

# Land Acquisition and Resettlement Framework

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November 2020

## Solomon Islands: Urban Water Supply and Sanitation Sector Project (Honiara Watershed Management Additional Financing Subproject)

Prepared by Solomon Islands Water Authority, trading as Solomon Water, for the Asian Development Bank

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## CURRENCY EQUIVALENTS

(as of May 2020)

Currency unit	–	Solomon Island dollar (SBD\$)
		United States Dollar (USD\$)
SBD\$1.00	=	USD\$0.466
USD\$1.00	=	SBD\$2.19

## ABBREVIATIONS

ADB	-	Asian Development Bank
AP	-	Affected or displaced person
CoL	-	Commissioner of Lands
DDR	-	Due Diligence Report
FTE	-	fixed-term estate
GHA	-	Greater Honiara Area
GRM	-	grievance redress mechanism
HWM	-	Honiara Watershed Management
IOL	-	inventory of loss
LAO	-	Land Acquisition Officer
LTA	-	Land and Titles Act
MLHS	-	Ministry of Lands, Housing and Survey
MOFT	-	Ministry of Finance and Treasury
NGO	-	nongovernment organization
PA	-	Protected Areas
PE	-	perpetual estate
PES	-	payment for ecosystem services
PMU	-	Project Management Unit
PPA	-	Project Preparation Assistance
RF	-	Resettlement Framework
RP	-	Resettlement Plan
SIA	-	Social Impact Assessment
SIG	-	Solomon Islands Government
SPS	-	Safeguards Policy Statement
SIWA	-	Solomon Islands Water Authority
SW	-	Solomon Water
TA	-	technical assistance
UWSSSP	-	Urban Water Supply and Sanitation Sector Project
WB	-	World Bank

## NOTE

In this report, "\$" refers to United States dollars.

## GLOSSARY

Meaningful consultation	A process that (i) begins early and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision-making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation measures.
Affected persons	All persons living in the project impact zone whether they are land owning, land users, tenants or without title to land. Also known as Displaced Person/s (DP) mean all the people affected by the project through land acquisition, relocation, or loss of incomes and include any person, household (sometimes referred to as project affected family), firms, or public or private institutions. APs therefore include; (i) persons affected directly by the safety corridor, right-of-way, tower or pole foundations or construction work area; (ii) persons whose agricultural land or other productive assets such as trees or crops are affected; (iii) persons whose businesses are affected and who might experience loss of income due to the project impact; (iv) persons who lose work/employment as a result of project impact; and (v) people who lose access to community resources/property as a result of the project.
Land acquisition	the process whereby a person is compelled by a public agency to alienate all or part of the land s/he owns or possesses, to the ownership and possession of that agency, for public purposes, in return for fair compensation.
Indigenous peoples	This is a generic term used to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by other groups; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region.
Entitlement	the range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to business restoration which is due to APs, depending on the type and degree nature of their losses, to restore their social and economic base.
Physical displacement	This means relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Economic displacement	Loss of land, assets, access to assets, income sources, or means of livelihoods as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

Significant impact	The loss of 10% or more of productive assets (income generation) or physical displacement and/or both.
Census	A census of affected persons (100%) including basic demographic and socio-economic data such as household size, age, gender, clan identity, religion, ethnicity, occupation, household income, and vulnerability.
Cut-off-date	the date after which people will NOT be considered eligible for compensation, i.e., they are not included in the list of APs as defined by the census. Normally, the cut-off date is the date of the detailed measurement survey.
Detailed measurement survey	the detailed inventory of losses that is completed after detailed design and marking of project boundaries on the ground.
Inventory of Losses	An inventory of affected assets within the designated project area or construction limits, including land of various types (residential, commercial, and agricultural) and other immovable property (buildings, fences, sheds, irrigation canals, wells, water pipes, and other structures), where quantities and relevant measurements are clearly determined. This will be undertaken through a Detailed Measurement Survey (DMS).
Replacement cost	the method of valuing assets to replace the loss at the current market value or its nearest equivalent and is the amount of cash or kind needed to replace an asset in its existing condition, without deduction of transaction costs or for any material salvaged.
Encroachers	those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project.
Non-titled	those who have no recognizable rights or claims to the land that they are occupying and includes people using private or state land without permission, permit or grant, i.e., those people without legal title to land and structures occupied or used by them. ADB's policy explicitly states that such people cannot be denied compensation for non-land assets and resettlement assistance.
Vulnerable	any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement and includes; (i) female-headed households with dependents; (ii) disabled household heads; (iii) poor households (within the meaning given previously); (iv) landless; (v) elderly households with no means of support; (vi) households without security of tenure; (vii) ethnic minorities; and (viii) marginal farmers (with landholdings of five acres or less).

