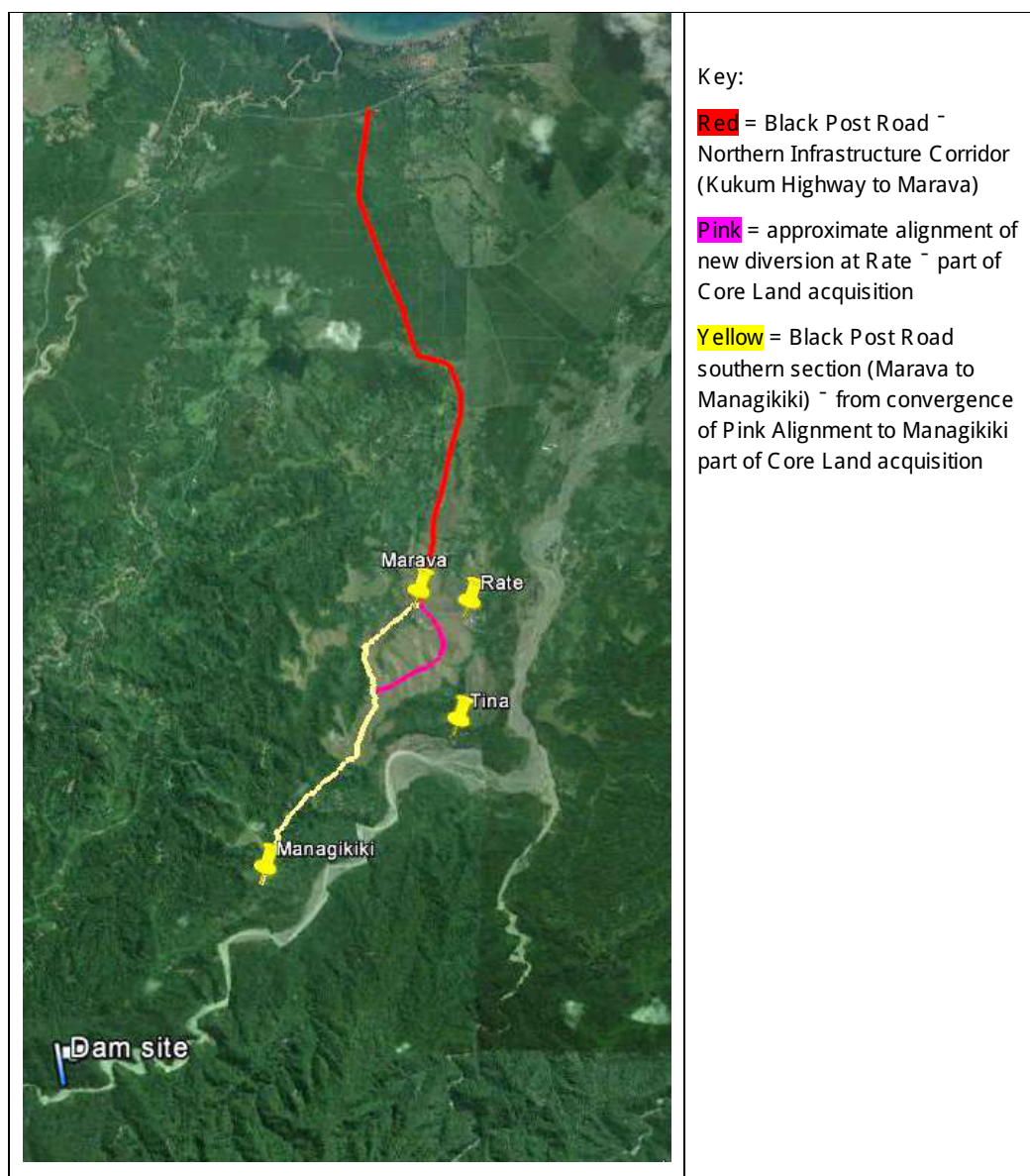




Figure 3-3 Approximate location of the various sections of the Tina access road (not to scale)



### 3.4 LUNGA TRANSMISSION LINE CORRIDOR

A 33kv overhead power transmission line will take power from the Tina hydro powerhouse to the Solomon Power Lungga powerstation site. The line may involve either a twin or single transmission line system. The line will be developed, installed, and managed by Solomon Power. For livelihoods restoration planning purposes the land required for the transmission corridor is considered in two sections, i.e.,

- ∩ The Tina Infrastructure Corridor, within the 50m Black Post Road alignment; and
- ∩ the Lungga Transmission Corridor - the alignment of which is still under investigation.

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### **3.4.1 Section 1 – The Tina Infrastructure Corridor**

The Tina transmission line will travel north from the Tina powerhouse to a point yet to be decided (on Black Post Road) where it will turn west and link to the wider power network. The final design will specify the type of power pole to be used, including height and length of span.

The land required for this first section is part of the 50 m-wide Infrastructure Corridor. This comprises of the registered land component of the corridor (described as the Northern Infrastructure Corridor) and the customary land acquired as part of the Core Land (the Southern Infrastructure Corridor).

A preliminary livelihoods assets survey of this section of the transmission and road corridor was carried out in mid-2015 in which existing physical assets and natural assets likely to be affected by the development of the road and transmission line were identified and inventoried. The physical assets included non-residential structures (huts, livestock pens, fences etc.), service points, and community infrastructure. The natural assets included mainly planted trees and food gardens. Altogether 22 owners of assets were recognised, including various individual owners from neighbouring communities. Some assets were reported by local people to be the common property of those who lived in the vicinity. The survey will be up-dated and a cut-off date established in advance of physical works. Civil works will not commence until the affected people have received compensation.

### **3.4.2 Section 2- The Lungga corridor**

As of October 2016, several possible routes to take the transmission line from the Tina Infrastructure Corridor to the Lungga power station were under consideration by Solomon Power.

The corridor to Lungga is being constructed by Solomon Power (SP) as part of its wider network development. SP is a state-owned enterprise sourcing development funds for its network development. As such, a separate ESIA and resettlement plan based on World Bank policies will be prepared in line with the framework arrangement for the required resettlement plan set out in Chapter 12.

## **3.5 MONITORING SITES**

Sites for a rain gauge and a river flow gauge were initially used at Chupukama and Koemolu respectively in the upper Tina catchment – upstream of the proposed hydro reservoir. Both sites are very remote and only accessible by a long and difficult forest hike or by helicopter. No livelihood assets or uses were identified at either site.

A land registration process was commenced for the Chupukama site in accordance with Division 1 of Part V of the Land and Titles Act. This legal process is described in section 4.5. The acquisition officer appointed by the Commissioner of Lands found that the Chupukama site belongs to the Uluna-Sutahuri tribal group (with 537 registered members). The findings of the acquisition officer have not been challenged under the Act's appeal processes and the land is in the process of being registered and titled in the name of representatives of the

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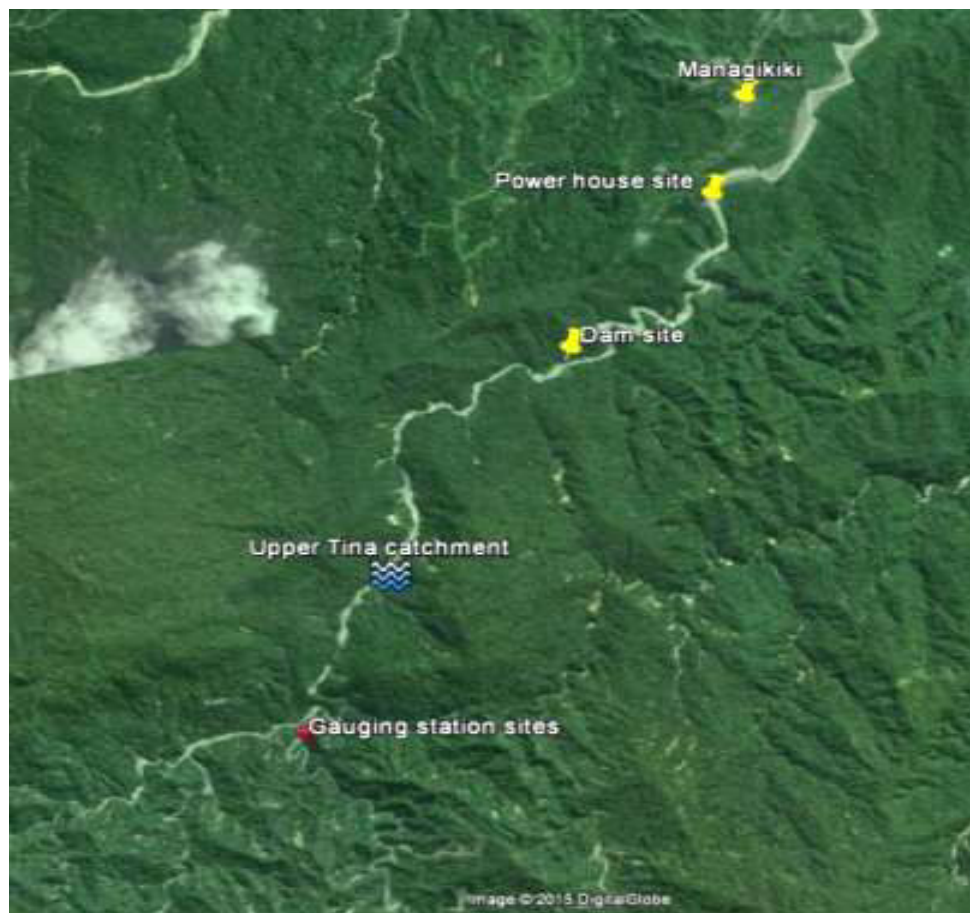
Uluna Suthahuri tribe. Once registered, the SIG will negotiate a lease of the site, which will later be transferred or on-leased to the Developer in consultation with the landowners. As the site is small, remote and located in steep terrain, voluntary agreement for lease between the SIG and the owners to continue to host the rain gauge site is not expected to have any negative impacts on the owners' livelihoods.

