

# Resettlement Plan

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August 2013

## Solomon Islands: Provincial Renewable Energy Project

Prepared by Solomon Islands Electricity Authority/the Government of Solomon Islands for the  
Asian Development Bank.

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## ABBREVIATIONS

ADB	=	Asian Development Bank
AP	=	affected person
CL2	=	Customary Land Form 2
COL	=	Commissioner of Lands
EA	=	executing agency
FGD	=	focus group discussion
GFP	=	grievance focal point
GRC	=	Grievance Redress Committee
GRM	=	Grievance Redress Mechanism
HH	=	household
IB	=	information brochure
IA	=	implementing agency
IOL	=	Inventory of Losses
km	=	kilometer
LA/C	=	Landowner Association/Committee
LO	=	Land Officer
LTA	=	Land and Titles Act
M/E	=	monitoring and evaluation
MLHS	=	Ministry of Lands, Housing and Survey
MMERE	=	Ministry of Mines, Energy and Rural Electrification
PBME	=	Project Benefit Monitoring and Evaluation
PEC	=	Provincial Executive Committee
PMU	=	Project Management Unit
PREP	=	Provincial Renewable Energy Project
RCS	=	Replacement Cost Study
ROW	=	right of way
RP	=	resettlement plan
SES	=	socioeconomic survey
SIEA	=	Solomon Island Electricity Authority
SIA	=	Social Impact Assessment
SIG	=	Solomon Islands Government
SPS	=	Safeguard Policy Statement

## 1 Executive Summary

1. This land acquisition/resettlement plan (RP) describes the project scope, impacts and entitlements and implementation responsibilities for land acquisition required for the development of the Fiu River small hydropower scheme for Auki town, Malaita Province under the proposed Solomon Islands Provincial Renewable Energy Project (PREP). The Government of the Solomon Islands (SIG) is seeking international funding, including funds from the ADB for PREP. The Project Implementing Agency (IA) is the Solomon Islands Electricity Authority (SIEA) while the Executing Agency (EA) is the Ministry of Mines, Energy and Rural Electrification (MMERE). The provincial government of Malaita will assist SIEA in its land acquisition activities.
2. The RP has been developed to comply with the laws of the Solomon Islands on land acquisition and compensation and ADB Safeguard Policy Statement (SPS) specifically on requirements with regard to negotiated agreements on land acquisition and compensation.
3. The project will harness the hydro resource from Fiu River system in the province of Malaita and will provide reliable source of electricity for the provincial center Auki and nearby settlements as well as improve the access to it by the population.
4. No physical relocation and loss of income is expected from the implementation of the project. The project requires about 11 ha of customarily owned land. The land required for the project facilities (the intake at water source, conduction channel, forebay, penstock pipe, power house and stretches of access road to the proposed site of the hydro facilities) are part of customarily owned lands with some of the land and right of way requirement being within land currently used as roads. No impacts are expected at the upstream and downstream portion of the hydro facilities location as the construction and operation will not restrict the community near the river system from accessing and using the resources therein. The impacts on landowners or affected persons (APs) are deemed not significant and the project is classified as category B on resettlement. Design considerations to minimize impacts on land include (i) keeping the headrace canal, penstock and access road corridors to a minimum, (ii) designing the project as a run-of-river thereby avoiding the need for a reservoir, (iii) minimizing the length of access roads, and (iv) locating the hydropower infrastructure as close as possible to existing access roads.
5. Land acquisition and compensation will be pursued as a negotiated agreement between the project (under the auspices of the provincial government of Malaita and SIEA) and customary landowners. Land acquisition will be voluntary. Compensation for land will take account of the project life requirement for hydro resource. The process to be followed by the project will be guided by the related process as described under the Land and Titles Act and ADB Safeguard Policy Statement: *Safeguard Requirements 2 - Involuntary Resettlement* for negotiated agreements. The Table E1 presents the entitlement matrix.

**Table E1: Entitlement Matrix**

Type of Impact	Entitled Person(s)	Entitlements
Permanent Acquisition of Land	Customary land owners	Landowners will be provided cash compensation at replacement cost
Temporary Use of Land	Customary land owners	Landowners will be paid rent as negotiated with landowners
Loss of crops and trees	All APs irrespective of legal status	APs will be given notice to harvest crops and trees before clearance or removal from required land. If APs are not able to harvest, they will be provided cash compensation at

		market price.
Health and employment	All APs	APs will be given priority for jobs in civil works. Bid documents will include HIV/AIDS awareness and prevention programs in construction camps and surrounding communities.
Unforeseen or unintended impacts	Concerned affected persons	Determined as per the principles of this resettlement plan and ADB's safeguard policy.

6. The land acquisition process will include key elements of notification, public meetings, surveys and negotiation of agreements. The SIEA and Malaita provincial executives will follow government procedures for acquisition and compensation of customary land and assets (crops and trees) but will also ensure compliance with ADB policy for compensation at replacement cost with additional measures. The SIG methodology and procedures are based on compensation formula of the Ministry of Agriculture for crops and fruit bearing trees, of the Ministry of Forestry on timber products and of the Ministry of Lands, Housing and Survey (MLHS) for customary land. To ensure that compensation is at replacement cost, an Appraiser/Valuer will be engaged during the finalization of the RP in the Detailed Design Phase to undertake a Replacement Cost Study (RCS) and update the cost estimate on land and other affected assets based on replacement cost principle. Additionally, landowners will be made aware of their entitlement to access impartial legal advice in negotiations at the project's expense.

7. The SIEA and the province of Malaita will finalize and finance a detailed budget incorporating all costs related to: i) consultations and negotiations, ii) legal advice for land owners and, iii) costs of land acquisition and ROW requirement. An initial estimate for all items related to RP implementation is included in the draft RP. The cost of land rental and/or outright purchase of land currently estimated by PPTA was based on available rates from relevant government agencies, with 15% contingency added to base cost to take into account the market price based on RCS result. However, the cost estimate for relevant items will be updated based on the findings and outcome of the Detailed Design Phase (when agreement on the land acquisition and compensation process will be finalized) including the result of the RCS.

8. SIEA will endorse and publicly disclose the RP and disseminate relevant information to APs and stakeholders in local languages. An Information Brochure (IB) providing details on the project and its impacts as well as the various mitigating measures particularly RP has been developed and disseminated for the purpose. APs have been consulted during the PPTA and will be further consulted during implementation. The Grievance Redress mechanism will be established to address grievances at local level.

9. SIEA will finalize and implement the RP after the detailed design and ensure that APs receive compensation before the start of civil works affecting land or property. SIEA will (i) appoint a focal person for land issues; (ii) recruit social/resettlement specialists at project management unit (PMU); and (iii) coordinate with the MLHS, provincial government and other relevant agencies. Implementation and impact of the RP will be monitored by SIEA/PMU and evaluated by a monitoring and evaluation specialist. The monitoring reports will be submitted on a bi-annual basis to MMERE and the ADB.

## **2 Project Description**

### **2.1 Purpose of the Resettlement Plan**

10. This land acquisition/resettlement plan (RP) describes the project scope, impacts, entitlements, procedures and implementation responsibilities for land acquisition required for the Fiu River small hydropower under the Solomon Islands Provincial Renewable Energy Project (PREP).

11. The RP has been developed in consideration of the Solomon Islands Land and Titles Act which govern rights and processes for land access. The RP was formulated to be consistent with Asian Development Bank (ADB) Safeguard Policy Statement (SPS), *Safeguard Requirement 2 - Involuntary Resettlement*.

12. Land acquisition will be achieved through negotiated agreement. Land acquisition will be voluntary. At the time of preparation of this RP (February-June 2013), site locations were generally known but siting of the Fiu hydro infra facilities will be completed based on detailed survey during the Detailed Design Phase to optimize hydropower capacity while access and distribution line corridors have already been firmed up. The design accommodates the social and environmental considerations at various sites. The RP describes the process to avoid/minimize impacts on land and to acquire land access through negotiated settlement.

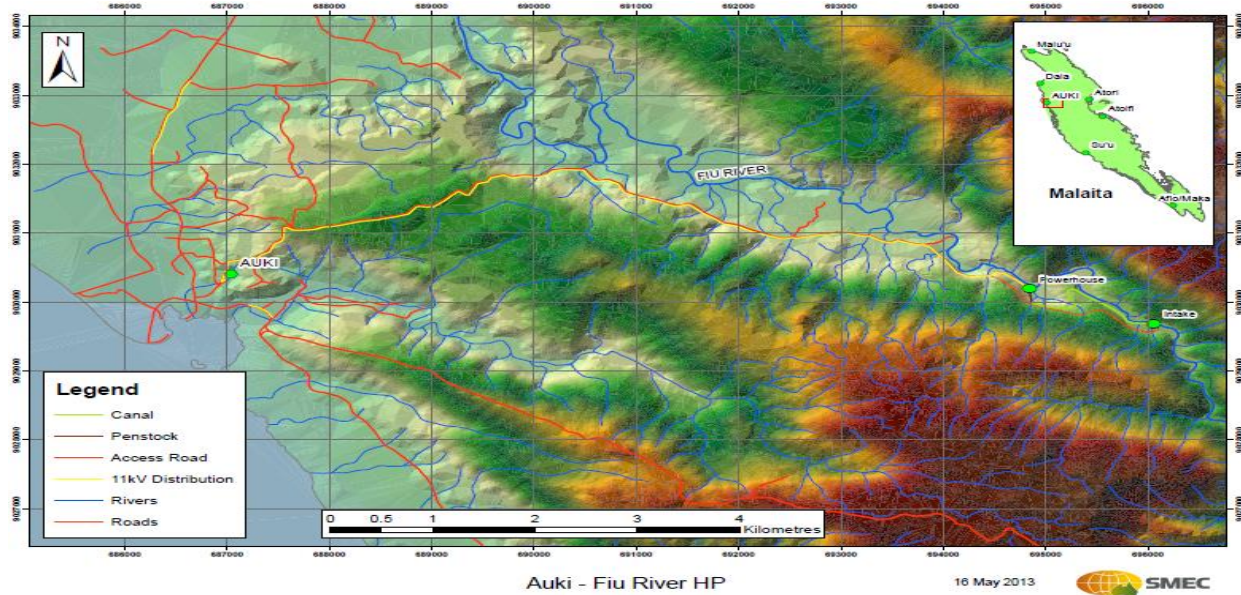
13. This RP has been developed primarily in respect of the customary land acquisition for elements of the project. It will be updated after detailed design phase based on final requirement of the technical components and the final agreement between the SIEA/province and the APs on land acquisition and compensation.

### **2.2 Project Description**

14. The proposed PREP aims to contribute to poverty reduction and equitable economic development and improve the general wellbeing of the local population through provision of cheap, reliable and renewable source of electricity. Past prefeasibility studies had identified river systems that may provide optimal hydropower sources in five provinces of Solomon Islands. ADB PPTA 8130 screened pre-identified sites and recommend three with optimum technical, financial, socioeconomic and minimal environmental and resettlement impacts. Three river systems in three provinces were studied for further feasibility under PPTA. Finally, Fiu River has been selected for ADB funding under PREP.