## CONTENTS

CURRENCY EQUIVALENTS	ii
ABBREVIATIONS	ii
GLOSSARY	iii
I. INTRODUCTION	1
II. THE PROJECT	1
A. Project Description	2
C. Project Location	4
D. Project Beneficiaries	5
E. Honiara Watershed Management Subproject Delivery	6
III. JUSTIFICATION FOR PREPARING A RESETTLEMENT POLICY FRAMEWORK	6
A. Land Acquisition for the Project	7
IV. OBJECTIVES AND POLICY FRAMEWORKS	10
A. Finance Institutions' Policy Objectives	11
V. SOLOMON ISLANDS LEGAL AND REGULATORY FRAMEWORK	12
A. Framework Overview	12
B. The Constitution of Solomon Islands	13
C. Customary Land	13
D. Scope of the Power of Eminent Domain	14
VI. CLOSING THE GAP BETWEEN ADB/WB POLICY AND SOLOMON ISLANDS LAW	18
VII. THE UWSSP RESETTLEMENT POLICY PRINCIPLES AND ENTITLEMENTS	20
A. Project Approach to Land Acquisition	21
B. Determination of Compensation	22
C. Eligibility Criteria	23
VIII. SOCIAL IMPACT ASSESSMENT AND RESETTLEMENT PLAN PREPARATION	26
AND IMPLEMENTATION	26
A. Criteria for Screening and Selecting Subprojects	26
B. Social Impact Assessment and Resettlement Planning	26
IX. INSTITUTIONAL RESPONSIBILITIES	27
A. Solomon Water Authority	27
1. Existing Safeguards Capacity	28
2. Project Management Unit	28
B. Ministry of Lands, Housing and Survey	29
C. Third-Party Validator	29
X. CONSULTATION, PARTICIPATION, AND DISCLOSURE	30
A. Consultation	30
B. Notification	31
C. Negotiation	31
D. Disclosure of the Resettlement Plan	32
E. HWM Subproject Consultations	32

XI.	COMPENSATION, INCOME RESTORATION, AND RELOCATION	32
XII.	GRIEVANCE REDRESS	34
	A. Grievance Redress	34
	B. Land Ownership Disputes	35
	C. Compensation and Other Disputes	35
	D. During Construction	36
XIII.	BUDGET AND FINANCING	37
XIV.	MONITORING AND EVALUATION	37
I.	INTRODUCTION	48
II.	OBJECTIVES	48
III.	SUMMARY OF KEY FINDINGS	48
IV.	RECOMMENDATIONS	50
V.	SUMMARY OF TABLES	51

## I. INTRODUCTION

1. This Land Acquisition and Resettlement Framework (RF) addresses potential involuntary resettlement impacts of the Solomon Islands Urban Water Supply and Sanitation Development Sector Project (UWSSP). The project impact will be to improve access to water supply and wastewater services to urban and peri-urban areas and the project outcome will be improved efficiency, accessibility and sustainability in water and sanitation services. The project has the following four outputs: (1) secure and safe urban water supplies; (2) effective, efficient and safe urban sanitation services in the Greater Honiara Area (GHA); (3) enhanced and sustained awareness and behaviour of hygiene and water conservation in GHA and five other urban areas; and (4) Solomon Water (SW) is financially and technically sustainable.