In April 2014, a strong flood destroyed the flow gauge at Koemolu, and the site for the gauge was moved in 2016 to a new location within the acquired Core Land at the upper limit of the reservoir. As such, the previous site of the flow gauge at Koemolu will not be acquired or leased for the Project.



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Figure 3-4 The approximate location of the catchment monitoring sites



### 3.6 USE OF THE TINA RIVER WATER

The design and operation of the Project requires the use of the water of the Tina River. In Solomon Islands, there are no formal allocations of water rights. Unlike, for example, rights to fish in an area or collect shells, which can be closely held under custom (and recognised by law), the High Court<sup>2</sup> has held that flowing water is a public right, unowned by the owners of the land over which it passes. In making this determination the Court found that the English common law position also reflected customary understandings of water rights:

In spite of what we may say, it is common knowledge that water is essentially or necessity of the human being. It is always advocated by health officials in public talks and media etc that "water is life". This sum(s) up what I would say on the qualifications as local circumstances render necessaryŷ on applying this common law on water.

And I am satisfied that the common law principles of nobody own(ing) flowing water is not inconsistent with any law or Acts and; its applicability or appropriateness in the circumstances of Solomon Islands is

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<sup>2</sup> Solomon Islands Water Authority v Commissioner of Lands SBHC 58

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not inconsistent with the Schedule 3 of the Constitution and therefore make a ruling that it is the law in Solomon Islands on the flowing water.

The conclusion in the case also reflects the findings of the 1959 Alan Report that noted that customary rights holders do not ordinarily assert control of water supplies.<sup>3</sup>

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<sup>3</sup> Allan, C. H. :Customary Land Tenure in the British Solomon Islands Protectorate~ Report of the Special Lands Commission Honiara, Western Pacific High Commission, 1957. Considering customary rights to water the report found :In general, the principle can be stated that the tenure of water supplies is subject to little control'. This was found to be in contrast to strictly held rights to fishing areas along the rivers in Northern Guadalcanal.

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## 4 POLICY AND LEGAL CONTEXT FOR THE LAND ACQUISITION AND INDIGENOUS PEOPLES

This section describes the legal, policy, and institutional context for the SIG's acquisition of the land required for the TRHDP, along with provisions for compensation and livelihoods restoration. It particularly describes the safeguards requirements of the World Bank, the Solomon Islands legal requirements, and the gaps between them.

### 4.1 WORLD BANK REQUIREMENTS

#### 4.1.1 Overview

Because the construction and operation of the dam and associated infrastructure and access roads (identified as Components 1 and 2 for the purposes of WB funding) will be delivered by a private entity, the WB Performance Standards will apply to construction and operation activities, including PS 7 on Indigenous Peoples.

However, all land acquisition for the project is being undertaken by the SIG and accordingly, the provisions of the WB Operational Policies (OP) 4.12 – Involuntary Resettlement and 4.10 – Indigenous Peoples apply to the project in relation to land acquisition and indigenous people respectively. These policies aim to avoid, mitigate, or minimize adverse environmental and social impacts of projects.

#### 4.1.2 OP 4.12- Involuntary Resettlement

WB OP 4.12 (Involuntary Resettlement) concerns the effects of displacement of people and communities caused by a project or part of a project. The policy covers the economic and social impacts caused by involuntary taking of land, resulting in relocation or loss of shelter, loss of assets or access to assets, and loss of income sources or means of livelihood.

Two kinds of displacement or loss are therefore recognised - physical displacement (loss of shelter), and economic displacement (loss of livelihoods assets). The ESIA found that no involuntary physical displacement of people or loss of shelter will occur due to any of the activities associated with the TRHDP. However, because of the compulsory acquisition of land for the project by the SIG, the following will occur, or has already occurred:

- ⌘ The customary owners of the Core Land will lose some of their customary land and the livelihoods assets on the land.
- ⌘ Local community members who have use rights to the Core Land will experience an involuntary loss of access for livelihoods activities such as gardening, hunting, fishing and gathering.
- ⌘ Some individual households will be affected by loss of assets (e.g. gardens) for the access road and transmission line.

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The WB policy requires that the borrower explore all viable alternative project designs to avoid physical displacement of indigenous peoples and those with land-based livelihoods. In the event of involuntary loss of land and livelihoods assets, the borrower must, among other things:

- ¿ inform the displaced persons about their options and rights, provide them with timely and relevant information, consult with them on resettlement options, and offer them opportunities to participate in planning, implementing and monitoring resettlement/restoration activities;
- ¿ prepare a resettlement plan or resettlement policy framework that includes, among other things, measures to ensure that the displaced persons are provided prompt and effective compensation, offered support to restore their livelihood and standard of living, and provided with development assistance.
- ¿ pay particular attention to the needs of vulnerable groups among the displaced.

In keeping with the WB policy and Solomon Islands law the SIG has chosen a project design that avoids physical displacement and is implementing a plan to replace lost resources, compensate affected persons for them in full, and provide livelihood support and economic development opportunities as necessary.

#### **4.1.3 Indigenous peoples**

The project affected persons (PAPs) are indigenous people of Solomon Islands and the Central Guadalcanal region. In relation to the application of OP4.10, the following considerations are important:

- ¿ The local Malango speaking tribes people are one of many indigenous Solomon Island groups who collectively make up about 95% of the nation's population and almost all of the local PAPs,
- ¿ In Ward 20 of Guadalcanal (the project area), the Malango people are the dominant group;
- ¿ the Malango people have their own cultural institutions, but are politically and culturally connected to other Guale peoples – such as their neighbours, the Ghaobata, and people from the Weather Coast.

Paragraph 12 of OP4.10 establishes that when Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, a separate Indigenous Peoples Plan (IPP) that sets out the measures through which the borrower will ensure that (a) Indigenous Peoples affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on Indigenous Peoples are identified, those adverse effects are avoided, minimized, mitigated, or compensated for, is not required. Instead of a separate IPP, these key elements of an IPP should be built into the overall project design.

As the vast majority of affected persons for this project are indigenous peoples and as they will also receive culturally appropriate benefits as provided for in this LALRP and the CDP, measures to address impacts on this group have been mainstreamed into project planning, assessment and management of environmental impacts, the livelihoods restoration and

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planning, and the development of a benefit sharing arrangement, and associated safeguard documentation.

Particular consideration has been given to the local Malango people's needs, especially in that:

- ¿ they have been, and continue to be, fully engaged and consulted about the development through a systematic and well-resourced 'free prior and informed consultation' process;
- ¿ Core Land owners have explicitly assented to the development;
- ¿ the project planning and the ESIA process (required under OP4.01) has specifically addressed the potential social, economic and cultural impacts of the project on the IP communities, and sought to avoid, minimize, mitigate, and compensate for such effects;
- ¿ they will benefit directly and indirectly from it in a variety of ways, and will be beneficiaries in a formal benefit sharing arrangement. The specific terms of the benefit sharing arrangement is described in the CDP and will be further designed through the implementation of a JSDF funded community benefit share pilot between 2017 - 2020.

## 4.2 SOLOMON ISLANDS LAW

### 4.2.1 Overview

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

Land in Solomon Islands is either customary land or registered land (aka, 'alienated land'). Approximately 87% of land in the country is held as customary land and most natural resources (with some exceptions, such as river waters) belong to the land owners under custom.

The LTA defines customary land as "any landŀ lawfully owned, used or occupied by a person or community in accordance with current customary usageŀ .

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 .

### 4.2.2 Registered Land

Dealings in registered land are governed primarily by the LTA. This Act regulates the process of converting customary land into registered land, as well as the transfer and lease

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of registered land. Two predominant types of registered land estate are provided for under the LTA, perpetual estates (PEs) and fixed term estates (FTEs). The perpetual estate is similar to a free-hold estate and gives the right to occupy, use and enjoy the land for all time, 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 prescribed by Parliament, has the right to hold or acquire a perpetual estate 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 the 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.