15. The Fiu River is the largest river within the vicinity of Auki, with potential hydro site relatively close to road access. Other promising locations are more distant from Auki and lack road access. The Fiu River has been confirmed as the optimal site for hydro development which will meet Auki's power demand and the best scheme layout is currently being assessed. The location of the proposed Fiu River hydropower site is shown in Figure1.

**Figure 1:** Location and Schematic Diagram of Hydropower Facilities showing alternate access route



16. The project will entail the construction of the low weir intake system, the water conduction channel, forebay and penstock as well as power house along the ridge beside the river. An access road approximately 2 km will be developed on top of the ridge which is relatively flat to reach these water intake facilities and power generation system. The power distribution line will run from the power house through the proposed access road for approximately 1 km onto the existing 8km road leading to Auki town.

17. Fiu River snakes through the valley from an altitude of 600m some distance southwest of the town but does not traverse the town itself. There is however a road stretching about 8 km that ends up just beside the Fiu River. The location of the proposed intake point is about 2 km upstream at an altitude of 125 masl. Starting from the point where the road stops, the proposed site of the power house located about a kilometer upstream at elevation 65 masl can be accessed from the left bank of the river through existing trails used by residents in the area or through the river itself. The river has ample water and current is quite strong in some sections.

18. The run-of-river scheme comprises a low height weir with intake which diverts water through a conduit canal to a sand trap with side spillway on the left bank of the river downstream. A canal system approximately 1.7 km in length will convey water directly from the sand trap to a penstock/powerhouse on the left bank of the river downstream which will provide an output of 750 kW with a design flow of 180 l/s.

19. An access road leading to the power house and the intake point will be constructed. Right before the end of the existing road to the river, the proposed road will cut across secondary growth forest on top of the ridge of the left bank of the river and run approximately 1.4 km till the proposed power house site. This access road will continue all the way to the intake point for approximately 0.7 km.



20. The proposed power transmission corridor will run alongside of the proposed access road (at approximately 1.4 km) from the power house toward the main road (about 8 km) that connects to the town. It will then connect to the existing gridline.

21. Construction approaches will typically involve land clearing and manual trenching of access trails to water intake facility and conduction channel (canal) as well as power house structure and power tower and electric posts by a team of local workers supervised by international expert. Construction of road access to power house and water intake point may involve use of light equipment but will generally optimize use of manual labour for digging and land clearing activities. Following initial construction disturbances on sites of hydropower facilities, the project will not restrict the current use of the lands.

### **3 Scope of Land Acquisition and Resettlement**

#### **3.1 Permanent Impacts**

##### **(i) Water Resource Requirement**

22. The project will entail a run-of-river scheme to harness hydropower resource to generate electricity. Tapping the hydropower potential of the river will not affect any other social and economic use of the river whether upstream or downstream as it is non-extractive and non-pollutant. The initial environmental examination report addresses the project's potential environmental impacts.

23. The area between the water intake location point and the power house which is approximately 1.9 km will likely experience diminished flow during operation of the system. Part of the environmental mitigation measure is to maintain a minimum flow level to protect aquatic resources that have been identified therein. This portion of the river because of deep ravines is not utilized for any social, economic or domestic purpose by the community and households residing nearby and no adverse livelihood impacts are expected.

24. Water in the watershed area is used primarily for swimming and recreational purpose (at the downstream portion near the end of the existing access road) and some limited domestic use (washing) by the clans identified to be residing close to the river. The project activity and use will not compromise such uses.

25. As part of customs and traditions related to customary land ownership, all physical resources and assets attached to the land are part of the customarily owned land. This resource is not going to be extracted by the project and no adverse impact is likely to occur with the use of the hydro resource. While the customary landowners have agreed to allow the project to harness this resource at no cost, this will be reconfirmed and documented in the land use legal agreement.

##### **(ii) Land Requirement**

26. The proposed sites for the development of hydropower facilities and access road lie within customarily owned lands. The power distribution line will not require any new land or ROW as part of the grid will be located within the 3.5km new access road, the land for which will already be acquired by the project. The remaining stretch will be within the ROW of the feeder road owned by the province.

27. The terrain along the corridor alignment of proposed access road to the power house and intake point (toward the upstream portion of the Fiu River from the main road) is relatively flat and runs parallel to the river over a steep ridge. The area is generally covered with wild vegetation, mainly secondary growth forest and wild plants. There is no settlement on this side of the river until the area near the proposed water intake point. At about 600m going uphill this area, there is a settlement of about seven households.

28. Based on the PPTA scheme layout, sites of the proposed water intake and channel facilities as well as forebay and penstock were assessed. No structures will be affected; likewise no gardens or fruit orchard will be affected. However, some forest trees and minor plants will have to be cut down to clear the area for the facilities.

29. ROW for the area required for the transmission posts and/or towers leading to town and the existing grid will not be required as these will be located within the proposed and existing access road. The line connecting to the existing grid in the service area will be located along the existing road. The 8km road is already owned by the provincial government. Locating the transmission route within this existing easement removes the need for further land acquisition

30. The Project will require land and right of way of approximately 11ha as shown in **Table 1** below. However, there will be no relocation or loss of income or access to sources of income generating activities.

**Table 1: Land Requirement and Affected Persons**

Project facilities with land acquisition requirement	Estimated Area Required	Land Ownership/Tenure Status
Hydropower Infrastructure/Facilities		
Water intake:		
- Water conduction canal	1710 m x 30 m = 5.13 ha	Located w/in customary land
- Forebay and penstock	205 m x 30 m = 0.62 ha	Located w/in customary land
Subtotal	5.75 ha	
Power house	30 m x 20 m = 600 m <sup>2</sup> or 0.06 ha	Located w/in customary land
Access roads		
- 845m existing road to junction	845 m x 15 m = 1.27 ha	Located w/in customary land
- 505m junction to power house	505 m x 15 m = 0.76 ha	Located w/in customary land
- 2150m junction to intake	2150 m x 15 m = 3.23 ha	Located w/in customary land
Subtotal	5.25 ha	
ROW for Power Distribution Line		
- From power house through the new 2 km access road	None	Customary land that will be acquired by the project
- Over 8 km stretch of existing main road.	None	The road is already owned by the province.
Total	Approx. 11.06 ha	

Note: No ROW will be required for the power distribution lines along the 3.5km access road as this area would already be acquired by the Project. On the other hand ROW for the remaining part of the gridlines will be along the 8km main road leading to Auki. The corridor required will be 3m x 3m x 135 (electric posts) along this road already owned by the Province.

31. Accordingly, an estimate (type and number per m<sup>2</sup>) of the trees and economically important plants and vegetation within the affected area will be undertaken to determine the scope of loss and corresponding compensation required. Detailed inventory of loss (IOL) will be carried out during the Detailed Design Phase. Meanwhile, identification of the individual

landowners and resource users of forest products within the affected area will be carried out; however, actual land acquisition proceedings have yet to be initiated.

32. **Water Intake Facilities:** The water intake facilities (weir, water conduction channel, forebay and penstock) are located on the right bank of Fiu River toward the upstream direction. It lies within customarily owned land. Approximately 1,710 m x 30 m or 5.13 ha are required for the water conduction canal and 205 m by 30 m or 0.62 ha for the penstock. This area is owned communally by the 9 clans identified to be residing in villages and settlement within the watershed area.

33. The area from the logging road down the ravine to the riverside is covered with secondary growth forest interspersed with some coconuts and fruit bearing trees like beetle nuts and bread fruits. Due to the steepness of the ravine, this side is not cultivated to garden. Affected trees will be inventoried to determine ownership and estimate value for required compensation.

34. **Power House:** The area for the power house however sits on customarily owned land. Approximately 30 m x 20 m or 600m<sup>2</sup> (0.06ha) is required for the power house site. The area is not cultivated or used for subsistence living. There are trees that need to be cut down and cleared for which the affected landowners require compensation. These will be inventoried and cost estimated and compensation paid to owners.

35. **Access Roads:** To reach the proposed power house site and water intake facilities, new access roads: (i) from existing road to junction, (ii) from junction to the power house, and (iii) from junction to intake, will have to be constructed. Total area required is approximately 5.25 ha. The corridor of the new access road is within customarily owned land (same clan owners as the hydro facility site). This new road will connect to an existing 8 km road from Auki that ends up to the riverbank of Fiu River, downstream of the power house site.

36. **Power Distribution Grid:** The power distribution line will run alongside the road from the power house going through the new access road and alongside the existing 8 km road leading to Auki. Thus no additional ROW will be required.

37. Construction approaches will typically involve land clearing and manual trenching of access trails to water intake facility and conduction channel as well as power house structure and power tower and post by a team of local workers supervised by international expert. Construction and/or improvement of road access to power house may involve use of light equipment but will generally optimize use of manual labour for digging and land clearing activities.

38. No other impact is anticipated in the upstream and downstream portions of the river system as no restriction on use of assets and other resources found therein will be imposed by the project.

(iii) Loss of trees

39. The landowners will also experience loss of trees and vegetation within the parcel of lands to be acquired by the project. These will be inventoried and owner identified during the detailed design phase and value estimated based on the principle of replacement cost.

40. According to the Energy Officer for Auki, there were no previous logging activities that took place within the proposed Fiu hydropower project area. The natural forest within the site was disturbed mainly by human activities such as vegetation clearance for gardening, harvesting of timber for local building materials as well as small scale timber production by few individuals but only in accessible parts of the forest. The vegetation within the project area is dominated by lowland forests with patches of areas especially in old gardens occupied by grasses, creepers, vines and shrubs.

41. The continuous vegetation clearance for shifting cultivation and cash cropping has altered the vegetation in the locality. The location for the proposed low weir and intake area, powerhouse and the access roads are within secondary forests with strips of primary growths where the incline is significantly steep. The rest of the demarcated area for the hydropower project is within secondary growth vegetation. Previously cleared areas are predominated by pioneering plants or light seeker plants such as *Macaranga*. As soon as shade begins to establish other species such as *Ficus* also follows, followed by other forest species. Okari trees (*Terminalia sp.*) are found in a few locations and have been cultivated for their edible nuts. Near the river beds common lowland forest species such as *Calophyllum kajewskii*, *C. vitiense*, *Dillenia salomonensis*, *Elaeocarpus sphaericus*, *Endospermum medullosum*, *Parinari salomonensis*, *Maranthes corymbosa*, *Pometia pinnata*, *Gmelina mollucana*, *Schizomeria serrata*, *Terminalia calamansanai*, and *Camptosperma brevipedicelata* are found growing there. Along parts of the river bank and old garden sites *Piper aduncum* is found in abundance.

### 3.2 Temporary Impacts

42. During construction, extra land area adjacent to the hydro facilities under construction may be required and occupied by the Civil Work Contractor for work camp site, storage area of equipment and other ancillary uses for a maximum period of 1.5 years (duration of construction). Scope of land requirement and potential impacts will be determined during the detailed design phase and before start of construction activities. The acquisition and compensation process will follow the guidelines as prescribed in this RP. However, responsibility for negotiation and compensation will be under the direct responsibility of the Contractor assisted by the provincial executives and the designated land officer.