2. It is noted that substantial progress has been made towards delivering the project's impact, outcome, and outputs. However, further assistance is required to ensure that the project remains sustainable in the long term in the context of climate change and resilience. The additional financing project in this context will support a fifth output that will focus on improving the management of watershed areas that are vital to Honiara's climate resilience and current and future water supply. This output – hereafter referred to as the Honiara Watershed Management (HWM) Project (the subproject) – will do so by developing effective partnerships and building institutional, financial, and technical capacity.

3. The RF describes the principles, policies, guidelines and procedures for identification and management of resettlement impacts through the identification, design, and implementation of subprojects under the UWSSP. Where subprojects require involuntary land acquisition and resettlement, the UWSSP will conduct a Social Impact Assessment (SIA) and prepare a Resettlement Plan (RP) as required to ensure that resettlement impacts are avoided, mitigated or minimized as far as possible. The scope and level of detail of each SIA and RP will vary depending on the magnitude and complexity of land acquisition and resettlement issues. The RF will also provide a framework to record the due diligence process conducted if it is confirmed that there are no land acquisition and resettlement impacts. For the additional financing subproject this maybe in the form of effective watershed-protection partnerships with communities that leverage nature-based finance opportunities and/or payment for ecosystem services (PES).

4. This section provides a general description of the overall project and its proposed components. It outlines any anticipated involuntary resettlement resulting from the components to be financed under the project; and explains why the resettlement framework is required.

## II. THE PROJECT

5. The original project – Urban Water Supply and Sanitation Sector Project (UWSSP) – aims to increase access and quality of SW water supply and sanitation services in urban and peri-urban service areas. The UWSSP under each of its four original outputs is implementing a number of high priority projects identified in SW's 30-Year Strategic Plan and 5-year Action Plan. The UWSSP to be implemented from November 2019 to June 2027 is aligned with the following impact: access to safe water and improved sanitation in urban areas increased.<sup>1</sup> The UWSSP will have the following outcome: efficiency, climate change and disaster resiliency, and sustainability of safe water and sanitation in GHA improved. The Ministry of Finance and Treasury (MOFT) is the executing agency and SW is the implementing agency. As discussed in the Institutional

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<sup>1</sup> Government of Solomon Islands. *Medium-Term Development Plan 2016–2020*. Honiara. 2016.

Arrangement and Coordination section, a Project Management Unit (PMU) located in SW is responsible for implementing the project's outputs.

6. An assessment of the current project's implementation status and achievements demonstrate solid project progress towards delivering the project's target impact and outcomes.

#### **A. Project Description**

7. The UWSSP adopted a sector approach for developing sustainable, inclusive, and climate resilient water supply and improved sanitation. This was accomplished through implementing high priority components following the government's water and sanitation sector plan to increase access to piped water supply and sanitation service (especially among the poor households), reduce reliance on groundwater and rainwater harvesting, and ensure more efficient use of water. The UWSSP also enhances hygiene awareness, promotes water conservation, and improves fecal sludge management.

8. It is noted however that further assistance is required in the context of climate change to extend the UWSSP's scope to catchment protection which is viewed as the most important component missing from the UWSSP. Without watershed protection, the existing and future water sources will not be reliable and will remain highly vulnerable to climate change. The objectives of the proposed HWM subproject as a consequence extends beyond water supply and quality, to include control of erosion and sedimentation and reduction of risks from flooding and landslides. The UWSSP will thus be complemented with a fifth output under the HWM subproject that will focus on improving the management of watershed areas that are vital to Honiara's climate resilience and current and future water supply. The overall project has been confirmed to meet the eligibility criteria for additional financing and the revised project outputs constitute the following:

##### **1. Output 1: Urban Water Supply**

9. Selected subprojects under this output include: (i) expanding the surface water intake with additional 5 million liters per day (MLD) and upgrading water treatment plant capacity in Kongulai (15 MLD); (ii) building new 11 kilometers (km) treated water trunk mains in Mataniko and White River areas; and (iii) building three new reservoirs (12 million liters). Additional subprojects will include rehabilitating 10km water pipes, expanding 70km of new water pipes, and building 6,000 new metered connections. The project also aims to reduce non-revenue water to 30% or less and expand the water treatment capacity to enable SW to expand its service from 8,000 to 14,000 households (49% to 65%) with continuous water supply in GHA.