#### **4.2.3 Customary land**

The Project involves the compulsory acquisition of customary land by the state (albeit that the acquisition took place with the consent of the affected customary owners). The rain gauge monitoring site also involves the voluntary acquisition of customary land.

There are a number of characteristics of land under customary tenure that influence a resettlement process associated with an involuntary land acquisition. In Guadalcanal, as in much of Solomon Islands, there is no systematic 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. In many areas, including the TRHDP site, larger landowning groups have divided into smaller sub-groups or lineages made up of family units. These units are referred to by Bahomea – Malango people as ‘tribes’ – implying communities of interest and place that are grounded in kinship and custom and having a degree of internal cohesion and leadership structure. Among the local people tribal affiliation is assigned through matrilineal descent, i.e., based on one’s mother’s lineage.

Land ownership claims are made through reference to ‘Kustom’, particularly special knowledge of oral histories, custom stories, legends, genealogy, the whereabouts of boundary markers (such as special landscape features, rocks, special trees etc.), and of sacred ‘tambu’ places (i.e, places with special spiritual significance, originating places, ancestral grave sites, etc).

### **4.3 LAND ACQUISITION FOR THE TINA HYDRO PROJECT**

The SIG has used three processes provided for in the LTA to obtain ownership of the land required for the TRHDP, the compulsory acquisition of customary land (Core Land), voluntary acquisition of customary land (rain gauge site), and voluntary purchase of registered land (Northern Infrastructure Corridor). These processes will result in the registration of, and rights to, all land needed for the Project.

The SIG acted unilaterally early on to formally acquire land needed for the project as a measure to incentivise potential developers. Past experiences with large infrastructure

developments suggested that the lengthy and uncertain process of customary land identification and acquisition deters developers and is incompatible with commercial project timeframes. Nevertheless, this LALRP ensures that compensation and related measures to address impacts of previous land acquisition for the project were and are to be carried out in compliance with World Bank and ADB resettlement policies.

The majority of the land required for the project was acquired as a compulsory acquisition under Division 2 of Part V of the LTA, after first obtaining the consent of customary owners. This area, referred to as the Core Land, included the land needed for the dam site, power station site, and parts of the access road located on customary land. Following acquisition, the Core Land became registered land and it will be transferred to a joint venture company between the landowning tribes and SIG to be called the Tina Core Land Company.

A small area of customary land, (total 500m<sup>2</sup>), needed to site the rain gauge instrument in the upper Tina catchment was acquired as a voluntary land acquisition, under Division 1 of Part V of the LTA. Through this process the parcel will be registered in the name of representatives of the customary tribal owners and voluntarily leased to SIG. The lease will be transferred or subleased to the Developer in consultation with the owners.

Finally, the purchase of registered land needed for the widening and enhancement of the section of access road from Black Post to Marava will be agreed as a willing buyer/willing seller arrangement with the registered owners. The original registration of this land from customary land predates the Tina Hydro proposal.

Table 4-1 ~ Acquisition Types

Land Area	Process	Tenure	Acquisition
Core Area	Registration of customary land	Perpetual Estate (freehold)	Compulsory Acquisition premised on negotiated Process Agreement
Rain Gauge (ongoing)	Registration of customary land	Lease	Willing Lessor/Willing Lessee
Infrastructure Corridor (ongoing)	Transfer of registered land	Perpetual Estate (freehold)	Willing Buyer/Willing Seller

## 4.4 COMPULSORY ACQUISITION

### 4.4.1 Compulsory Acquisition Powers

The SIG's powers of compulsory acquisition are set out in Division 2 of Part V of the LTA. Division 2 gives the Minister of Lands the power to compulsorily acquire any customary or

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registered land where it is required for any public purpose.<sup>4</sup> This broad power is circumscribed by protections provided in Section 8(1) of the Constitution; compulsory acquisition can only 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 that 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 land acquisition. These various safeguards were applied in the case of the TRHDP, and are discussed in more detail below.

#### **4.4.2 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 is therefore 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 required in the Constitution. Note that there is no systematic 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>5</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 purpose for which the land is required;<sup>6</sup>

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<sup>4</sup> Section 71(1) of the LTA.

<sup>5</sup> Section 112(a) of the Solomon Islands Constitution

<sup>6</sup> Section 71 of the LTA



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- 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>7</sup> At this point owners have six months to appeal to the High Court to have the declaration quashed;<sup>8</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.
  - 7) Assistance to prepare claims – the Provincial Secretary for each Province assists claimants to prepare claims.<sup>9</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>10</sup>
  - 9) Submission of claims – Persons or groups wishing to claim compensation for their rights and interests taken in the acquisition of the land must submit a claim 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>11</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 choose to accept either the land or the cash equivalent.<sup>12</sup>
  - 12) Acceptance or appeal – Claimants have 3 months from the COL's decision to appeal to the High Court about any rejection of claim or the amount of compensation offered. Where no appeal is lodged, landowners are taken to have accepted an offer.
  - 13) Payment of compensation – 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>13</sup>

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<sup>7</sup> Section 75 of the LTA

<sup>8</sup> Section 76 of the LTA

<sup>9</sup> Section 74 of the LTA

<sup>10</sup> Section 112(b) of the Solomon Islands Constitution

<sup>11</sup> Section 79(1) of the LTA

<sup>12</sup> Section 84 of the LTA (as amended in 2014)

<sup>13</sup> Section 79(2) of the LTA

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- 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 the land, but cannot develop the land without the COL’s consent<sup>14</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.

#### 4.4.3 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. Such an appeal must be made to the High Court within 6 months of the publication of the Minister’s notice<sup>15</sup>. The primary ground for such an appeal is that the acquisition was not made for a public purpose. The time for appeals against the validity of the TRHDP compulsory acquisition expired on 21 February 2015. No appeals have been lodged.

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 of land or the COL’s valuation of the land. 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.

#### 4.4.4 Compensation

The Constitution allows for Parliament to provide for the ‘criteria to be adopted in regard to the assessment and payment of compensation for ū 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).’

Under the LTA, the COL may offer such ‘amount of compensation as he may think proper.’<sup>16</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>17</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>18</sup> The relevant UK laws include the Land Clauses Consolidation Act and

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<sup>14</sup> Section 78 of the LTA

<sup>15</sup> Section 76 of the LTA

<sup>16</sup> Section 79(2) of the LTA

<sup>17</sup> Section 83 of the LTA

<sup>18</sup> Section 76, Sch 3, Para 1 of the Constitution

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The Acquisition of Land (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 Guarde* Principle).

There have been no cases considering the applicability of these laws in Solomon Islands <sup>19</sup>.

In addition to these broad principles, laws governing natural resource usage rights are also 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 forest 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 in a river bed is not payable. Water is taken to be a free resource available to all. The impacts on local people from the modification and use of the river waters for the TRHDP are covered in the ESIA documentation.

## 4.5 VOLUNTARY REGISTRATION AND LEASE OF CUSTOMARY LAND

### 4.5.1 Overview of the LTA Division 1 Process

The rain gauge site at Chupukama is in the process of being registered under Division 1 of Part V of the Lands and Titles Act. Once registered, the land will be leased by SIG from the registered owners.

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 Solomon Islands and significant payments would be at stake.

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<sup>19</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.

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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.

#### **4.5.2 Purchase or Lease Process**

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.

## **4.6 ACQUISITION OF REGISTERED LAND**

### **4.6.1 The ownership situation**

Portions of the Black Post Road access corridor and transmission route are made up of registered/alienated land. The route will pass through four parcels of registered land (figure 3.1). Since this land is already registered, the legal process for purchasing it for the project is a relatively straightforward negotiation, sale, subdivision and transfer.

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One parcel is already owned outright by the COL on behalf of the SIG, one is held by Levers Pty Ltd (a large private entity) under a fixed term estate, one is owned by the Anglican Church of Melanesia, and one by the trustees of a Guadalcanal Plains tribal group.

Land acquisition in this area will be by process of 'willing buyer - willing seller'. Wherever 'willing buyer - willing seller' is used for land acquisition, due diligence will be shared with WB to ensure appropriate compensation has been paid and other negotiated aspects are delivered in a timely manner.

#### 4.6.2 Legal process

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 COL 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 of the transfer.

The LTA provides additional safeguards for a transfer where registered land is owned by trustees on behalf of a tribe<sup>20</sup>. Land that is jointly owned by two or more persons is deemed to be held on a 'statutory trust' for the beneficiaries<sup>21</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>22</sup> that before the transfer can 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 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>23</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 a full account of the proceeds.

### 4.7 GAP ANALYSIS - INVOLUNTARY RESETTLEMENT

Table 4-2 - Gaps between WB OP 4.12 and Solomon Islands law regarding assets and livelihoods loss from land acquisition

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<sup>20</sup> Section 195(3) of the LTA.

<sup>21</sup> Section 200(1) of the LTA

<sup>22</sup> Section 195(3) of the LTA2

<sup>23</sup> Section 214 of the LTA.