### 3.3 Affected Persons

43. **Customary Landowners of the Hydro Facilities and Access Roads:** Lands in the watershed areas of the Fiu River system is customarily owned with nine landholding groups (clans) already identified. The site for access route, tailrace and powerhouse are located in an area owned by these landholding groups living in nearby villages/settlements or in the town of Auki itself. The clans are composed of about 15 households per clan on average (approximately 600 people).

44. The area on both sides of the river from the proposed water source intake site to the proposed power house site (approx. 1.9 km), is relatively steep. There are minimal open spaces except for the river bed itself which are characterized by boulders and big stones and which gets flooded during the rainy season. The only settlement (Bola) located within this stretch is approximately 600 m away from the water intake point toward the ridge top, which is relatively flat. Bola which is also the name of one of the clans claiming communal ownership of the area is composed of 7 households. They use the water from the river (upstream of the proposed hydro intake point) for domestic use including washing, cleaning and watering of their small market gardens up the ridge. Drinking water, however, is sourced from independent spring upstream.

45. At the downstream portion of the river near the area where the existing 8 km provincial road ends, local residents use the water for swimming especially since there are deep portions located therein. This portion is already about a kilometre from the proposed power house site where the water will be re-diverted to the river.

46. The other customary landowners composed of 8 other clans (Alafe, Hausuhu, Aidadala, Kwasai, Kwa'anamae, Marabu, Hanuadue and Gwaihata) composed of about 129 households reside in about 22 settlements scattered on both sides of the 8km provincial road that will be the proposed route of the power distribution line. They do not use the affected areas for any artisanal activities or subsistence living except for some occasional cutting of mature timber for construction and collection of firewood.

47. In general, the landowners and resource users in the catchment areas strongly support the project and are willing to provide access and eventually land. However, terms and conditions with regard to land acquisition and compensation need to be agreed upon.

48. The landowner clans have formed an association of landowners and resource users and elected committee members to represent the group. As part of the socioeconomic survey (March–April 2013) in Auki, the individual members of the groups were identified. All landholding groups were present at the initial consultations and FGDs held in late March 2013. The officers of the Association elected to represent the landowners/resource users in the negotiation/discussions concerning land acquisition accompanied the PPTA Team during their site visit. Afterwards, follow up meetings/discussions on social impact of the project were held with provincial executives and land committee members. Towards the end of May 2013, the landowners and the provincial executives signed a formal agreement on allowing access to the project in pursuance of further investigation and project planning.

- Vulnerability Status of APs

49. The affected persons (AP) will not be vulnerable to loss of income, unemployment or food insecurity resulting from the project. Instead, they (primarily the households in villages near the power distribution lines) are expected to benefit from the project through access to electricity as well as potential benefits from income-generating and employment opportunities during project construction.

- Income Source of affected HH

50. Result of consultations with landowners and community residents as well as the socioeconomic survey showed that the APs are not dependent on the land that will be affected by project activities. The customarily owned the land where the power house and the 1.9km access road will be located are covered with secondary growth forest and wild vegetation. The customarily owned land is not used for subsistence activity, whether for garden (the terrain is not conducive to cultivation) or hunting; the dewatered section of the river is not used for subsistence fishery either.

### **3.4 Categorization of Impacts**

51. Based on the result of the comprehensive assessment undertaken, the number of affected people is about 600 but the scope of impact does not entail relocation and loss of source of livelihood and no significant number of vulnerable groups (female-headed households, marginalized IPs or ethnic minority or infirmed) is at risk of further vulnerability due

to the project. Furthermore the area of land to be acquired by the project is less than 10% of the total ancestral land communally owned by the 9 affected clans. The categorization of the land acquisition and resettlement for the project is Category B based on ADB SPS.

#### **4 Principles for Minimization and Addressing of Land Acquisition and ROW Impacts**

52. The SIG through SIEA and the provincial government is committed to minimising the impact of the project on people and their assets. To this end project land acquisition is and will be guided by the following principles:

- Project design and location has and will continue to be explored to minimize land (particularly non-government land) requirements and consequential impacts on people.
- Affected people (APs) will be consulted during project cycle. Effective mechanisms will be established for hearing and resolving grievances.
- Land access will be achieved through a negotiated settlement. The project will follow the process for negotiation of agreements as outlined in this RP.
- Where agreement is not reached, the project will seek alternate access alignments. In such a case, SIEA/provincial government of Malaita will assess potential impacts of the realignment and update the RP before it is finalized.
- Appropriate support will be provided to land owners during negotiations to mitigate any imbalance of power, information and experience between the two parties.
- Offers of compensation for land and assets will be fair and adequate. The PREP Entitlement Matrix in line with ADB and SIG policies and requirements will ensure compensation at replacement cost and that the standard of living of APs are not diminished albeit it will be improved.
- Absence of formal title will not be a bar to compensation and assistance and particular attention will be paid to any vulnerable groups.
- Negotiated settlements and their payment will be made in advance of land entry and periodic payment of lease arrangement if applicable will be done as per schedule.
- The RP will be conceived as part of the overall project and related costs will be included in and financed out of the project budget.
- Relevant impacts including unforeseen losses and damages that may occur during civil works will be monitored and remedial steps taken as required.

#### **5 Socioeconomic Information and Profile**

##### **5.1 Socioeconomic Profile of Project Area**

###### **(i) Provincial Profile**

53. Malaita province, one of the main island provinces of the country, is situated about 50 km northeast of Guadalcanal. It is composed of four islands, Big Malaita (where the main town Auki is located), Small Malaita, Sikaiana Island and Ontong Java Atoll. Its total land area is about 4,225 km<sup>2</sup>. The province is densely populated hosting about a third of the total population of the country. Auki the provincial capital can be reached directly by plane or ferry from Honiara.

54. **Table 2** provides some selected socioeconomic indicators of Malaita Province. The main islands are of predominantly Melanesian ethnicity while in the islands of Sikaiana and Ontong Java the Polynesian ethnic group predominates. In 2009, it had a total population of 137,596 composed of 24,421 households with an average size of 5.6 members. In 2009, it had an urban population of less than 4%; however, the rate of urbanization is about 12%, much faster than the national average of about 5%. The male constitutes about 51% of total. It is most densely populated island province of the country (33 persons/km<sup>2</sup>), which is almost double the national average of 17 persons/ km<sup>2</sup>.

**Table 2: Selected Socioeconomic Indicators, Malaita Province**

Indicators	Malaita
<i>Total Population</i>	137,596
Male	62,232
Female	68,364
Ave. Annual Population Growth Rate (%)	1.2
Population Density (pop/km <sup>2</sup> )	33
<i>Urbanization</i>	
Urban Population	5,105
Percent Urban	3.7
Urban Growth Rate	11.6
<i>Household</i>	
Number of Households	24,421
Average Size of Households	5.6
Employment-Population Ratio	16.0
Male	22.1
Female	9.9
Unemployment Rate	0.8
Male	1.1
Female	0.6
<i>Education</i>	
School enrolment Rate, 6-12 yrs (%)	75.3
Male	74.9
Female	75.8
% of pop aged 12 and older with	
No school completed	26.9
Primary education	55.0
Secondary education	12.2
Tertiary Education	2.2
Vocational/professional training	0.5
Literacy rate	70.4
Male	78.8
Female	62.4

Source: 2009 Census.

55. The province has various national and regional government offices, social infrastructure facilities such hospital, health centers, churches, several primary and secondary schools, banks, markets, hotels, guest houses and restaurants.

56. Malaita's social infrastructure and services are worse off considering it is host to almost a third of the country's population. It has the lowest literacy rate at 70.4% with the female

(62.4%) much lower than the male (78.8%). Based on 2009 census, approximately 27% of the population 12 years and over had no schooling at all and about 55% had attained only primary education. School enrolment rate in 2009 among 6–12 years old was 75.3% which is much lower than the national average of 83.3.

57. About 33% of the total households in Malaita rely on river and stream and unprotected well for their main source of drinking water while about 46% rely of communal facility tapped directly from stream and river. In terms of sanitation, only 10% have access to sanitary toilet; majority (89.6%) use either pit latrines and/or open spaces for defecation. Likewise, on garbage and other waste, majority use their backyard (74.4%), the river/stream/seas (17.3%) or other open spaces for its disposal.

58. Only about 3.4% of the total households primarily in Auki are connected to electricity grid for their source of lightning while 12.2% rely on solar. Majority (79%) uses the kerosene lamp for their source of lighting. On the other hand, about 98.3% of households use wood/coco shell as their main source of cooking energy and another 1.0 % rely on gas.

(ii) Project Area Profile

59. The project areas are Auki, the capital town of Malaita as well as the nearby settlements along the approximately 8 km road leading to the to the riverbank of Fiu River northwest of town as well as the watershed area of the proposed hydro facilities.

60. Residential, commercial and institutional establishments of Auki are going to be the primary beneficiaries of the project while the households in several villages close to the road leading to Fiu River and the settlement close to the proposed site of the power house are going to benefit as well. However, the landowners in villages and settlements close to the hydro facilities are also likely to experience impact as a result of land acquisition and ROW requirement of the project.

61. Table 3 below provides the population and households of Auki and nearby villages

**Table 3: Project Area Population and Households**

Areas	Population	No. of Household
Auki town:		
Service Area (SIEA existing coverage area)	3500	498
Extension Areas (SIEA expansion area)	2029	397
<b>Subtotal</b>	<b>5529</b>	<b>895</b>
Power Distribution route (additional expansion area)		
Gwaibasioirea Village	75	15
Alafe Village	125	25
Alikata Village	100	20
Kunugwaugwau	50	10
Tafuanaki	52	10
Urabala	156	30
Fulisango	280	40
Fulisango School	65	13



Fulisango Clinic	11	2
Busininiu	112	20
Dairane/Busu	309	40
Kafomaia	131	25
Ngaliabe	106	20
Aisisiki	113	20
Dukwasi	323	45
Dukwasi School	36	6
Ere'eresuli	276	40
Bethany	126	20
<b>Subtotal</b>	<b>2446</b>	<b>391</b>
Hydro Facilities Site		
Namosilabe	132	25
Afio	243	40
Anololo	148	25
<b>Subtotal</b>	<b>523</b>	<b>90</b>
Bola	41	7
<b>Total</b>	<b>8,539</b>	<b>1,383</b>

Source: Provincial Planning Office, Auki.

62. The average number of persons per household of the town of Auki and while those along the power distribution route and watershed areas are 6.25 and 5.80 respectively.

63. Tables 4 and 5 show the number of educational and medical facilities and services in Auki town, where the APs could access for their need.

**Table 4: Educational Facilities and Services in the Project Areas**

	School/Village	Sector	Teachers Posted 2013	Total Students Enrolment
1	Fulidagaga School	Primary / Community High School/Early Child Education School	6/14/4	180/420/100
2	Bitakaula/Dukwasi	Primary School	8	2,401

Source: Teachers Posting 2013, Malaita Education Authority

**Table 5: Medical Facilities and Service Providers**

	Clinic/Village	Category	No. of Staff Posted
1	Fulidagaga Clinic	Nurse Aide Post	1 Nurse Aide

Source: Auki Hospital 2013

64. The primary sources of income and income generating activities therein are as follows:

- Hog raisers
- Vegetable cultivators
- Cocoa farmers
- Canteen operators
- Employment in Auki town proper

## 5.2 Socioeconomic Profile of Affected Population

65. Based on the result of the consultations and focus group discussions undertaken in Auki last March 2013, the APs have been identified: they are primarily the customary landowners of the sites for the proposed power house, the access road and hydro facilities upstream of Fiu River. No APs are identified within the power distribution gridline as the electric post will be located for the most part beside the access road the for which will already be acquired by the project; the remaining stretch will be within the ROW of the government owned road. As part of social assessment, a sample of 50 households randomly selected from the affected areas was surveyed. Results are discussed below.