##### **2. Output 2: Urban Sanitation**

10. Selected subprojects in this output include: (i) rehabilitating and upgrading three ocean outfalls and building two new ocean outfalls; (ii) building six new sewage pump stations and rehabilitating both King George VI and Point Cruz sewage pump stations; and (iii) building a new septage treatment facility (60 cubic meter (m<sup>3</sup>)/day). An additional subproject will expand sewer systems by 7km to connect 3,000 new households.

##### **3. Output 3: Water Conservation, Sanitation, Hygiene Awareness and Education**

11. The Water Conservation, Sanitation and Hygiene Awareness and Education component will enhance awareness of hygiene and water issues and sustained improved sanitation behaviour



change in the GHA and five urban areas. This output will design and deliver a gender-sensitive education program to raise community awareness about water conservation, environmental protection, and hygiene practices including informal settlements (at least 50% are women). The costs of delivering water supply and sanitation services and the need for water and sanitation tariffs will be highlighted. Menstrual hygiene management training and products would be provided to women and girls.

#### **4. Output 4: Institutional Strengthening and Project Management**

12. This component will aim to improve SW's financial, technical and operational sustainability so that by 2027, SW is expected to fully recover its annual operations and maintenance costs, asset depreciation costs, and debt servicing costs from user charges and Solomon Islands Government (SIG) community service obligation payments. This output will: (i) prepare and implement financial management policies including tariff management framework and tariff review process, among others; (ii) design and implement capacity building programs for Solomon Islands Water Authority (SIWA) staff including the technical training and on-the-job training; (iii) design and implement preventative maintenance programs and asset management; (iv) expand SIWA's telemetry system; and (v) introduce and implement SIWA personnel incentive schemes. Since SIWA is responsible for all urban water supply and sewage service, Output 4 will support SIWA to continue the recovery of its annual operations and maintenance costs, asset depreciation costs, and debt servicing costs.

#### **5. Output 5: Honiara Watershed Management Subproject**

13. The UWSSSP currently finances the construction of the Kongulai Spring Water Treatment Plant (WTP), which will have a maximum daily treated water capacity of 15,000 m<sup>3</sup>/d. The objective is to supply treated water 365 days per year to the existing water network. Additional financing however under the HWM subproject would provide the necessary equipment to remove turbidity through coagulation, flocculation, and clarification, which are essential components of the overall suite of water treatment processes. The main objective of the HWM subproject however will be improvement of the ecosystem services provided by Honiara's catchment areas, including enhancement of water quality and regulation of water flow. These objectives will extend beyond water supply and quality, including control of erosion and sedimentation and reduction of risks from flooding and landslides. The HWM subproject will thus consist of the following three distinct but interrelated component areas:

- (i) **Component 1 (C1)** will strengthen capacity for planning and informed decision making by gaining an improved understanding of watershed biophysical and social boundaries, resources, and processes. Watershed data, mapping, hydrological modeling, and information sharing will help build a more comprehensive understanding of the watersheds.
- (ii) **Component 2 (C2)** will empower communities to implement solutions for effective management, protection, and restoration of the forest and riparian habitats of the watershed. The focus will be on building lasting and effective partnerships through sustainably financed community-based projects that address the drivers of forest degradation.
- (iii) **Component 3 (C3)** will help facilitate interagency and inter-sectoral coordination and governance and support development of integrated catchment management plans to provide for long-term management of Honiara's catchments.