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## 4.8 GAP ANALYSIS – INDIGENOUS PEOPLES

The project involves land acquisition activities undertaken by the Borrower (SIG) and related impacts as well as construction and operation activities undertaken by a private entity. The World Bank's OP 4.10 is applied to the activities involving SIG, particularly in relation to land acquisition and broader impacts and the benefit sharing arrangements for the Bahomea / Malango communities (as described in the LALRP and CDP), while the WB's PS 7 on Indigenous Peoples is triggered for construction and downstream related impacts involving the private entity (as described in the ESIA).













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## 5 INDIGENOUS PEOPLES SAFEGUARDS

### 5.1 OVERVIEW

As outlined above, OP 4.10 sets out the measures through which the borrower will ensure that (a) Indigenous Peoples affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on Indigenous Peoples are identified, those adverse effects are avoided, minimized, mitigated, or compensated for, is not required. Instead of a separate IPP, these key elements of an IPP should be built into the overall project design.

Meaningful consultation and engagement has been undertaken with the affected communities throughout project design, and the elements of an IPP have been mainstreamed into project design and documentation (including the ESIA, LALRP and CDP). This section summarizes the measures taken during project design to ensure the elements of an IPP are designed into the project and points the reader to where these aspects are documented

Chapter 8 (Socio-economic/socio-community baseline) and 12 (Assessment of socio-economic/socio-community impacts) of the ESIA provide detailed information on existing conditions and analysis of likely impacts of the project. Importantly, they provide substantial detail in relation to indigenous peoples.

### 5.2 MEETING WORLD BANK POLICY REQUIREMENTS

#### 5.2.1 World Bank Policy Policy Requirements

OP 4.10 establishes minimum requirements for a project for Bank funding that affects Indigenous Peoples. The following table details how the key policy requirements have been satisfied.

Policy Requirement	How requirement has been satisfied
Screening to identify whether Indigenous Peoples are present in, or have collective attachment to, the project area	Section 8.1.4.3 of the ESIA - The People of the Project Area - describes the language, kinship/tribal structures and political organization aspects of the Bahomea - Malango people who inhabit the project area.  It is concluded that the Bahomea-Malango people are considered to be Indigenous for the purposes of application of the World Bank's policy.
A Social Assessment	Section 8 of the ESIA - Socio-economic / socio-community baseline details the primary aspects of socio-economic structures in the community and addresses: (i) Community and stakeholder participation; (ii) Social organization; (iii)

	<p>Socio-economic profiles (iv) sources of livelihoods; (v) human capital; (vi) physical capital; (vii) social capital; (viii) financial capital; (ix) natural capital, and; (x) Cultural Heritage and Gender aspects.</p> <p>Section 12 of the ESIA, Assessment of Socio-economic / Socio-community Impacts associated with the project.</p> <p>Section 12 includes details and assessment of (i) community workshops; (ii) broad community support and Project Planning; (iii) Women's participation; (iv) Potential Adverse Social Impacts and Mitigation; (v) Potential Beneficial Social Impacts.</p>
<p>A process of free, prior, and informed consultation with the affected Indigenous Peoples to fully identify their views and ascertain their broad community support for the project.</p>	<p>Whereas OP4.10 requires free, prior and informed consultation to ascertain broad community support under WB OP 4.10 for activities relating to land acquisition and community benefits. Mitigation Workshops prepared the way for the BCS by presenting local populations with information on the various components and impacts of the Project. Social Surveys also prepared the way for BCS. The assessment of BCS is presented in the social baseline section in Chapter 8 of the ESIA.</p> <p>Section 12.3.3.1 of the ESIA details how the Project Office achieved BCS. The early and sustained engagement with the affected communities enabled the development of a good working relationship between the Project and local people, and for the inclusion of their concerns and knowledge into the consideration of various options.</p> <p>Section 12.3.3.1 concludes that:</p> <ul style="list-style-type: none"> <li>¿ 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 aspirants objected publicly to the land identification and acquisition process.</li> <li>¿ There is a written agreement between each of the five landowning tribes and SIG for the acquisition of the land to construct and operate the Project (:Process Agreement);</li> <li>¿ There is broad community support to the benefit sharing arrangements (as described in the LALRP and CDP);</li> <li>¿ Hydroelectric development is widely seen as the most preferred and least destructive development opportunity for the Tina/Ngalimbiu River catchment</li> </ul>

	<p>(others being gold mining and logging of primary forest);</p> <ul style="list-style-type: none"> <li>¿ community concerns about the project are generally confined to the mitigation of potential impacts and the securing of benefits;</li> <li>¿ There has been a comparatively high level of participation of community members of both genders and all ages in the TRHDP PO š activities.</li> <li>¿ There is wide-spread understanding of the purpose of the TRHDP, and what it involves, although the details of particular hydropower generation options are not well understood;</li> <li>¿ There is a high degree of trust of the TRHDP PO and the information it has provided, and a sense that local peoples ~ concerns are being heard and dealt with; and</li> <li>¿ There has been considerable discussion within the communities about the Project, including its benefits and potential impacts.</li> </ul>
Preparation of an Indigenous Peoples Plan or Indigenous Peoples Planning Framework	<p>Paragraph 12 of OP4.10 establishes that when Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, a separate Indigenous Peoples Plan (IPP) that sets out the measures through which the borrower will ensure that (a) Indigenous Peoples affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on Indigenous Peoples are identified, those adverse effects are avoided, minimized, mitigated, or compensated for, is not required. Instead of a separate IPP, these key elements of an IPP should be built into the overall project design. While the project presents a number of specific impacts and risks to indigenous peoples present in the project areas, it also includes a number of benefit sharing arrangements for both land-owning tribes as well as other tribes in the project area and it is deemed that the elements of an IPP can be incorporated into project design and other safeguard plans instead of a stand-alone IPP.</p> <p>Together, the ESIA, this LALRP and the CDP document the IPP elements in project design including: (i) summary of legal and institutional framework, and baseline data, as relating to Indigenous Peoples in the project context; (ii) social assessment; (iii) Summary of consultations with Indigenous Peoples communities; (iv) Actions to ensure that Indigenous Peoples receive culturally appropriate</p>

	social and/or economic benefits; (v) identification of Actions to address any adverse impacts on Indigenous Peoples communities; (vi) Cost estimates and financing plan for implementing actions or activities; (vii) culturally appropriate grievance and M&E procedures
Disclosure of documentation in local language to the affected communities	The documents have been disclosed on the website of the TRHP website as well as the World Bank website. Disclosure using local language and customs has also been achieved in the project area. This disclosure included two rounds of disclosure for the ESIA, as documented in Chapter 1 of the ESIA, as well as disclosure of progressive versions of the LALRP to communities in November 2015 and March 2017 respectively.

### 5.2.2 Definition of Broad Community Support

The Project Office (PO) under the MMERE was responsible for planning and delivery of the broad community support seeking consultative program and for informing and consulting with local communities and other stakeholders concerning project concept and design, power generation option investigations and selection, detailed proposals, and matters related to the use of land and resources belonging to local communities. International development agencies define free, prior and informed consultations in several ways. For the purposes of the Project the following definitions were used:

‘Free’ - implies the absence of coercion, intimidation or manipulation (including bribery or rewards).

‘Prior’ - implies that sufficient time is provided to indigenous communities and stakeholders during consultations and decision-making processes. This allows community members and stakeholders to receive adequate information, come together, discuss the proposal, and make decisions prior to providing any formal response on support.

‘Informed’ - implies that the affected communities and stakeholders have access to relevant information on the project in order to engage in consultations and decision-making processes. Providing ‘access’ to information implies that the information is (i) in a form and language that is suitable for the particular communities and stakeholders; (ii) accurate; (iii) delivered in a culturally appropriate and inclusive way; and (iv) made available to every member of the community.

‘Consultation’ refers to an inclusive and fair process of interaction, engagement, and dialogue between various stakeholders with respect to a proposed development or activity. The intention is to achieve a clear, shared understanding of the proposal, the issues and concerns of all parties, and of any future actions and decisions. It does not imply common agreement or consensus as an outcome.

### 5.2.3 Methods of Consultations and Affected Communities Broad Community Support and Free and Informed Participation

The overall scope and stakeholder consultation and participation could be structured at two levels (i) consultation, participation and formal agreement and support from the five core landowners whose lands have been acquired; and (ii) consultation, participation and broad community support from all the affected indigenous peoples communities from the project impact zone. These outcomes have been achieved through complementary consultations and engagement approaches by the ESIA team from 2013-2014 and by the Project Office who has been continuously consulting, engaging and disclosing key information to all affected indigenous peoples communities from 2011 until the present. Except for dedicated consultations with core landowning tribes regarding land acquisition and compensation, all consultations undertaken were participated by both core landowners and other non-core land tribes who belong to the same Malango speaking indigenous peoples and separate meetings held with Ghaobata tribes from downstream areas.