### 5.2.1 Customary Landowners

66. The land where the power house will be located and the approximately 2 km access road that will be constructed as well as the water intake facility area are customary land owned by 9 clans with an average of 15 households per clan living within the nearby areas of the proposed facilities. These clans had formed their own association and designated various committees to represent them in the negotiation activities with the province and the project on land related issues and concerns.

67. Based on the result of the Household Socioeconomic Survey undertaken in April 2013, the socioeconomic profile of the affected peoples is as follows:

68. *Demographic:* Size of households along the route of the distribution line ranges from 5–7 members for an average of 5.8 members per household. All households are of Melanesian ethnic group. Majority (79%) of households has stayed in the village from 10 years and over; the remaining has been staying for less than 10 years. Only about 9% came from a different province; all the rest are either from the same village, same town or different town but same province. Majority (86%) are permanent resident of the area.

69. *Education:* Majority (70%) of household heads has either secondary education or tertiary level of education. About 16% has only primary education while 10% no schooling of which only almost half can read and write. Another 4% had vocational or special training. On the part of the partner (wife) 60% had secondary education and only 8% had tertiary level schooling. Another 15% had only primary level education while 32% had no education at all of which almost half can read and write.

70. *Social Infrastructure:* The houses in the service (SIEA coverage), proposed expansion and upper catchment areas are generally less than 5 km from an existing road. However, those in the extension and upper catchment areas are generally farther away from market, schools, hospitals and electricity grid. Houses in the upper catchment area are generally made of traditional materials while those in the service and expansion areas are mostly modern houses. Water for the households in the service area is mainly from the tap (58%) while those in the extension area and upper catchment either come from the river (26%) and/or rain (12%). Households in the service area (63%) and extension area (20%) are connected to electricity; the rest primarily those in the upper catchment use solar or coconut oil for lighting. All reported having toilet with 84% owning it and 16% sharing. All households have communication access with the mobile phone (76%) as the most common.

71. Access to health facilities and services within the immediate vicinity of the community is limited. These had to be accessed from town directly. Malaria, diarrhoea, skin diseases, and pneumonia are the common health problems reported by the households

72. *Economy:* Majority own the house (68%) and the land (70%) they reside in. Aside from the residential land that they own, 44% indicated that they own other lands (other residential land – 48%; agriculture land – 30% and; timber land – 17%).

73. The main occupation of majority of household heads is farming (51%) and fishing (3%); others are employed (16%) or engaged in business (11%). About 20% of household heads said they depend mainly on remittance. This is a similar pattern for the partner.

74. Of the total sample households, only about 60% reported cash income with the average monthly household income of those in the town proper estimated to be SBD\$1,137 while in the upper catchment area to be about SBD715. Average monthly expenditure of households is SBD955. Majority (82%) had reported that they are able to save some amount on a monthly basis.

75. *Participation:* While family members have more or less defined roles in the households with women and girls responsible primarily for household chores/child care while the men and boys are primarily responsible for tasks requiring more physical prowess, task appeared to be equitably shared. Men are likewise tasked for educating and disciplining children and are expected to be responsible for decision making in households or community affairs. Expressed needs for skills development of specific groups in order to explore other income generating activities are: men – carpentry (57%), fish processing (24%) and women – food preparation (30%), sewing (59%).

76. Only about 33% of households indicated involvement/participation in community activities which include among others meeting attendance, election of officers, participation in decision making and project implementation as well as providing labour financial contribution to community activities. Of those who indicated participation in community activities, only about 36% indicated they are members of community organizations (church-based, youth and women's group, school and project committees). Moreover, 52% of respondents indicated that there are also women groups/organizations in the community whose activities relate to livelihood development, religious activities, health/drug/alcohol problem awareness and general women empowerment.

77. *Perception of Project:* Only a small proportion of Auki's population is connected to the existing electricity grid. The area where project distribution line will pass is not part of current electricity service coverage area of SIEA. Households rely mostly on solar power and oil for lighting and coconut shell and wood for cooking. Majority (84%) of respondent households have expressed the desire to be connected to the grid if the project pushes through. Once electricity is available, aside from lighting, respondents will use it to operate appliances and other household utilities and most importantly explore business opportunities with it. Respondents indicated that the proposed site of the hydro facilities is not within culturally significant or protected area. The respondents also reported that from time to time they harvest timber from the area for house construction material.

78. In summary, of the approximately 1,383 households in the project area, 9 clans composed of 135 households (approximately 10% of total) are affected by land acquisition and cutting/trimming of trees for the project activities. Of the total (200ha) customarily owned land by the affected households less than 11ha (5.5%) will be acquired. The SES result also indicated that the APs do not anticipate negative impacts by the project on their livelihood and source of income albeit they expect the project to improve their general well-being.

## 6 Consultation, Participation, Disclosure and Negotiation

### 6.1 Activities to Date

79. Consultations with potentially affected landowners/users have commenced, initiated by the provincial government of Malaita under the auspices of SIEA.

80. Additionally, during project social impact assessment in March and April 2013, PPTA consultants met with identified landowners and users to better understand them and their relationship to the land. The consultations also sought to inform them of the project and ascertain their attitudes to the proposals. A record of proceedings including list of the participants to consultations and focus group discussions (FGD) is in **Annex A**.

81. A household socioeconomic survey (SES) and FGD have also been carried out in April 2013. These consultations and investigations included informal resource user of concerned watershed. Subsequently, SIEA and the provincial government of Malaita had advised landowners and resource users on the project objectives and activities. Shown below in **Table 6** is the summary of consultation and participation activities undertaken during the conduct of the PPTA.

**Table 6: Summary of Consultations undertaken during the PPTA**

Methodology	Date	Venue/Location	Time	No. of Part	Major Topics/ Outcomes
1.Socio-economic Survey	24/03/2013	SIEA Office -SES Contractors -SIEA Manager	1pm	3	Explained the project aims, Inform SES contractors on the major tasks to be carried
2. Focus Group Discussions (FGDs)	24/03/2013	Provincial Conference house -Landowners - Tribes -Committee -Churches -NGOs -Provincial -Women Reps	Am	37	-Informed the participants of the project aims /Objective -Land issues -lighting -cost -Compensation -benefits on both long and short term -Pollution -Environmental impact -Community contribution -Agreement in participating in project
Women's Group	24/03/13	Malaita Provincial house	12:30 pm	9	-Discussion of Gender Issues - Women express their joy and excitement that the project would be a great benefit to all women in the area Electricity as a means to income generation
Landowners	24/03/13	Malaita Provincial Conference Room,		29	Discussion of land acquisition impacts, willingness to connect and pay for electricity - Agree to allow access to land - Compensation procedures in accordance with the Lands and Titles Act and the ADB SPS were discussed. - Landowners indicated they wanted to be compensated fairly.
3. Consultations					
Provincial Officials	24/03/13	Malaita Provincial Conference room	8:00 am	11	-Orientation on project objectives • propose site of the Hydro

					<ul style="list-style-type: none"> <li>Provincial government express great gratitude for the recognition of being having Auki as one of the project site</li> </ul>
Community Leaders	25/03/13	Provincial office	9am	15	<p>Consensus in provision of support to the project</p> <ul style="list-style-type: none"> <li>The leaders agree that they need to see changes and improve their living standard</li> </ul>
Community Meeting	25/ 03/13	Community	1pm	30	<p>PPTA team explained the project aims and why the team is carrying out the survey</p> <ul style="list-style-type: none"> <li>Community all agree to have it operate in their land as they would like to see new development</li> <li>Community agreed to work closely with the team etc.....</li> </ul>
Community/landowners meeting with provincial executives	15/05/13, 24/05/13	Project site?	Am	119	<ul style="list-style-type: none"> <li>Provincial executives inquired into final decision of community on their participation to the project</li> <li>Signing of MOA re formal access to land for further conduct of investigation</li> </ul>

Source: Social Assessment (Community Consultations, FGD and Household Survey), April 2013

82. A major output of these consultations was the finalization and signing of agreement between the landowners through their representatives and the provincial executives of Malaita on land access as shown in **Annex B**. Following the series of consultations and meetings undertaken in March and April 2013 during the conduct of social assessment and information dissemination on the project, the provincial executives and landowners had their own series of meetings to reach an agreement on granting formal access to the Project for further investigations and eventual development of the project. Finally in 24 May 2013, the MOA between the Province and the landowners on grant of land access to the project was finally signed.

## 6.2 Further Consultation

83. Whilst preliminary discussions have been initiated in Auki with the landowners and users about the project, and an initial land access agreement with landowners signed, negotiation processes for land acquisition have yet to be finalized. Future consultations will focus on detailed notification and negotiation. The notification process will be guided by the procedures for acquisition of customary land as outlined in the Lands and Titles Act. In advance of notification, SIEA and the provincial governments will formally verify land owners and their ownership (existing legal title, or valid basis for claiming an interest).

## 6.3 Notification

84. Official notifications will be provided to land owners outlining the nature of the project and the land access requirements relevant to their land parcels. The notification will indicate the nature of the agreement sought, the timeline for the project and the agreement, that the notification represents the date for cut-off of eligibility for any compensation, and the proposed process for negotiation. The notification will also advise owners of their entitlement to, and suggestions for accessing impartial legal advice, explain the process for negotiation, and seek commencement of the negotiation process. At notification, relevant information from this RP will be provided to land owners, adjacent communities and relevant local government officials.

85. The notification will be issued to all members of the group, and also made known to local members of the community. The notification will include advertisement of a public meeting and set this as the date for raising any claims relevant to the site. A public meeting will be held, and all issues raised will be recorded. The validity of any claims to the land will be established. If no petitions are raised, then the negotiation process will commence.

#### **6.4 Process for negotiation**

86. The timing and nature of negotiations will be based on final arrangement and agreement however they will be conducted adhering to the following principles:

- Adequate time and information will be provided to land owners to prepare for negotiations;
- Negotiations will be entered into in good faith;
- Due consideration will be given to all land owner requests; and
- No party to the negotiation will be forced to arrive at an outcome.

87. SIEA and the provincial government of Malaita will be responsible to ensure the fairness of the negotiation including entitlement of land owners to get relevant information and seek impartial legal advice at the expense of the project. This is to counter the otherwise asymmetrical relationship between the two negotiating parties, where SIEA is likely to otherwise have greater access to information, services, advice and experience. The approach provides the opportunity for landowners to get adequate information and avail legal advice to counter the imbalance. The specific procedure and processes for conduct of negotiation is outlined in more detail in Chapter 8.1.

88. Records of all negotiations activities will be prepared by SIEA and provincial governments and validated by a third party, i.e., the local magistrate.