## C. Project Location

14. The Solomon Islands is a small island developing state (SIDS) in the South West Pacific Ocean. With a population of about 687,000, the Melanesian country is composed of over 900 islands spread across 9 provinces (Figure 1). Many of the islands are small and many are in atoll settings. A few are larger, mountainous, and of volcanic origin.

**Figure 1: Map of Solomon Islands**

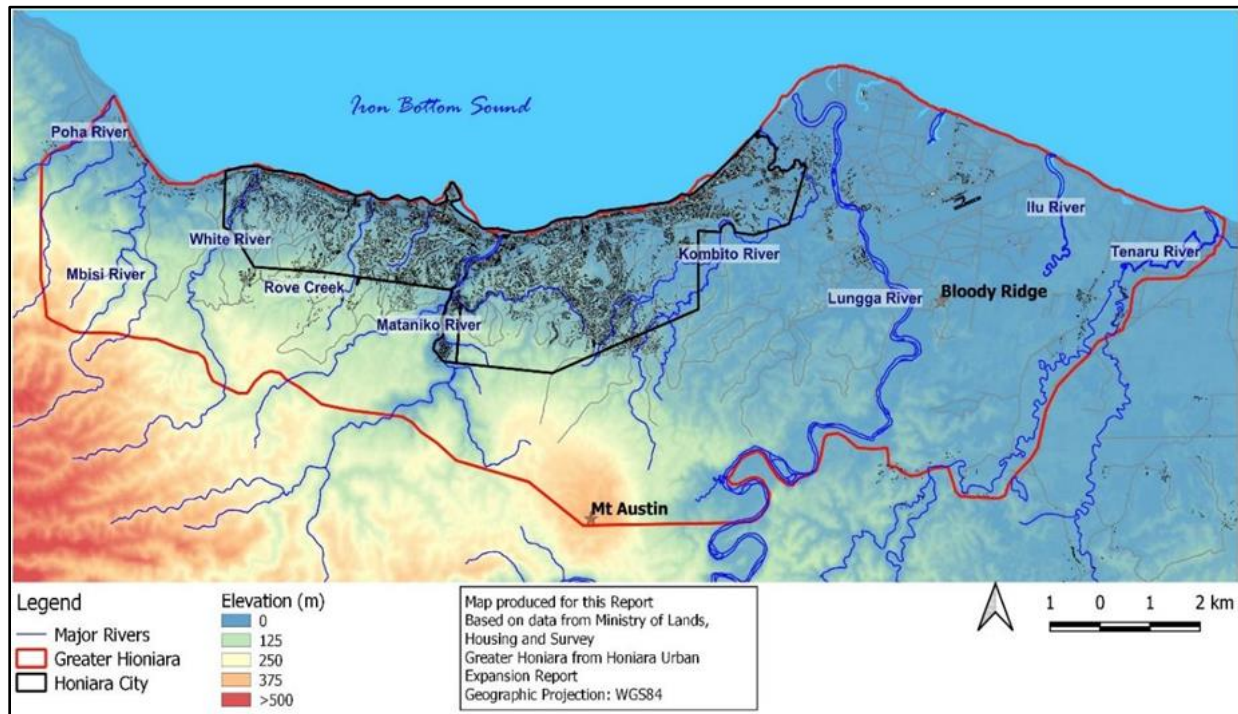


15. Honiara is the capital city and largest urban area of the Solomon Islands. The city is located on the northern coastline of Guadalcanal Island, amidst rugged mountains and valleys. Administered by the Honiara City Council (HCC), it covers approximately 23 km<sup>2</sup> and is divided into 12 wards.

16. For the purposes of the proposed HWM subproject, the focus will be on the GHA, which covers 133 km<sup>2</sup> and includes portions of Tandai Ward and Malango Ward in Guadalcanal Province. As shown in Figure 2, GHA can be divided into two general geographical zones. The first zone, located in the south and west, is characterized by hilly grasslands incised by narrow forested valleys. The elevation rises along the southern border of GHA. In this zone, residences are located on ridges and along valleys, and many are at risk from landslips and flash floods.