The awareness raising and consultation activities by PO commenced in the Tina/Ngalimbiu River catchment early in the development process during 2011, prior to any investigations of suitable dam sites. Initially, consultations focused on landowners' consent to undertake geological and hydrological investigations in the catchment leading up to the signing of the Consent Agreement by all the 27 tribes in the project area. This involved identifying all the relevant clans and developing arrangements for consultation with them. These arrangements evolved over time, and consultation processes were formalized in 2012 through a Stakeholder Engagement Plan which was made available to the public. This Stakeholder Engagement Plan served as a guide to ensure continuous engagement to minimize any consultations constraints and challenges specific to the project context and attend to issues early, and build better understanding of the project and the communities with which the project is interacting. The also PO regularly discloses any new information to all the indigenous peoples communities where the project site is located to pro-actively mitigate any risk of misinformation in the affected indigenous communities.

Table 5-1 ~ Project Stakeholder and Engagement Plan

Stakeholder	Form of Engagement	Frequency	Responsibility
Project Area Communities	Community Meetings with CLA	Monthly	CLA
	Community Meetings with LOC	Monthly	LOC
	Community Meetings with HOC	Monthly	HOC
	PO Meetings with CLA	Monthly	PO
	PO Meetings with LOC	Regularly	PO/LOC
	PO Meetings with HOC	Regularly	PO/HOC
	Group awareness on specific issues	Every two months	PO
	Participatory activities (village maps, etc)	As required	PO/ESIA/SA Community

Stakeholder	Form of Engagement	Frequency	Responsibility
	Inquiries through CLA, LOC, phone text, PO Meetings with Land Acquisition Officer Project documents at village locations Radio Broadcasts Meetings with Women/Youth/Church Targeted meetings with vulnerable groups Meetings with study groups	As required Ongoing Ongoing Weekly Monthly Monthly Ongoing	Lands Officer PO PO PO PO ESIA/SA Teams 
Lower Downstream Communities	PO meetings with CLA Meetings with HOC Participatory activities (village maps, etc) Open days Inquiries through CLA, phone text, PO Project documents at village locations Radio Broadcasts Meetings with Women/Youth/Church Meetings with study groups	Every two months Twice a year As required Twice a year Ongoing Ongoing Weekly Twice a year Ongoing	PO PO PO/ESIA/SA PO Communities PO PO PO ESIA/SA Teams 
SIG - MMERE	Briefings and meetings with relevant officials Meetings with Taskforce Workshops Open Days Email/Telephone communication Newsletter	As required Ongoing Twice a year Once a year Regular Twice a year	PO/SIG PO/Taskforce PO PO PO/SIG PO
SIG - other Ministries (PM, TF, MECDM, MLHS, MWYCFA)	Briefings and meetings with relevant officials Workshops Open Days Email/Telephone communication Newsletter	As required Twice a year Once a year Ongoing Twice a year	PO/SIG PO PO PO/SIG PO

Stakeholder	Form of Engagement	Frequency	Responsibility
SIEA	Briefings and meetings with relevant officials Workshops Open Days Email/Telephone communication Newsletter	Ongoing Twice a year Once a year Ongoing Twice a year	PO/SIEA PO PO PO/SIEA PO
Donor partners (WB, EIB, IFC)	Email and phone communication Briefings and meetings Workshops Open Days Newsletter	Regular As required Twice a year Once a year Twice a year	PO/Donors PO/Donors PO/Donors PO PO
Provincial Government of Guadalcanal	Briefings and meetings with relevant officials Workshops Open Days Telephone/E mail inquires Newsletter	Quarterly Twice a year Twice a year As needed Twice a year	PO/PGG PO PO PO/PGG PO
Women's Development Desk for Guadalcanal Province	Briefings and meetings with relevant officials Workshops Open Days Telephone/E mail Inquiries Newsletter	Quarterly Twice a year Once a year As needed Twice a year	POWDDG PO PO POWDDGP PO
General Public	Media - Press releases, stories, webpage Open Days Email/Telephone inquires Newsletter (on website)	As required Once a year As needed Twice a year	PO PO Public PO
NGOs, donor community	Media - Press releases, stories Open Days Email/Telephone inquiries Meetings by request	As required Once a year As needed As required	PO PO NGOs, donors PO, NGOs, donors



Stakeholder	Form of Engagement	Frequency	Responsibility
	Newsletter	Twice a year	PO
Solomon Islands Media	Media announcements and briefings	As needed	PO
	Media Interviews	As needed/by request	PO/Media
	Site visits	Once a year	PO
	Open days	Once a year	PO
	Newsletter	Twice a year	PO
Others		As needed	

PO: Tina Hydro Project Office, SIEA: Solomon Islands Electricity Authority, CBO: Community Based Organizations SIG: Solomon Islands Government; PGG: Provincial Government of Guadalcanal; WDDGP: Women's Development Desk for Guadalcanal Province; MMERE: Ministry of Mines, Energy and Rural Electrification; ESIA: Environment and Social Impact Assessment Team; CLA: Community Liaison Assistants; HOC: House of Chiefs; LOC: Landowner's Council; SA: Social Assessment Team.

The early and sustained engagement with the affected communities has enabled the development of a good working relationship between the Project and local people and the inclusion of their concerns and knowledge into the consideration of various options for the hydro development. Table below provides a summary of the consultation undertaken from 2011 - 2016.

Table 5-2 - Summary of the timing and location of consultation undertaken by the Project Office

Year	No. of meetings and consultations held	Communities	Key Activities/ Items Discussed
2011	26 meetings	Tribal representatives and House of Chiefs, Communities in Malango and Bahomea, Downstream representatives and communities, Provincial government officials, Guadalcanal Women's Centre.	<p>Awareness about the project, history rationale, benefits and potential impacts.</p> <p>Solicit tribal views including women on whether the project should go ahead or not.</p> <p>Briefing about the initial investigative work.</p> <p>Selection of CLAs</p> <p>Communities confirmed that project should go ahead.</p>
2012	38 meetings	Tribal representatives and House of Chiefs, Communities in Malango and Bahomea, Downstream representatives and communities, settlement villages	<p>Updates/workshop and consultations on progress of project activities</p> <p>Consultations on results of feasibility studies and investigative work such as drilling</p> <p>Updates on the status of land identification and discussion on landowners benefits</p> <p>Workshop among CLAs on how to work in their communities, understand the project and pass on information to communities</p> <p>Workshops among HOCs, tribal leaders and</p>

			<p>members to exchange ideas on project benefits and feedback on their priorities</p> <p>Sort out misconception that project will be launched downstream</p> <p>Get views on Stakeholder Engagement Plan</p>
2013	66 meetings	Tribal representatives and House of Chiefs, Communities in Malango and Bahomea, Downstream representatives and communities, Settlers from Weather Coast of Guadalcanal	<p>Formal and informal updates/meetings and consultations about the project progress, feasibility study, benefit share</p> <p>Workshop among CLAs on how to explain technical terminologies on hydropower</p> <p>Taskforce from several government agencies visited and meet with the communities</p> <p>Seek the views of tribal leaders on some project sites</p> <p>Meeting with BLIC</p> <p>Briefing, awareness and specific meetings on the land identification process and outcomes</p> <p>Specific meetings with the potential core tribes</p> <p>Identification and briefings among the community champions</p>
2014	55 meetings	Tribal representatives and House of Chiefs, Communities in Malango and Bahomea,	Outcomes of landownership identification by BLIC,

		Downstream representatives and communities	land boundaries, LTA provisions on appeal Negotiation on the Process Agreement Project updates and consultations J SDF support initial discussion
2015	32 meetings	Core landowning tribes, communities in Bahomea and Malango	Meeting with core landowning tribes on compensation offers, cooperatives and implementation/requirements of process agreement, livelihood restoration plan  Updates on developer, route on access road, J SDF funding
2016	31 meetings	Core landowning tribes, communities in Bahomea	Meetings on formation of cooperatives for core landowning tribes and release of compensation pay  Discussion of gender issues in the project  Update and consultation on road concept design by Cardno Australia  Community champions meetings regarding the benefit share scheme and how to consult with community members.  Disclosure of ESIA.
2017	2 meetings	Bahomea and Malango communities	Disclosure of 2017 LALRP and consultation on community benefit share fund.

			Communities supported Project proceeding.
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Source: Summary of ESIA 2017, Annex 14

Details of the consultations and key issues discussed as components of broad community support are outlined below.

ESIA consultation. The social impact assessment by the ESIA team further facilitated community engagement and feedback on the potential benefits and impacts of the project and proposed responses to those impacts. The scope of the ESIA covers (i) Talu-speaking customary landowning residents, including leaders, general public, groups, kinship groups, women, and youth; (ii) the ‘settler’ residents (that is, people originating from elsewhere in Guadalcanal, but residing locally as ‘guests’ of the landowners; (iii) users of the Tina River; (iv) other stakeholders including customary landowners who do not regularly reside in the project area and (v) environmental NGOs and community-based social organizations.