#### **6.5 Disclosure of the RP**

89. The RP will be endorsed by EA/IA, disclosed to APs and stakeholders before the project's appraisal, and posted on ADB website. An information brochure (IB) has been developed and made available in English and Pidgin in accessible public locations during the first week of June 2013. Dissemination of the IB to APs included not only distribution but conduct of meetings with landowners to explain the details of the draft RP. A copy of IB in English and Pidgin is shown in Annex C.

### **7 Grievance Redress Procedure**

90. In order to receive and facilitate the resolution of affected persons' concerns, complaints, and grievances about the project's social and land acquisition performance, a Grievance Redress Mechanism (GRM) will be established. SIEA and the provincial government will have the responsibility to facilitate resolution of grievances related to land acquisition and compensation. Grievances will be responded immediately and their status updated regularly until these are resolved. Grievance redress will be free of charge to the affected person.

## 7.1 During Construction

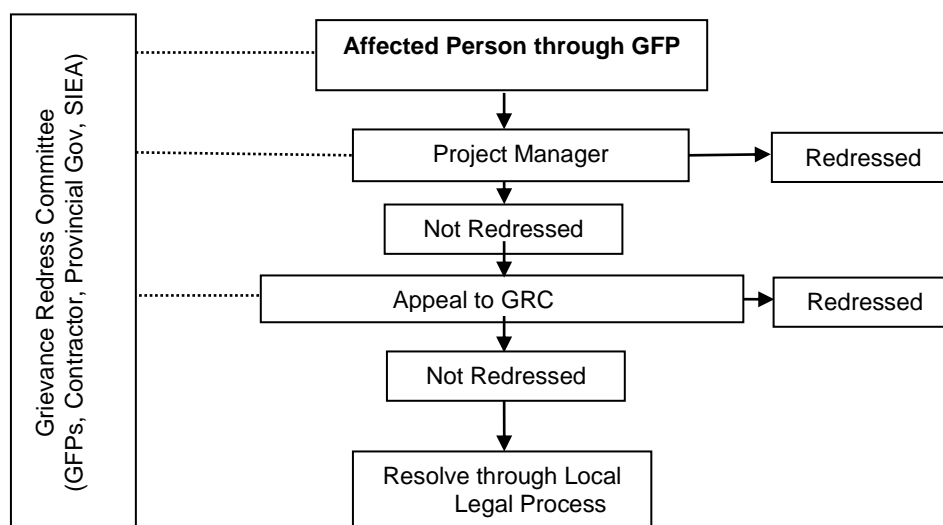
91. During the construction and to a lesser extent, operation of the project it is possible that people may have concerns with the project's social performance. Given the nature of this project it is likely that concerns may arise more during construction as well as operations phase of the project. In order to capture and address these concerns the grievance management procedure will allow affected persons to register their complaints and provide the project an opportunity to resolve them.

92. SIEA with the assistance of the Malaita Provincial Executive Committee (PEC) will work with the affected communities/villages/landowners to identify representatives to act as Grievance Focal Points (GFP) for the APs during project implementation. GFPs would be any designated representative (trustee, tribal chief or household head) who will represent the APs in communicating specific concerns/grievance related to project implementation and liaise with concerned authorities responsible for addressing these concerns/grievances.

93. Collectively the nominated GFPs will form part of the Grievance Redress Committee (GRC) made up of GFPs, Civil Work Contractor's representative, provincial government and SIEA. Prior to Contractor mobilization, a meeting will be held and participated by the SIEA, Contractor, Supervision Consultant, Provincial Executive Committee representatives, community and landowner and other interested groups. The primary objectives of the meeting are to inform the communities and APs of specific roles and responsibilities of all those involved in Project implementation including GRM, GRM's designated GFPs and processes and mechanism for redressing grievances.

94. Social and resettlement related concerns and grievances associated with land acquisition and compensation and construction activities will be handled through the GRM following the process flow in **Figure 2**.

**Figure 2: Grievance Redress Mechanism**



95. The GRM process will follow the procedure described below. This may be further updated based on feedback/comments from stakeholders during the pre-mobilization meeting. The steps to be followed are as follows:

- Individuals will lodge their complaint/grievance with a nominated GFP.
- The GFP or AP will bring the individual's complaint to the attention of the project manager or project staff responsible for implementation of safeguards requirements. He/she will record the complaint in the onsite social complaints register.
- The project manager will discuss and resolve the complaint with the GFP or AP.
- If the complaint is not resolved within one week, then the GFP or AP will bring the complaint to the attention of the GRC. The GRC will meet to resolve the issue.
- The GRC is expected to resolve the complaint within a period of 2 weeks. The resolved complaint will then be communicated back to the community via the GFP. The project manager will then record the complaint as resolved and closed in the Social Complaints Register.
- Should the complaint not be resolved through the GRC, the issue will be adjudicated through local legal processes.
- SIEA will keep track of the status of all complaints and will ensure that they are resolved in a timely manner.

96. All complaints lodged are to be documented in a register that will be maintained at the local SIEA Office and Malaita provincial government. Details of the complaint will be recorded by date, name, contact address and reason for the complaint. A duplicate copy of the entry will be given to the affected person for their record at the time of registering the complaint and a summary to be attached to PMU's quarterly progress reports.

## **7.2 During Operation**

97. During the operation of the project, regular maintenance activities to ensure that the ROW for the distribution line is clear of obstruction will be undertaken. This will require trimming of trees to prevent interruption of electricity supply due to power line tripping; accordingly complaints are expected to arise during operation. During this phase complaints will be directed to SIEA and the Malaita provincial executives, who will follow the same complaints resolution procedure described above.

## **8 Legal and Policy Framework**

### **8.1 Solomon Islands Legal Framework**

98. The Constitution of Solomon Islands recognizes customary rights to ancestral land of the indigenous population. About 87% of land in the country is under customary tenure, with the remainder considered "alienated". In Honiara and in provincial capital boundaries, land is owned by the state and held on behalf of the state by the Commissioner of Lands (COL). Land is governed by the Land and Titles Act (1988) which also addresses requirements for acquisition of land for public purposes, and the procedures and basis for compensation for land and any improvements thereto. The Act also provides for purchase or lease of customary land by the Government through agreement. Specific provisions of the law protect the rights and interests of concerned groups and communities.



99. Land acquisition and compensation for the project will be guided by the processes described within the Land and Titles Act and ADB SPS.

- **Land and Titles Act**

100. The Act governs the government's temporary or permanent acquisition of both alienated and customary land through compulsory acquisition or negotiated agreement. Sections 71 through 85 of the Act deal with **compulsory acquisition of land for public purposes**. However, the project will not entail compulsory land acquisition.

101. Temporary occupation of land for public purposes – for a period of a maximum of three years - may also be acquired by the Commissioner of Lands (COL) (under section 82). During the project construction temporary use of customary land may be required for a maximum period of 1.5 years (duration of construction). It will be the responsibility of the Civil Work Contractor (**to be stipulated in the Civil Work Contract**) to address the concern of temporary land occupation and corresponding compensation. However, it should be noted that this follows a similar process to permanent acquisition of land, with a declaration and notice being given. Agreement as to the rental follows a similar process to the claim, offer, acceptance, and assessment as compensation for land to be acquired (under section 79). Under sub-section 3, at the end of the temporary use, the land is to revert to the owner or person or group with an interest in the land. If land has been damaged or the value diminished, compensation is to be awarded.

102. Sections 60 through 70 of the Act deal with **purchase or lease of customary land (through agreement)** by the COL or any Provincial Assembly. The process starts with an appointment of a Land Acquisition Officer (LO) for the purpose of land purchase or lease. The LO demarcates the boundary and agrees with landowners for the purchase or lease of the land required. The LO publishes a notice, holds a public hearing and prepares necessary reports. The agreement is reached with respective landowners and it is implemented by the COL, including payment of the compensation, taking possession of the land, and registration of the land in the name of acquiring entity.

103. For the acquisition proceeding to be completed properly, it is important that at least four (4) meetings should be held with the public i.e. the intended landowners. The four (4) meetings will be held in the following orders:

(i) First Meeting:

104. A public notice of appointment of officer as an appointed acquisition officer to acquire the subject customary land will be put up. Awareness meeting for the next few days about what is expected to be done in the second meeting will also be disseminated

(ii) Second Meeting:

105. The second meeting is a crucial one. It is during this meeting that the acquisition officer will try to find out who the true landowners are and who the selected trustees to sign forms – customary land form 2 (CL2). If there is any disagreement then the acquisition officer needs to hear the concerns of the disputing parties. This could take days or weeks.

106. Walking the boundaries of affected land parcel will also be undertaken by all concerned parties. It is also during this meeting that the acquisition officer needs the services of a surveyor

to produce a sketch of land intended for acquisition and this sketch will be signed by all concerned land owners. At the end of the meeting the land acquisition officer will come up with the trustees to sign form CL2 and the sketch map.

107. The timing of this meeting is based on the outcome of discussions with all affected clans (tribes) and sub-tribes as well as the outcome of the inspection of the affected land parcels. Thus the process could take days or weeks depending on the proximity and access to the area.

108. Once the CL2 form is signed, Notices of trustees will be put on the public notice board for public viewing.

(iii) Third Meeting:

109. The LO will hold this meeting with one aim and that is to see if there is agreement among affected landowners on the trustees chosen in the previous meetings. If there is any disagreement then the meeting will proceed to hear issues of disagreement. This can take days or weeks depending on the nature of the dispute. At the end of the hearing, the acquisition officer will ensure that the nominated trustee during the second meeting is concurred or not by all parties concerned.

(iv) Fourth Meeting:

110. Thereafter, the LO will put up a notice inviting the public that they have three months to lodge their concern to the chief magistrate of that particular province. Issues that may be raised during this time may focus on the choice of trustees or the manner by which the LO conducted the hearings or related concerns regarding land acquisition process.

111. Certificate of No Appeal: At the end of the three (3) month notice, the LO will write to the chief magistrate requesting him to confirm whether an appeal or not against the proceedings of the acquisition process has been lodged. If an appeal had been lodged the magistrate will set a date to hear the case. If there was no appeal then the Magistrate will release a certificate of No Appeal. At this point of the process land acquisition procedure is only half way through.

112. Document Compilation: During this period the LO will spend most of his time in Honiara working with the Surveyors who will then go back to site and carryout the legal survey work and demarcate the initial boundary identified by the landowners (clan/ tribes). After the survey demarcation the cartographer or draftsman will do the plotting of the cadastral plan and checking is done by the Surveyor General to ensure accuracy is maintained.

113. After this an application for first registration is done by the Commissioner of Lands Office and the drawing up of Vesting Order for the Commissioner of Lands to sign which signifies that all the relevant processes as required by the Lands and Title Act sub sections 61,62,63 and 64 has been fully complied with.

114. Statutory Declaration could also be prepared for landowners (trustees) to sign if there is a need for it. This process can take weeks or months.

115. Registration of the Perpetual Estates: The perpetual estates of the concerned land will now be registered in the landowners. The valuation work is also carried out to determine the **outright purchase** price if the perpetual estate is to be vested in the commissioner of Lands. If

the land is to be **leased** the valuation should determine the premium and annual rental value to the land owners.