17. The second zone is an alluvial plain, which varies in width from 200m in parts of central and western GHA to roughly 2 kms in eastern GHA. The central business district, the majority of national and city administrative buildings, and almost all major commercial developments are located within this zone. To the east, a central feature is the Lungga River, which comes down from the hills and crosses large stretches of flat land before reaching the coast. The area to the east of the Lungga River, known as Henderson (where the airport is located), is particularly low-lying and prone to flooding.

**Figure 2: Map of Honiara City and Greater Honiara Area**



#### **D. Project Beneficiaries**

18. Project beneficiaries will include much of the GHA population (about 106,000), in addition to dwellers of other provincial capitals namely Auki (6,200), Gizo (6,100), Munda (2,700), Noro (4,000), and Tulagi (1,400), who will benefit from improved water and sanitation services through the project. This includes households living in informal areas, which are particularly prevalent in GHA, and to a lesser extent in Gizo. Upgrade from unimproved to improved water supply will mostly benefit new GHA and Munda customers (up to 42,700 people) and part of Gizo's future customers (up to 4,000).

19. Other beneficiaries with access to water supply, but of suboptimal quality, will now have access to 24/7, quality and resilient supply. About 2,500 people will gain access to improved sanitation system (sewerage), and the entire population of GHA will benefit from improved fecal sludge management services. Dwellers in GHA's coastal areas and seawater users (bathers, fishers) will enjoy a much-improved seawater quality. Finally, SW's enhanced efficiency and financially viable service will also contribute to a more sustainable service across the country's urban areas.

20. Additional beneficiaries from the proposed HWA subproject will constitute landowning communities in the upper watershed areas who play a central role in land use decisions, including partnering with logging companies whom are a major contributor to land degradation practices in the catchment. Under Component 2 of the HWM, subproject focus will involve helping communities delink their livelihoods from the logging sector. To accomplish this, the HWM Project will support in building effective watershed-protection partnerships with communities to develop improved, diversified and climate-resilient non-timber-based livelihoods that leverage nature-based finance opportunities.

21. This will be done through (i) providing employment to landowner communities through forest and riparian zone restoration works; (ii) developing forest carbon PES projects (for the international voluntary carbon market), which will target protection of key threatened forest areas in the watershed; and (iii) supporting employment and development of alternative sustainable livelihood activities (including job readiness) that are consistent with watershed protection and sustainable land use.

### **E. Honiara Watershed Management Subproject Delivery**

22. The UWSSP is being delivered through a sector project modality. Selected subprojects are agreed by the project partners during the project preparation phase. Additional subprojects are then selected by SW during project implementation using eligibility criteria developed during the project preparation phase comprising high priority investments and activities identified in Solomon Water's 30-Year Strategic Plan, and 5-Year Action Plan.

23. For the purposes of the HWA subproject it is important to note that the proposed three HWM components are mutually reinforcing. Component 1 activities will focus on improving the understanding of Kongulai/Kovi/Kohove and Lungga catchments and will enable better decision-making and planning of any activity or intervention taking place in the catchments. This will be of particular value as a pre-cursor to Component 3, which will focus on improving inter-sectoral coordination and catchment management planning.

24. The data, mapping and modelling work under Component 1 will also provide many of the baseline data requirements for Component 2, which will support forest protection, reforestation, and restoration activities by providing landowners with opportunities to earn revenue. This will include forest carbon PES projects in strategic locations, alternative livelihood activities, and education and training to reduce dependence on extractive industries (i.e., logging) for income generation.

25. Component 3 activities will focus on establishing effective inter-sectoral knowledge sharing, coordination, and planning for better catchment management. This will build on the mapping and community-based work delivered through Components 1 and 2.

26. The core phases of this work will include inclusive education to build understanding and buy-in, establishment of governance and institutional arrangements to facilitate coordination, and development of catchment management plans to guide improved land management and decision-making within the catchments.