To ensure that various stakeholders were covered by the consultative programs and fieldwork investigations, the Tina River catchment area was divided into four broad areas or zones, each with a different set of issues investigated as follows:

1. Any communities located in the Direct Impact Area, that is, the lands required for the construction and operation of the proposed dam, storage reservoir, headrace tunnel, and powerhouse, as well as any borrow areas, set down areas, and yards, etc (Core Area) and any communities located in the 50 metre wide access road and transmission line corridor (Infrastructure Corridor). No communities or residences were identified in this area or in the Upstream Area above the reservoir.
2. The people and communities likely to be mainly affected by changes in the river water quality, volume, or availability during the construction or operation of the hydro scheme downstream of the power station site. This area was designated as the Downstream Area. Within this group, the Senge Community are the villages located closest to the Direct Impact Area.
3. The people and communities likely to be mainly affected by modifications to, and use of, the existing or new access road/s, and transmission line corridor but who are not located within the Direct Impact Area. These areas were designated as the Infrastructure Area.
4. The communities with ownership rights to customary land and natural resources in the project area and in downstream areas, but do not reside in the Tina-Ngalimbiu River valley. These community areas were designated as the Wider Impact Area (WIA).

These area categories are generally consistent with the communities’ geographical distance from the key project infrastructure locations. Groups 1 to 3 could also be affected by loss of access to livelihoods and resources upstream of the proposed dam, and by the potential presence of a construction workforce. However, all categories could benefit from employment or contracting opportunities during construction and operation of the scheme.

Using this classification, the villages and hamlets in each of the different project impact areas were identified, as shown in the table below.

Table 5-3 - Classification of settlements by Potential Project Impacts

Impact area	Customary landowning communities	Non-customary communities
Direct Impact Area (DIA) and Upstream Area Settlements	None.	
Downstream Area Settlements	<p>In Bahomea district:</p> <p>Senge Community (proximate to the reduced flow reach):</p> <p>Choro, Koropa, Senge</p> <p>Other Bahomea:</p> <p>Habusi, Pachuki, Namopila, Komureo, Vatunadi, Tahaurasa, Tina, Valebebe 1 &amp; 2, Vuramali, Haimane, Valebariki, Horohutu2</p> <p>In Ghaobata area (plains):</p> <p>Popolo 1 &amp; 2, Old Selwyn, Ngalimera, Selaghoghorro, Pokasou, Siroigha, Kadavu, Ravu area, villages on Tenakaro Road, and riverside road to Tetere between main road and the mouth of Ngalimbiu River .</p>	<p>Horohutu1</p> <p>New Birao</p> <p>GPPOL village,</p>
Infrastructure Area settlements	<p>Bahomea District</p> <p>Mangakiki/Verakuji, Pachuki, Marava area, Vera ģande/Grassy</p>	Verakabikabi, Namanu area
Wider Impact Area (WIA) settlements	<p>In Malango district</p> <p>Communities of Malango area and Belaha area</p>	

Consistent with the catchment settlement of projected impacted areas (table below), the ESIA team held a four-week interview program and participatory workshops in July-September 2013 with the Tina and Ngalibiu River communities, and adjacent land owner's communities in Malango. The 15 community focus workshops covered all of the villages in the project area, and had a total recorded (minimum) attendance of 511 people. The

workshops were arranged in advance with the help of the TRHDP PO and involved directly the locally-based community liaison assistants (CLAs).

Table 5-4 - Communities where focal workshops were held in 2013

Date	Venue	Communities	Number of Participants	WARD/District
2-Sep-13	Marava	Marava, Vatupaua, Rate CHS, Ngongoti	31	Bahomea (Upstream Communities)
3-Sep-13	Haimane	Horohotu 2, Vuramali, Haimane, Katibana	44	
4-Sep-13	Tina	Tina, Valebebe, Valebarik, Valemaota, Tahurasa	38	
5-Sep-13	Antioch	Antioch, Valesala, Komeo	41	
9-Sep-13	Senge	Senge, Koropo, Choro	22	
10-Sep-13	Pachuki	Habusi, Pachuki, Veraloka	43	
12-Sep-13	Verakuji	Mangakiki & Verakuji	80	
13-Sep-13	Namopila	Namopila, Komureo, Valekocha, & Vatunadi	28	Malango/Belaha
17-Sep-13	Mataruka and Ado	Mataruka 1, 2, 3, 4, Belaha, More than ten villages (2 separate meetings held)	83	
18-Sep-13	Veraande & Horohotu 1	Veraande, Verakwele, Konga Horohotu 1, Niumahata (NB: Two separate meetings held)	24	
				Bahomea Settlements Communities

19-Sep-13	Ravu	(at least 5 communities represented)	19	Gaobata/Plains (Downstream Communities)
20-Sep-13	Verakambikmbi Old Selwyn	Verakambikambi Old Selwyn (Popoloi) (NB: Two separate meetings held)	58	

Source: ESIA, 2017

A follow-up mitigation workshop was held in 2014 by the ESIA team. This was a wider workshop composed of several communities in a single venue. There were 2 workshops held in Bahomea and 2 in Malango and 1 in downstream Ghaobata. The workshops included the review of the results of the community public awareness, consultation and workshops held. The ESIA findings provided information on the potential impacts of the project and proposed responses to those impacts. Senior TRHDP officers were present to respond to technical questions or policy issues.

### Recording People's Responses

Community members who attended the workshops in 2013 and 2014 were given the opportunity to inform the ESIA team of their specific communities' interests and their concerns regarding the construction and operation impacts of the Project. These were recorded on a white board, and detailed notes were also made.

The PO has made use of a variety of culturally acceptable means for communicating with local communities and stakeholders including both the core-landowning tribes and the non-core landowning tribes who are the host community for the project and whose access to core land will be affected and as well as upstream and downstream areas. Important communications have been, and continue to be, done face-to-face, starting with clan and village chiefs, and senior women, and then extend out to the wider village communities including community interest groups (mother's clubs and church groups). Local communications are undertaken by the project's tribal community relations staff and Community Liaison Assistants (CLAs) selected by the community leaders themselves. The PO also recruited a well-known indigenous media person to develop and document the information sharing and awareness raising activities of PO.

The presentation of information briefings to local communities and various groups of stakeholders at key points in the project planning process was done in local languages and accompanied by audio-visual aids. In addition to face to face meetings, other communication tools include: printed materials, including a project booklet; mobile phone and SMS, presentations using video, photographs, maps, and posters and site visits. Engagement activities by PO were recorded, lists of attendees were taken, and minutes were prepared of consultations, meetings, and issues arising from the consultations. The PO has also made a



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photographic record of its community awareness raising and consultation activities in affected communities.

The Project is the first of its kind in the country and therefore requires more than awareness raising among the affected indigenous communities. To ensure a more informed participation, the SIG sponsored study tours among the representatives of the affected tribes to visit hydropower projects which constructed dams in Fiji where they were required to report back to their tribe members their observations and feedback. Other measures in place to ensure sufficient and informed understanding among the affected indigenous communities include (i) trainings among the community-identified CLAs to translate difficult terminologies and concepts to understandable terminologies to be provided to the communities during consultations and (ii) formation of committees as focal points to the benefit-sharing mechanism which can directly inform the community members about any updates and clarify any concerns. The groups are living together with the community members themselves which allows for informal and formal means of community interaction and awareness raising. The timing and scope of consultation allowed enough time for the communities to prepare for the meeting as tribal representatives' support and consent first need to be acquired so they can inform their tribes prior to any visits. The PO also maintains an open venue for any members of the community to come to the office and request for any clarifications and explanations on matters they are not particularly clear.

The participation of the affected core-landowning tribes leading to their formal support and consent was also based on informed decision. The Commissioner of Lands (assisted by PO) provided information on the proposed land acquisition and compensation arrangements that went beyond the statutory requirement to all the tribes in the project area. Such public information and AP 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. This process is detailed in Chapter 6. The public information dissemination program included:

- ¿ Publishing full page notices, maps and FAQs in Solomon Islands' national newspapers;
- ¿ Posting A3-sized notices and maps at the boundary to the core land area and at key locations in the villages of Bahomea and Malango Wards;
- ¿ 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 land acquisition process and to display the associated printed information; and
- ¿ Delivering letters to representatives of each of the 27 tribes registered in Bahomea and Malango Wards explaining the land acquisition and compensation claim processes.
- ¿ In addition, PO continued to maintain communication in person, by phone, and by SMS with many individual community members of the core landowning tribes. Numerous meetings have also been held at PO to discuss the land acquisition process with those potentially affected. Lawyer has been engaged through LALSU and selected by the tribes to assist them in negotiating for the Process Agreement. He has also undertaken a series of community awareness meetings to discuss the

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compulsory acquisition process and landowners' rights among the core landowning tribes.

Among the Ghaobata Ward communities and their House of Chiefs (HOC) which have a lot of experience in dealing with industrial and resource developments in the Guadalcanal plains, rent-seeking and requests for payments to engage in project planning have been quite explicit. Under advice by knowledgeable senior people from this area, PO has avoided being drawn into direct negotiations with HOCs. Instead it worked through Guadalcanal Provincial Government officers and its own CLAs to provide information and to encourage local people to discuss the Project within the community.