116. When the registration of the perpetual estate is done and the titles are released then the acquisition process would have been completed.

## **8.2 ADB Involuntary Resettlement Safeguard**

117. The ADB *Safeguard Policy Statement* (2009) requires ADB-assisted projects to (i) avoid resettlement impacts wherever possible; (ii) minimize impacts by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all affected persons (APs) in real terms relative to pre-project levels; and (iv) improve the standards of living of the affected poor and other vulnerable. It covers both physical displacement and economic displacement.

118. The key principles of the ADB safeguard policy on resettlement are as follows:

- Screen early the project's resettlement impacts and risks.
- Carry out meaningful consultations with and participation of APs, inform all APs of their entitlements and resettlement options. Pay particular attention to the needs of vulnerable groups. Establish a grievance redress mechanism.
- Improve, or at least restore, the livelihoods of all APs through (i) land-based resettlement or cash compensation at replacement value, as relevant, (ii) prompt replacement of assets, (iii) prompt compensation at full replacement cost, and (iv) additional revenues and services through benefit sharing schemes where possible.
- Provide APs with needed assistance, including: (i) if there is relocation, secured tenure to relocation and, better housing; (ii) transitional support and development assistance; and (iii) civic infrastructure and community services, as required.
- Improve the standards of living of the displaced poor and other vulnerable groups to at least national minimum standards.
- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement.
- Ensure that APs without titles are eligible for resettlement assistance and compensation for loss of non-land assets.
- Prepare a RP elaborating on APs' entitlements, income and livelihood restoration strategy and so on.
- Disclose a RP in an accessible place and a form and language(s) understandable to APs and other stakeholders.
- Conceive and execute resettlement as part of a development program.
- Provide compensation and other entitlements before physical or economic displacement.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of APs.

## **8.3 Identification of Gaps between ADB Safeguard Policy and SI Laws and Measures proposed to bridge the Gaps**

119. The Solomon Islands' law and ADB policy diverge on some key points on acquisition of land. The Land and Titles Act does not require adequate consultation with affected parties; it simply requires that declaration and notice be given about temporary use of land or acquisition or resumption of land (lease) and the purposes for which it is required. Nor does it require

preparation of a “plan” documenting the process, consultations undertaken with APs, procedure of the acquisition and compensation. Also the Act does not cover APs without title or ownership records, such as informal settlers/squatters (non-titled APs) or people with structures or gardens (encroachments) within ROW. While the Act provides compensation at prescribed rates and includes a provision for interest on compensation amounts to be paid to a claimant, the amount of the award is not free of taxes or other deductions, and the compensation may not be at replacement cost as required under the ADB policy. Furthermore, the legislation does not take into account of social and economic consequence of land acquisition in terms of restoration of lost income. Finally, the Act does not differentiate between major and minor impacts on APs whereas ADB policy clearly identifies significant impacts as requiring specific and additional measures of mitigation, including measures to address the needs of vulnerable groups or APs.

120. Table below summarizes the differences between the Act and the ADB safeguard policy, and identifies remedial measures to fill the gaps.

**Table 7: Comparison of Solomon Islands Law and ADB Policy and Gap-filling Measures**

<b>SOL Law Provisions</b>	<b>ADB Safeguard Policy Requirements</b>	<b>Gap-filling Measures</b>
Does not require adequate consultation with affected parties. Only requires declaration to be made and notice to be given.	Disclosure of project information (incl. acquisition process and compensation); Broad based and meaningful consultation with community and APs required (incl. non-titled APs)	The RP to be disclosed on ADB's website, made available for public perusal at MMERE, SIEA and Provincial Gov. offices; Summary of RP to be made available in English and/or Pidgin to APs; Adequate consultations to be conducted and documented.
Compensation does not cover taxes or other deductions	All transaction costs associated with acquisition to be included in compensation award, i.e. there should be no cost to APs	Compensation to include amounts due for taxes and any other costs associated with the transfer or acquisition. No cost to APs on land acquisition.
Does not provide for compensation for structures if they are illegal or encroaching	Compensation and other forms of assistance to be provided for non-titled APs also	All APs including non-titled will be entitled to compensation for existing structures or assets within the ROW identified before the cut-off date, but structures or assets erected in the ROW after the cut-off date will be ineligible for compensation.
Compensation is based on prescribed rates of the SIG and does not follow market rates	Compensation for land and other assets lost such as trees, crops and structure shall be paid based on market rates and replacement cost.	A Replacement Cost Study shall be undertaken and result will be used as basis for estimating the value of lost assets and properties. APs shall be paid based on the value estimated using the RCS findings.
Does not provide for lost income/livelihoods resulting from acquisition of land or assets	Livelihoods to be restored to at least pre-project conditions	Additional measures required to ensure that APs' livelihood is restored and any impacts from lost income are mitigated.
Does not require preparation of a plan or report setting out acquisition, compensation or other measures	Requires plan prepared to elaborate APs' entitlements, livelihood restoration measures, implementation arrangements, and budget	RP will be prepared. The assessment and planning will be based on level of significance of impacts.

121. This RP has been developed in consideration of ADB SPS and the Solomon Islands' law. Accordingly, the project's objectives are to (i) avoid resettlement impacts wherever

possible; (ii) minimize impacts by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all affected persons in real terms relative to pre-project levels; and (iv) improve the standards of living of the affected poor and other vulnerable.

122. Having adopted this approach, the project has avoided physical and economic displacement and minimized acquisition of land. The project will continue this approach in determining the final locations of project components. For the unavoidable customary land that is affected, the project will pursue negotiated land acquisition, consistent with para. 25 of the *ADB Safeguard Policy Statement, Safeguard Requirements 2: Involuntary Resettlement*. As such the negotiated settlement will be based on meaningful consultations with land owners, involve offers of fair and adequate compensation based on the Project Entitlement and will be undertaken in such a manner as to guarantee fair process by ensuring transparency and provision of adequate and trustworthy information between the SIEA/local government and the landowners. The process and result shall be documented by SIEA/PMU and validated by a magistrate. The RP section 1.4 describes the project's principles on land acquisition.

## 9 Entitlements, Assistance and Benefits

123. No relocation and minimal or no potential loss of income are expected from this project. The project involves some land requirements, with most of the land requirement being within land currently used as roads and most of the hydro facilities are located within customary land. Integrally, the locations of hydropower facilities and associated distribution lines have some flexibility to accommodate social and environmental considerations.

### 9.1 Entitlements

124. Land acquisition and compensation will be pursued as a negotiated agreement between the project (under the auspices of SIEA and the provincial government of Malaita) and land owners. This will take account of the need for land requirement over project life (construction and operation) and any ongoing maintenance or care taking services that may be required.

125. The Lands and Titles Act provides guidance, outlining the criteria that should be considered in arriving at a fair and reasonable compensation. These involve:

- Market value
- Value of improvements
- Compensation for trees and crops (other than those planted for speculation of compensation)
- Damage from severance and disturbance
- Other relevant circumstances

126. The project will follow eligibility and harmonized SIG and ADB policy based entitlement matrix for all types of losses resulting from land.

**Table 8: Entitlement Matrix**

Type of Impact	Entitled Person(s)	Entitlements
Permanent Acquisition of	customary land owners	Landowners will be provided cash compensation at replacement cost.

Land		APs will be provided compensation for their damaged crops and trees on project-affected land.
Temporary Use of Land	Customary land owners	Landowners will be paid rent as negotiated with landowners by the Civil Work Contractor
Loss of crops and trees	All APs irrespective of legal status	APs will be given notice to harvest crops and trees before clearance or removal from required land. If APs are not able to harvest, they will be provided cash compensation at market price.
Health and employment	All APs	APs will be given priority for jobs in civil works. Bid documents will include HIV/AIDS awareness and prevention programs in construction camps and surrounding communities.
Unforeseen or unintended impacts	Concerned affected persons	Determined as per the principles of this resettlement plan and ADB's safeguard policy.

127. The project will not entail impact on privately owned land; only customary lands will be affected. Affected land in upper catchment area is not used for residential or agricultural purposes or as primary basis for subsistence living. No household or structure will be displaced and relocated. As for removal of crops and trees, compensation will be guided by the Project Entitlement Matrix. The rates for root crops are based on value of product per square meters and tree crops are valued according to age, size and productivity of individual trees. The crop rate schedule has recently been updated and published in official gazette. The established compensation rates for certain types of trees and crops on other similar projects by these agencies will be used as a starting point for negotiations.

128. During RP updating/finalization during the detailed design phase, an Appraiser/Valuer to be engaged by PREP will undertake a replacement cost study (RCS) to determine if the official rates will meet the threshold of current market value or replacement cost for affected land and assets. If the official rates are insufficient, additional grants or payments will be clearly identified in the RP budget and cost estimate to be updated during the Detailed Design Phase.

129. Along an agreed framework for land acquisition, affected landowners and/or resource users will be compensated based on losses of crops/trees and similar assets. An inventory of losses based on the guidelines of the Ministry of Agriculture and Ministry of Forestry where census of owners will be undertaken and crops, trees, or any structures within the affected parcel of land will be determined. Their corresponding value will be finalized based on result of the RCS. The number, type and ages of crops and trees will be determined while any structures affected will be measured and the type of materials determined. Results of inventory will be undertaken by designated staff of relevant ministries in the presence of the APs. Result will be concurred by concerned AP. Compensation for affected assets is paid directly to concerned owners of the crops, trees or any structures.

130. As for the customarily owned land, the dimension of land required for the project facilities will be surveyed and measured. Valuation of said affected parcels of land will be determined based on the guidelines of MLHS and validated/updated using result of the RCS. The process of inventory of losses, RCS, etc., will be undertaken in coordination with officially designated land officer to avoid potential duplication.

## 9.2 Cut off Dates for Eligibility

131. The result of census and inventory of losses (IOL) will serve as basis for identifying who are eligible for what type of compensation. The Census and IOL results will be formally

concurring by the landowners/users, the provincial executives and the designated Land Officer and SIEA, and kept as official document and reference as basis for compensation payment.

132. The formal Notification to the affected landowners will serve as the cut-off date for eligibility. Those not identified and whose assets are not part of the IOL and did not exist before the prescribed cut off period indicated by the formal notification will not be eligible for compensation

### **9.3 Compensation Procedure**

133. The budget section of the RP also describes the flow of funds for compensation payments--from the land acquisition fund allocated to the Province by SIEA from PREP sub-allocated to assigned MLHS land officers for land acquisition activities and designated provincial officer for compensation to affected persons (AP). The process of compensation award will be the subject of further updating and monitoring.

134. Agreement on the manner of land acquisition and compensation is currently being negotiated and discussed with the landowners. It would either be outright purchase or long-term leasehold agreement with an annual lease payment condition. On compensation sharing among affected customary landowners, a trustee is designated by the clan and the manner of sharing and payment to be agreed by them. Details of the compensation framework will be explored further and the final agreement documented in the final Resettlement Plan.

## **10 Income Restoration and Rehabilitation**

136. The project impact does not involve loss of access to livelihood and source of income of the APs. As part of additional benefit that will be extended to affected landowners, able bodied members of their households will be given priority in the employment opportunities that maybe available from the project. A clause in the civil work contract will stipulate this condition.