The PO's activities and program ensures that there will be no room for coercion or intimidation, and bribery or inducement for local people to be involved in discussions about the project. Conversely, some landowners and their tribal/clan leaders demanded and received sizeable 'access payments' from the Government to allow site investigations, consultations, and related planning activities and meetings to proceed in the proposed project areas. In keeping with local custom and the expectations of local communities, PO has presented chupu (customary presentations) and hospitality to local chiefs and communities as part of its activities.

Consultations during ESIA. The ESIA itself was specifically designed and implemented to achieve active participation of affected village residents, affected downstream residents, project planners, and environmental, technical, and social specialists. The participatory workshops combined with face-to-face interviews and direct observation on local communities helped achieve their active participation in consultations and the interaction between the ESIA team and all project stakeholders.

Prior to conducting field visits, information was gathered from various stakeholders, including MECDM, MHMS, Guadalcanal Provincial Office, and the Census Office. The main stakeholders consulted during the ESIA included PO, MECDM, MHMS, Guadalcanal Provincial Office, National Census Office, and international consultants working on ESIA. The PO discussed the issues pertaining to the project location. It was supported by CLAs and CLCs. Governance issues relating to the Project were discussed with MECDM and Guadalcanal Provincial Assembly. Health issues were discussed with MHMS.

A key output of the consultation planning stage was a program schedule for the village workshops. The schedule took into consideration the amount of time available for social studies, the size of the project area, and the impact of weather on accessibility to some project locations. As part of the schedule, key focal villages were identified as optimum locations for conducting workshops and face-to-face interviews. The ESIA team recognized that it would be difficult to conduct village workshops in each and every village within the project area owing to limited resources and the approved timeframe.

#### Structured Community Meetings

Structured community workshops designed to collect information in each village about (a) the local way of life, social organization, history of settlement, resources, and livelihoods, and (b) views on potential project impacts on it. Each workshop brought together several associated hamlets. The meetings typically took about 4 hours and followed a standard format. Discussions were conducted in Solomon Islands pidgin and occasionally in the local

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indigenous language (talú), and were assisted by the use of large format maps, printed satellite imagery, and sketched diagrams. The PO and ESIA team, where necessary, provided them with additional explanation of the hydro project components and operations to ensure their sufficient understanding of the topic. Attendance sheets were completed for each meeting.

A questionnaire survey was conducted with a randomly selected female householders from each hamlet participated in the community meeting. This questionnaire covered household health, gender and age structure, resources and income, and anticipated project impacts. Approximately 50 such interviews were conducted, each lasting about 30 minutes.

The national cultural impact specialist conducted individual interviews with village leaders, tribal chiefs, and older knowledgeable about sacred and important other cultural sites and issues. Where time permitted, the ESIA team conducted walks through villages and garden areas complemented by photography and voice recording.

#### Village Community Workshops

All consultations and workshops preceded by local announcements of their timetables, purpose and the programs. They were facilitated locally by members of PO, CLAs and community relations officers. During the brief introduction of the village community workshops (which was given in English, pidgin, and relevant indigenous language), participants were advised that:

The ESIA team was independent of PO and individuals' comments and viewpoints would be treated anonymously in the assessment; and

People were free to stay or leave the meeting as they wished. A consent form was distributed by the village chief/s among all participants.

During the workshops, questions were asked regarding peoples' awareness of the proposed project, and whether the participants and their communities supported the proposed Project or not. The community workshops were participatory and interactive. Each key topic of the project was discussed and displayed on a whiteboard.

#### Mitigation Workshops

Mitigation workshops were used to discuss and to obtain inputs from participants on how to mitigate potential project-related impacts. The mitigation workshops followed the same methodology as the village community workshops: prior announcements, meeting place arrangements by project liaison officers (PLOs) and community liaison assistants (CLAs) who delivered a brief introduction to the Project and meeting, and distributed consent forms.

The mitigation workshops were district-wide and were, therefore, larger than the village community workshops with larger venues (e.g., meeting halls). The workshops were attended by PO's technical personnel who answered questions and provided technical explanations, when required.

### 5.2.4 Conduct of Gender Inclusive Consultations

The recruitment of mature women as CLAs facilitated women involvement and participation during consultations. ESIA reported that 93% women responded that they attended

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community meetings held by the PO. However, the household surveys suggest that women are less involved in land acquisition discussions, as only 41% of adult women reported that they were involved in deciding on land issues in their household. Most of the women leave their own tribes and join their husband's tribes. They are therefore not part of tribal decision-making on land claims and ownership issues.

The ESIA community workshops in 2013 were attended by 45% women and girls. In the Bahomea district, located in the direct impact area and core project area and in the infrastructure impact area, at least 48% of participants attending the workshops were females. Although it seems that women have limited decision-making power in Guadalcanal societies, their active involvement in the ESIA process is a positive sign, especially when looking at their willingness to participate in the household survey. Finally, the social impact assessment takes into account women's perceptions and concerns about the proposed TRHDP as well as their preferences for mitigations and benefits sharing. Measures to incorporate gender inclusion in land acquisition discussions and agreements are explained in Section 5.

### **5.2.5 Broad Community Support.**

The World Bank requirement for broad community support from Indigenous Peoples communities is triggered in this project due to commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. Broad community support is required among those who will be impacted by this activity.

Core land tribal landowners. The 5 tribes who owned the core land have given their formal consent for land acquisition and the project through a Process Agreement which they signed in 2014.<sup>24</sup> BCS and consent was derived from the direct engagement and participation of both the tribal representatives and full tribes.

The PO held 6 or more sessions of negotiations with each of the 4 initial tribes as part of one process. The fifth tribe called Uluna-Sutahuri was identified as part of the core-landowning tribes after the COL made a determination of their legitimacy after BCS was obtained from the 4 initial tribes (in September 2015). After each session of negotiation and consultation with the 4 initial tribes, the text of the Process Agreement was amended to reflect the changes and new agreements. Some negotiations took place with each tribe separately, and others with representatives from all 4 tribes together. The table below shows the key issues discussed and how the process of BCS has been adjusted to address these issues.

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<sup>24</sup> Signed Process Agreement: Kochiabolo tribe dated 26 June 2014; Buhu Garo tribe dated 11 July 2014; Raho tribe dated 26 June 2014; Vuralingi dated 24 June 2014. Signed Process Agreement for Uluna-Sutahuri tribe dated 22 December 2015.

Table 5-5 ~ Incorporation of Feedback in Process Agreement

Consultation Feedback	Consideration in the Process Agreement and the LALRP
Customary processes and customary evidence form part of the landowner identification process	Bahomea Land Identification Committee formed of elders and storytellers reviewed and considered customary evidence. Further details are set out in Chapter 6.
Changes in the ownership between SIG and core landowning tribes of the Tina Core Land Company from 51/49 to 50/50 share.	Process agreement revised accordingly
Cooperative corporations will need training or support	Trainings to be provided to cooperative
Request from tribes for a royalty payment	Provisions included in the Process agreement
Concerns that chiefs will not distribute to other members including women and younger men	Individual bank accounts opened and recorded for all members (women, men and children) of core landowning tribes
Concerns that tribal bank account investment funds will be accessed and emptied by individuals	National accounting firm compulsory signatory for tribal co-op bank accounts
Compensation payments will come and go quickly (in pijin `squish). Lasting change will need more than cash payments	Investment funds established for each cooperative with support from accounting firm
Some individuals expressed a desire to access children's bank accounts for ongoing household expenses	This request has not been adopted in the LALRP. Children's accounts to be accessible exclusively for school fee invoices. Education identified as priority in broader community consultations
Need to hold tribal meetings before signing	Full tribal meetings held by the PO.

When the final text (in English) was agreed by the representatives of 4 tribes, PO held community awareness meetings in key villages of each tribe. At the meetings, PO presented the key clauses of the Process Agreement and explained the acquisition processes in pijin, and provided maps of the core land to be acquired to tribes. The extensive community-level social impact assessment workshops held in 2013 and 2014 by the PO also confirmed the affected tribes' agreement and support for the Project and for the acquisition of the customary land for the Project. The last tribe called Uluna-Sutahuri was identified as part of the core-landowning tribes after the COL made a determination of their legitimacy in September 2015. Consultation and negotiation for the process agreement started shortly until they signed the agreement in December 2015. The land acquisition process is described in Chapter 6.