## **11 Budget**

137. A detailed budget to address all aspects of land acquisition (including compensation amounts) will be finalized and financed by the government, once the actual amounts are agreed following detailed survey and negotiation. The budget will also contain allocations for all associated activities such as surveys, consultations, etc., required to adequately implement land acquisition and ROW access in accordance with this RP. While actual costs can be ascertained only during implementation and thus may vary, a tentative estimate based on PPTA is provided as follows:

Table 9: Budget Estimate for the RP

S.N.	Item	Dimension			Amount	
		m	m	ha	SBD\$	USD\$
1	<b>Consultation and negotiation costs @ average 2 consultations/mo for 8 months</b>					
1.1	Local Travel: Fuel (lump sum)				10,000	1,430
1.2	Food/Venue:					
	Food - (SBD100 x 30 participants x 2 meeting/mo x 8 months)				48,400	6,915
	Venue – 2 venues <b>Subtotal</b> @SBD1,500 per mo x 8 months				24,000	3,430
1.3	Info materials (lump sum)				5,000	715
	<b>Subtotal</b>				<b>87,400</b>	<b>12,488</b>
2	<b>Legal costs related to land access, including legal advice for landowners (if required)</b>					
2.1	Provincial @ SBD3,000/mo retainer fee x 8 months				24,000	3,430
	<b>Subtotal</b>				<b>24,000</b>	<b>3,430</b>
3	<b>Land Survey and related cost (will be under Technical concern). This will be provided to the Land Officer as soon as the detailed design is finalized</b>					
4	<b>Inventory of Losses/Census of APs (Lump Sum)</b>				35,000	5,000
4.1	Local travel for provincial staff (Land Officer, Forestry and Agriculture Staff and 2 Landowner representatives) for 2 weeks					
4.2	Supply Allowance for 2 weeks					
4.3	Data collection, consolidation, write up					
	<b>Subtotal</b>				<b>35,000</b>	<b>5,000</b>
5	<b>Compensation for lost trees/crops</b>					
	Compensation for lost trees (estimated on basis of average value of mixed trees of different species and sizes per ha). Ministry of Forestry uses the following rates: (i) SBD800/m <sup>3</sup> x 3 m <sup>3</sup> x 20 trees per ha = SBD48,000; (ii) SBD200/sapling x 100 saplings per ha = SBD20,000. Per ha compensation = SBD68,000					
5.1	Power House Site = 0.06 ha x SBD68,000/ha	30	20	0.06	4,080	583
5.2	New Access Road = SBD68,000 x 5.25 ha =				357000	51000
	845 existing road to junction	845	15	1.27		
	505m junction to power house	505	15	0.76		
	2150m junction to intake	2150	15	3.23		
5.4	Area from Water Intake point to the Power House @ SBD68,000 x 5.75ha				390,660	55809
	water conduction canal	1710	30	5.13		
	forebay and penstock	205	30	0.62		
	<b>Subtotal</b>				<b>751,740</b>	<b>149,229</b>
	<b>With the addition of 15% as contingency provision</b>				<b>864,501</b>	<b>186,537</b>
6	<b>Compensation for land acquisition</b>					



	SIG prescribed price is SBD200,000-240,000/ha for customary land and SBD500,000/ha for registered land. 25% is the average % difference of prescribed and market price based on international standard to bring it to replacement cost .					
<b>6.1</b>	<b>Option 1: Outright Purchase</b>					
6.1.1	Access Road: 5.25 ha x SBD240,000/ha				1,260,000	180,000
	845 existing road to junction	845	15	1.27		
	505m junction to power house	505	15	0.76		
	2150m junction to intake	2150	15	3.23		
6.1.2	Power House Site (30mmx20m) or 0.06ha xSBD240,000/ha				1,378,800	196,971
6.1.3	Area from Water Intake point to the Power House @ SBD240,000 x 5.75ha					
	water conduction canal	1710	30	5.13		
	forebay and penstock	205	30	0.62		
	<b>Subtotal</b>				<b>2,638,800</b>	<b>376,971</b>
	<b>With the addition of 15% as contingency provision</b>				<b>3,034,620</b>	<b>471,214</b>
<b>6.2</b>	<b>Option 2: Leasehold Agreement</b>					
6.2.1	Access Road: 7.0ha x SBD10,000 <sup>1</sup> /ha/yr x 30 years	-	-	-	1,575,000	225,000
	845 existing road to junction	845	15	1.27		
	505m junction to power house	505	15	0.76		
	2150m junction to intake	2150	15	3.23		
6.2.2	Power House Site (30mmx20m) or 0.06ha x SBD10,000/ha/yr x 30 years =				18,000	2,571
6.2.3	Area from Water Intake point to the Power House @ SBD10,000 x 5.75ha x 30 years =				1,723,500	246,214
	water conduction canal	1710	30	5.13		
	forebay and penstock	205	30	0.62		
	<b>Subtotal</b>				<b>3,316,500</b>	<b>473,786</b>
	<b>With the addition of 15% as contingency provision</b>				<b>3,813,975</b>	<b>592,232</b>
7	Third Party Valuer: (To be included in the overall PREP budget)					
8	Monitoring and evaluation specialist: (To be included in the overall PREP budget)					
9	Contingencies				<b>13,440</b>	<b>1,920</b>
	<b>Total:</b>					
	<b>Option 1: Outright Purchase Grand Total</b>				<b>4,058,961</b>	<b>556,022</b>
	<b>Option 2: Leasehold Agreement Grand Total</b>				<b>4,838,316</b>	<b>662,783</b>

Note: Estimate of affected crops and trees is on a per square meter basis using the Ministry of Forestry (for timber) guidelines on cost of items since affected areas are mostly forest trees. Based on the result of the site visits undertaken by the PPTA team, the average (in terms of category, sizes and number) of the range of crops and trees was estimated and value estimated. Actual inventory of losses will be conducted during the Detailed Design Phase to update the RP. Horticulture trees have yet to be inventoried but since the corridor of the transmission line runs within the ROW of an existing road, it is likely that there will be minimal horticulture trees/crops affected.

<sup>1</sup> For budgeting purpose the basis for estimating rental of land SDB10,000/ha/year was used in the upper catchment area and SBD15,000/ha/yr for land close to access road.

MLHS prescribes the following rates for customary land: (i) SBD200,00-250,000/ha for land located in upper catchment areas and SBD400,000 for those located in the lower catchment area especially near an access road. For registered land, the prescribed rate is SBD500,000/ha.

138. The fund for RP implementation will be provided by SIG as part of the counterpart budget allocation (special) to SIEA programmed for PREP. SIEA will be responsible for ensuring the budget is provided to bodies responsible for implementation of various components of the RP.

## **12 Institutional Framework**

### **(i) Executing and Implementing Agencies**

138. The MMERE will be the executing agency, responsible for overall administration of the project, whilst SIEA/provincial government will be the implementing agency. All responsibilities for land acquisition will be held by SIEA and provincial government under the guidance of the MLHS. SIEA/provincial government assisted by MLHS-designated personnel (Land Acquisition Officer) will be responsible for all consultations and negotiations in determining land acquisition agreements and in executing them in accordance with the guidelines and procedures set out in this RP. Whilst construction will be contracted out, and construction contractors will have greatest exposure to land owners during construction, they will be bound by the relevant conditions defined in the land acquisition agreements.

139. Currently, SIEA does not have the institutional capacity to undertake land acquisition. It has no personnel, budget and no experience at all in dealing with land acquisition issues and concerns either at the central or area level. On the other hand, the Provincial Government as a major stakeholder of the project wants the project to be implemented. At the provincial level it has staff and land officers dealing with related land issues. Thus the Provincial Government is willing to take on the task of dealing with land acquisition and compensation issues. In fact it has been already involved in the past as various feasibility studies have already been undertaken related to the project. It has already initiated consultations, information dissemination and pre-project land access agreement. A formal arrangement between SIEA and the province will be worked out to clearly define this specific role and responsibility and to identify supports and requirement. SIEA will still have overall responsibility for RP implementation. It will provide overall leadership and coordinate the activities. During the Detailed Design/Construction Supervision Phase, an SIEA staff (Property Officer) will be designated and assigned to work closely with the Detailed Design safeguard specialists on social and land acquisition issues.

140. The MLHS will provide the necessary guidance and support including (i) acquiring the land in ensuring compliance with the general procedure prescribed by the Land and Titles Act, (ii) the implementation of the agreed (between customary landowners and acquiring body) compensation scheme, and (iii) formally documenting the process for future reference.

141. The MMERE/SIEA will implement the project through the establishment of a Project Management Unit (PMU). The PMU will be responsible to implement the overall project. The SIEA will assign a project manager assisted by safeguard specialists at PMU to manage the project, including social safeguard activities. The project manager will ensure that all relevant safeguard plans are implemented so as to meet their intended requirements. The project manager, assisted by safeguard staff and consultants, will undertake the following activities to fulfil the PMU/SIEA's role:

- Update the RP according to the safeguard policies of ADB and the government.
- In coordination with MLHS, provincial executives and other stakeholders, undertake land survey, valuation, negotiation and other activities to update and implement the RP.
- Undertake adequate consultations with and dissemination of relevant information to APs, including public disclosure of draft and final safeguard plans.
- Ensure that the PMU's design engineers take into account safeguard issues and try to avoid or minimize social impacts through appropriate design. The social safeguard team will brief PMU technical design team in this regard.
- Address any project-related grievances of APs and facilitate in resolving disputes on landownership.
- Undertake public consultation to inform APs of the project scope and schedule of the project activities, including land acquisition and compensation activities.
- Following the award of the civil works contract, the safeguard team will arrange a briefing to the contractors to raise their awareness on safeguard requirements.
- Coordinate with relevant authorities including the MLHS/COL to ensure that land acquisition and compensation activities are completed prior to start of the construction activities.
- Undertake regular monitoring and reporting on implementation progress on safeguard activities.
- Liaise with relevant government, donor agencies and private sector group to provide the community access to social services and income generation activities to improve the living standards of APs.

(ii) Roles and Responsibilities of Different Agencies

(a) Ministry of Mines, Energy and Rural Electrification

141. The Ministry of Mines, Energy and Rural Electrification (MMERE) is the executing agency (EA). The MMERE has the oversight responsibility for ensuring the successful implementation of the project. It will pursue its implementation in close coordination with the SIEA and other cooperating agencies especially the concerned provincial governments. The MMERE will also closely coordinate with MLHS for the pursuance of the land acquisition and compensation of the project.

(b) Solomon Islands Electricity Authority

142. The Solomon Island Electricity Authority (SIEA) is the implementing agency (IA). The SIEA in close coordination with the Provincial Government has overall responsibility to manage the land acquisition/resettlement program. The SIEA will ensure that entitlements and measures in the RP are consistent and suitable budgetary provisions are made for timely implementation. The MMERE/SIEA will also coordinate with the MLHS/COL and other relevant government agencies in land acquisition process. It will be responsible for ensuring the updating of the RP.

143. The SIEA has no staff that can manage safeguard requirements, so the project will support capacity development within the SIEA and concerned province on safeguard aspects.

The assigned SIEA safeguard coordinator (Property Officer) will work closely with the Project Design and Supervision Consultant under the PMU.

144. Specifically during the land acquisition and resettlement process, the SIEA/PMU will ensure that entitlements and mitigation measures are consistent with this RP; and suitable budgetary provisions are made for timely RP implementation. The SIEA/PMU will also ensure that funds for compensation and entitlements under the RP are fully provided to APs prior to the commencement of works/activities.

155. The SIEA/PMU will be also supported by social/resettlement specialists who will train and supervise the national safeguard staff and other relevant personnel (SIEA safeguard coordinator) in carrying out safeguard activities during Detailed Design and Construction Supervision Phase.

(c) Provincial Government and field representatives of concerned national agencies

156. The Provincial Government of Malaita will:

- Coordinate all consultation activities through the scheduling, information of landowners, facilitation of conduct of consultations and negotiation, documentation and keeping records of proceedings;
- Coordinate and facilitate conduct of information dissemination and disclosure of all project related activities particularly with regard to land acquisition
- Will assist the Project in implementing the grievance redress procedures and ensuring measures to address complaints especially related to land acquisition.

157. The Province of Malaita assisted by SIEA and MLHS designated officer will have oversight responsibility for detailed survey and valuation of affected assets in close coordination with provincial offices of national agencies responsible for lands and surveys, agricultural and forest products assessments. It will facilitate the identification of affected landowners and consultations and negotiations with them on the manner of land access agreement and compensation. With the help of qualified experts and relevant authorities particularly MLHS, it will supervise the surveys, facilitate the conduct of valuation of affected assets and ensure the smooth implementation of land acquisition and compensation.

(d) Ministry of Land, Housing and Survey

158. Ministry of Land, Housing and Survey (MLHS) and its relevant divisions, including the COL, will provide necessary support to the SIEA in carrying out land acquisition activities. As the project requires acquisition of land, the MLHS/COL will appoint a Land Acquisition Officer (LO) to undertake land acquisition activities. The SIEA assisted by safeguard staff and LO will identify land, landowners or lease-holders, participate in consultations, prepare declarations and notices as required, and undertake a land acquisition survey.

159. The LO and assisted by SIEA through its designated field officer will undertake a census and IOL survey on which basis the draft RP will be updated.

160. Moreover, the MLHS will assist in the capacity building of the SIEA and concerned provincial staff to build knowledge, expertise and experience in land acquisition process.

### **13 Implementation Schedule**

161. SIEA and provincial government have started a number of activities related to land access and land acquisition processes for the project. In particular they:

- Have conducted a number of consultations, meetings with the landowners and carried out information dissemination on potential project on the need to tap the hydropower resource of the province to provide renewable source of energy
- Assisted the landowners to organize as an association and selection of representatives in meetings and discussions and eventually negotiations for land acquisition and compensation
- Facilitated the PPTA consultants entry into the area and provided logistical support in carrying out assessment and on the ground investigations and
- Entered into a formal agreement with the landowners association to allow project to access the area for investigation and project development

162. Following is an indicative implementation schedule of the RP, which will be updated based on detailed design outcome.

**Table 10: Indicative Implementation Schedule**

S.N.	Activities	Schedule
1	<b>Update of Resettlement Plan</b>	
1.1	Confirmation of Memorandum of Agreement (MOA) with landowners signed during PPTA for land use/access	Month 1
1.2	Formalization of provincial role in land acquisition through a MOA with SIEA	Month 1
1.3	Contracting of an Appraiser/Valuer for conduct of Replacement Cost Study (RCS)	Month 2-3
1.4	Review of engineering design and updating land requirements	Month 3-4
	Detailed engineering indicating final land requirement known	Month 4
1.5	Validation of land requirement, land survey and authorization from MLHS on land survey	Month 4
1.6	SIEA and Provincial Executives request MLHS for designation of Land Acquisition Officer (LO) responsible for Project land negotiation, acquisition and compensation	Month 4
1.7	First Meeting with affected communities as prescribed in the LTA on agreement on land use/acquisition and notification on the appointment of the LO. Official notifications will outline again the nature of the project and the land acquisition requirements relevant to their land parcels. The notification will indicate the nature of the agreement sought, the timeline for the project and the agreement, that the notification represents the date for cut-off of eligibility for any compensation, and the proposed process for negotiation. The notification will also advise owners of their entitlement to, and suggestions for accessing impartial legal advice, explain the process for negotiation, and seek commencement of the negotiation process. For customary land, notification is issued to all members of group, and also made known to local members of community. This will also serve as briefing on issues concerns to be taken up during the Second Meeting. During this meeting the Grievance Redress Mechanism will also be set up	Month 5
1.8	Provide land topographic and parcellary survey result from the Design Engr. to the designated LO	Month 6
1.9	LO compiles land investigation report ( ) including valuation of land and improvement.	Month 5-6
1.10	Conduct of Second Meeting (per LTA requirement). LO will formally identify land owners and verify their ownership (existing legal title, or valid basis for claiming an interest) and designated trustees.	Month 6
1.11	With the landowners and Project representatives, a walk-through of affected area based on design specification is undertaken. A sketch map is confirmed by all parties on the veracity of land and asset affected.	Month 6-7
1.12	The Third meeting is held to determine agreement among landowners on trustees chosen and the manner of compensation	Month 7
1.13	The Fourth Meeting is held on Notification that all concerned have 3 months to lodge their concern about the land acquisition plan and air issues/concern re this plan.	Month 8
1.14	At end of three months LO write the Magistrate to confirm if no appeal against the land acquisition proceedings had been lodged; if so, the request for issuance of Certificate of No Appeal	Month 11
1.15	The SIEA with the assistance of the Province updates the RP in consultation with landowners, including agreement on compensation rate/package with landowners and mechanism and its validation by a magistrate. Discloses updated RP to APs. The SIEA submits the updated RP to ADB for approval and posting on ADB website	Month 11
1.16	Approval of Updated RP; ADB no objection to RP	Month 11
2.	<b>Resettlement Plan Implementation</b>	
2.1	Establishing funds flow for land acquisition and mechanism for compensation payment	Month 11
2.2	The Province executes payment of compensation to concerned individual landowners or groups for affected land and other asset	Month 11-12
2.3	The Province advises the LO of completion of land purchase and requests for issuance of Notification to that effect	Month 12
2.4	Request for application of first registration of acquired land with the COL and approval of Vesting Order	Month 12
2.5	The SIEA and the Province submit to ADB the land acquisition completion report	Month 12
2.6	Registration of the Perpetual Estates	Month 12-13
2.7	Start of civil works (only after compensation and allowances payment)	Month 13

S.N.	Activities	Schedule
2.8	Payment of adjusted compensation, as required, for unforeseen damages and losses	During construction
2.9	Ongoing Implementation of Grievance Redress Mechanism	ongoing
2.10	Once registration of Perpetual Estate is done and titles are released the acquisition will have been completed	TBD
3	<b>Monitoring</b>	
2.1	Conduct of regular monitoring and submission of semi-annual report to ADB by the SIEA	Ongoing
2.2	PBME Specialist establishes project impact on APs socio-economic condition	Month 6-12

163. The subsequent steps that will be pursued in the land acquisition process are outlined below:

- (i) The procedures and steps to be pursued in the land acquisition follows the procedure outlined in the Land and Titles Act as discussed in more details in Section 1.8.1.
- (ii) Documentation and third-party validation: SEIA will document the consultations and agreements reached. The local magistrate will provide independent verification/validation that (a) the consultations have been undertaken, meaningfully, freely, and in good faith; (b) the landowners are willing to provide land to the project; and (c) compensation for land and other improvements have been agreed to by the land owners. The process of third party verification/validation which is also consistent with the SIG law will include following tasks:
  - Undertaking interviews and meetings as required;
  - Review of the process for identification and verification of relevant land owners;
  - Review of any and all meeting minutes and documentation of the consultation process leading up to the signing of the MOAs;
  - Validation that the agreement is voluntary;
  - Validation that the land owners speak for, and reasonably represent, the community;
  - Verification that the provision of the land to the project will not cause hardship to any individual;
  - Validation that any crops, trees or structures belonging to individuals have been identified and sufficiently compensated;
  - Validation that compensation for loss of customary land and assets being provided by the SIEA/province to the landowners/community represent a fair and reasonable replacement value for the affected land and assets; and
  - Documentation of the foregoing in a short report.

## 14 Monitoring and Reporting

175. SIEA/PMU will monitor all activities associated with land acquisition and payment to APs. The scope of monitoring includes: (i) compliance with the agreed policies and procedures for land acquisition; (ii) prompt approval, allocation and disbursements of funds and payment to APs; and, (iii) remedial actions, as required.

176. As indicated previously, recording of the process of negotiation of land acquisition will be undertaken. Once established, SIEA/PMU will report the process and completion of the land acquisition for the project to the MMERE and ADB for approval, in advance of construction and land entry.

177. SIEA/PMU will inform ADB on the project's social safeguard aspects through its progress/monitoring reports. Semi-annual safeguard monitoring reports will be submitted by SIEA/PMU to ADB. The evaluation of impact of the RP will be undertaken as part of the PBME and undertaken by the Design and Supervision Consultant's M/E Specialist. A pre-post evaluation will be conducted with the assistance of SIEA and result submitted to the ADB and MMERE as required.

**Table 11: Indicators for Monitoring**

Aspect	Indicators
RP implementation	<ul style="list-style-type: none"> <li>Compliance of resettlement activities with the RP, including payment of compensation: (i) full payment to be made to all affected persons before commencement of works; (ii) adequacy of payment to replace affected assets; and (iii) the level of satisfaction of APs with various aspects of the RP process.</li> </ul>
Consultation, participation, disclosure and grievance redress	<ul style="list-style-type: none"> <li>Public information dissemination and consultation procedures conform to the process established in the RP;</li> <li>The participatory process and various mechanisms as well as measures taken, both in terms of the quality and meaningfulness of this process, and the extent that primary stakeholders actively participate in the process;</li> <li>The disclosure of the RPs, whether APs know their entitlements and whether they have received all of their entitlements; and</li> <li>Monitor the effectiveness of the grievance mechanism, types of grievances, if and how resolved, and satisfaction of APs with the process.</li> </ul>
Gender issues	<ul style="list-style-type: none"> <li>The institutional and staffing mechanisms;</li> <li>Collection and disaggregation of gender sensitive data;</li> <li>Women's representation and participation in the detailed planning and implementation process;</li> <li>Gender inclusiveness such as technical training to both men and women;</li> <li>Whether compensation has been delivered to both husband and wife, together; and</li> <li>The effectiveness of livelihoods programs for restoring and developing women's income and living standards.</li> </ul>
Vulnerable groups issues	<ul style="list-style-type: none"> <li>Assessment of the appropriateness and effectiveness of various entitlements, programs and activities and methods of delivery for various vulnerable households and groups, and the need for adjustment or additional measures.</li> </ul>
Transparency	<ul style="list-style-type: none"> <li>How information is distributed and to whom, in order to make sure that all APs have the proper information and access to knowledge; Functioning of decision-making bodies and how this information is properly recorded and made available.</li> </ul>