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Host communities who have access rights to the core land. The broad community support from all the affected Indigenous Peoples Communities from the host community composed of the 27 tribes (5 core-landowning and 22 non-core landowning tribes) was ascertained in 2 ways as part of the ESIA exercise: a) by evaluating the awareness raising and stakeholder engagement plans of the PO and the records of its meetings and interactions with stakeholders, combined with observations of field practice by PO; and b) by noting feedback received from the communities and other stakeholders regarding the PO's activities and how the Project responded to the issues raised. Previous sections confirmed the high-level of stakeholder engagement to the project. The ESIA team independently confirmed that based on the records at PO, discussions with PO staff and CLAs, field observations, explicit comments from participants during the 2013 village community workshops and 2014 mitigation workshops, and subsequent frequent meetings with tribal representatives, 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 aspirants objected publicly to the land identification and acquisition process, but later they supported the ESIA and participated in the consultation programs;
- ¿ Communities in the project area widely see hydroelectricity development as the most preferred and least destructive development opportunity for the Tina/Ngalimbiu River catchment (others being gold mining and logging of primary forest) from which they all can benefit;
- ¿ Community concerns about the Project were generally confined to the mitigation of potential adverse impacts and securing of better benefits;
- ¿ There has been a comparatively high level of participation of community members of all genders and ages in PO's activities;
- ¿ There is wide-spread understanding of the purpose of the Project, and what it generally involves;
- ¿ There is a high degree of trust of PO and the information it has provided, and a sense that local peoples' concerns are being heard and dealt with, even though there is little trust in Government, generally;
- ¿ There have been extensive consultations with communities on the proposal for a community benefit share fund, informing the Community Development Plan;
- ¿ Disclosure consultations on the LALRP in March 2017 included feedback from communities that they supported the Project proceeding; and

PO consultation meetings with CSOs demonstrate broad support of the CSO community for the Project, including the Network of Indigenous People Solomon Islands (although this group does not expressly represent any landowning groups).

The broad community support for the Project is contingent on the project's benefit-sharing mechanism and mitigation measures to address risks from construction and operation in the absence of any formal written consent. Section 12.5 and 12.6 of ESIA's Chapter 12 details

the potential impacts and benefits from the project on communities, including the Ghaobata community, and Section 13.2. of Chapter 13 outlines the specific mitigation measures to address adverse impacts as part of the ESMP. The entitlement matrix includes compensation measures to replace the impacts of loss of access to the core land. Section 9.6 describes the benefit-sharing mechanism for the host communities under the project; this is detailed in the CDP. Some of the key feedback and response are summarized in the table below. No major disagreements among community members were recorded in the proposed mitigation measures and initial plans from the benefit-sharing mechanism although it's possible that a few members may have a different opinion. Ongoing community engagement by the PO at present is focusing on assets compensation, livelihoods protection and restoration, benefits sharing arrangements, and building the capacity of the core landowning tribes to manage their financial and business affairs.

Table 5-6 ~ Key issues raised by the affected indigenous peoples ~ communities

Consultation Feedback	Response/Mitigation Measures
Supportive of changes to access road alignment to acquire neighbouring village (some expectation of large compensation cash payments)	Policy of minimizing land acquisition and resettlement impacts applied. Physical resettlement to be avoided. Communities informed that road alignment will continue to by-pass villages.
Loss of and or damage to cultural sites of importance to indigenous peoples	Developer will put in place a protocol for managing cultural sites, including arrangements for relocation and compensation. Annex 18 of the ESIA presented the cultural heritage protocol
Activities that could strain relationships among project affected communities	<p>Community liaison will be in place to oversee monitoring and mitigation measures are properly implemented. Monitoring will include state of relationships between the different clans. Regular reports will be provided on community grievances and monitoring of impacts.</p> <p>Capacity building activities will be provided to the Community Liaison Assistants. To minimize social disruptions arising from increased amounts of cash in the community, the landowning tribes will be provided with trainings on money management and as well as locally recruited workers. The administrative procedures will be in place in facilitating</p>

	financial benefit sharing among all the tribal members.
Changes in local customs and way of life	The developer will be required to implement code of conduct and conduct code of conduct pre-commencement training with workers.
Barrier to passage of migratory fish species and ongoing disturbance to downstream aquatic habitats	Implement a trap and haul system in accordance with the proposed mitigation measures for facilitating upstream fish migration in the ESMP.
Impact on timber rafting as a mean to transport sawn timber down the Tina River	An alternative will be proposed by the TRHDP PO, so timber millers can continue to transport and recover their timber around the dam and the bypassed section of Tina River. Arrangements for the transport of timber extracted by local landowners from their lands above the proposed dam site will need to be put in place prior to dam construction and operation. One option to do this is through the creation of a truck pickup point beside the river and future reservoir, connected to the dam access road.

TRHDP complies with the requirement of broad community support of the World Bank OPs and Performance Standards, and to date, community support has been achieved at each stage of project planning and land acquisition and compensation payment.

A select number of male leaders in the tribes of Buhu Garo and Kochiabolo have expressed discontent with the value of compensation awarded by the Commissioner of Lands for their interests in the Core Land, valued under the Land and Titles Act process. As documented in section 6.2.8.5, although the tribes were informed of their right to appeal the offered amount to the High Court, neither tribe elected to exercise this right. The COL has expressed an intention to abide by the procedures of the LTA, under which the timeframes for any appeal have now passed. The total compensation offered by the COL significantly exceeded the minimum compensation rate agreed by the tribes in the Process Agreement (rate of compensation offered - \$37,564 SBD/Ha for Kochiabolo and \$40,780 SBD/Ha for Buhu Garo (see section 6.2.8.5), and rate of minimum compensation agreed in Process Agreement - \$12,000 SBD/Ha (see section 6.2.6). As such, no additional amount is payable under the terms of the Agreement. The compensation offered to the two tribes has been transferred to a trust account to be paid to their co-operative societies once established.



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## 6 THE ACQUISITION OF THE LAND FOR THE TINA HYDRO PROJECT

### 6.1 PROJECT PLANNING ACCESS AGREEMENT

All site investigations and studies for the TRHDP were conducted with the full agreement of the tribal landowners of the Tina Catchment. In 2011, the SIG entered into a written 'land access agreement' with the representatives of the tribes claiming an interest in the catchment. The catchment lies within a cultural region known as Bahomea, part of Malango Ward.

At the time this agreement was made, the preferred option for the project had not been determined. Site investigation work by necessity covered a much wider area of land than the parcel that would later be identified as the Core Land. For this reason, and to allow the agreement to precede the lengthy process of customary boundary identification (see further discussion below), the agreement to allow access for site investigations and studies was made with all tribes claiming an interest in the 150,000 km<sup>2</sup> catchment area.

The agreement was signed with 27 tribes, based on the membership of the Land Owner Council. The Land Owner Council (LOC) was established by the Ministry of Mines, Energy and Rural Electrification in 2009 and funded by the SIG (via the PO) as a consultative body for the project. The LOC, comprised of representatives of each of 27 landowning groups, was formed to copy a similar body of 16 tribes established for the adjoining Gold Ridge Mine. It is probable that some new tribes formed for the purpose of LOC membership however as the objective of the LOC was to be a representative body for affected people, the Ministry did not challenge the number of tribes represented.

In this Access Agreement, the customary landowners guaranteed to provide physical access to their lands for 18 months to enable investigative drilling, and for environmental and social impact studies to be carried out. In return the SIG gave each tribe a 'goodwill payment' of 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>25</sup>The funds were disbursed by the SIG to the tribes, though the details of their internal distribution remain confidential to the tribes themselves.

In November 2012, a programme of community consultations was held involving more than 500 members of the affected communities to seek the agreement of landowners to extend the access agreement for a further 18 months to enable finalisation of the technical investigations.

Three days of consultations were held at Rate School, with free transport provided daily to allow access to villagers from all of Bahomea, Malango and Belaha subregions within Malango Ward. At these meetings, the communities were informed of the Project process,

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<sup>25</sup> Press release TRHDP project office, 2011. 'Energy minister hands over 2.7 million dollars to Tina River landowners.'

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the need for continued access for further studies, and workshopped priorities for the community benefit share.

The format of the event consisted of a day long programme repeated three times. This was done in order to ensure that there was ample opportunity for villagers to have repeated contact with the material, and have some flexibility to attend and participate around their daily work and activities. This was especially important for women, who often had more demands on their time than men.

One of the key elements of these extensive community consultations was a 'referendum' held at their conclusion. Members of the communities were asked to vote 'Yes' or 'No' to the continuation of the Project. Participants were informed the Project would not proceed without their consent, and that no additional funds would be provided for the extension period. A ballot was handed out and each person present voted at their choice, either secretly or publicly on a yes/no question as to whether they agreed that the Project should proceed.

While a small percentage (<10%) of participants initially wrote their names in the 'no proceed' column, this number dropped to zero when it was explained that the Project would not go ahead if the community did not support it. On the basis of these consultations, the Access Agreement was extended by agreement for a further 18 months in February 2013.

## 6.2 ACQUISITION OF THE CORE LAND

In early 2014, upon completion of the feasibility studies, Option 7C was selected as the preferred option for the Project. The area of land necessary to build and operate the Project for this Option was identified and became known as the 'Core Land'.

SIG acquired the Core Land using a 'compulsory' process under the Land and Titles Act (LTA). While a 'compulsory' process was used, 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 and indicate that the land acquisition has been consistent with the World Bank's OP 4.12 and ADB Safeguard Policy Statement 2009 (as set out in the Indigenous Peoples Plan) with regard to free, prior and informed consultation with the land owners and communities. The process is also consistent with the WB Performance Standards 7 requirement for 'free prior and informed consent'.

Figure 6-6-1 Map of Acquired Core Land