### **III. JUSTIFICATION FOR PREPARING A RESETTLEMENT POLICY FRAMEWORK**

27. This RF is prepared to describe the mechanisms, procedures, and compensation entitlements for planning and implementing land acquisition and voluntary resettlement tasks for relevant subprojects under the project. The RF has three objectives:

- (i) guide the preparation of the safeguards' documents for all subprojects;
- (ii) guide the preparation of safeguards documents if there are any unanticipated additional components to be included in the project scope during implementation; and
- (iii) guide further updates of the RPs prepared for all the subprojects, as required.

28. RP (or a due diligence report [DDR], where applicable) preparation will be an integral part of the preparation of each subproject, starting with poverty and social analysis, and impact screening tasks and ending with a readily implementable RP based on detailed design. RP

preparation and/or updates entails the execution of (i) detailed measurement survey of all land and non-land impacts; (ii) census of all affected households (AHs) and affected persons (APs); (iii) valuation of all affected assets and RP budget allocation; (iv) socioeconomic survey (SES) of all the AHs or a sample (20 to 30% statistical sample) if there is large number of APs; and consultation with all APs and disclosure of the draft/updated RP among others. A DDR on the other hand is prepared to confirm that there are no involuntary resettlement impacts. The RF, RP and DDR will all be posted on the Asian Development Bank (ADB) and the Solomon Water Authority (SWA) websites, respectively.

## **A. Land Acquisition for the Project**

### **1. UWSSP General Scope**

29. Involuntary land acquisition in the Solomon Islands is highly sensitive, time consuming and can lead to social unrest and substantial project delays. Recognizing the complex and sensitive land acquisition arrangements in the Solomon Islands, the UWSSP has avoided to the greatest extent possible the need to use land other than government owned land or land owned by substantial land owners with whom equitable negotiations can be executed. In all cases, avoiding land acquisition and physical displacement has been a key factor in site selection and design for the UWSSP.

30. In this context, a RP for the project was prepared and approved in March 2019 which included six subprojects based in Honiara, but excluded work in the provinces as illustrated below:

- (i) water reservoirs at (a) Tasahe, (b) Titinge Ridge, and (c) Panatina;
- (ii) rehabilitation and building the new water treatment plant at Kongulai;
- (iii) augmenting the trunk mains from a) Kongulai to White River and Rove Trunk Main; East Kola to Naha Trunk Main, and (c) Panatina SR to Burns Creek Trunk Main - to expand the existing network;
- (iv) upgrades of sewer outfalls;
- (v) construction of additional sewage pump stations and refurbishment of King George VI and Point Cruz wastewater pump stations; and
- (vi) construction of a septage treatment facility to service the Greater Honiara area.

31. Additional due diligence work on the water supply at Gizo and other provincial centres were not included in this document and due diligence is currently being developed separately following the guidelines as set out in this RF. A similar process is to be followed by the proposed HWM subproject.

32. Selected UWSSP project components have thus been specifically designed to minimize land acquisition. To date, no significant physical relocation or loss of income has been initiated from current project implementation. It is noted that land within the boundaries of Honiara and the project areas to the south is titled under the Land and Titles Act (LTA), either as perpetual estate (PE) (equivalent to freehold) or under fixed-term agreements (FTEs) with Commissioner of Lands (CoL). In addition, where customary land has been required such as for water treatment plant and reservoir sites, close consultation has been carried out with relevant parties and documented agreements have been made.

### **2. Honiara Watershed Management Subproject Land Implications**

33. Under Component 2 of the proposed HWM subproject, the overall objective is to *empower communities to implement solutions for effective management, protection, and restoration of the*

*forest and riparian habitats of the watershed. The focus is on building lasting and effective partnerships through sustainably financed community-based projects that address the drivers of forest degradation.* Landowning communities in this context are key stakeholders in the upper watershed catchment areas who will play a critical role in any proposed catchment management plan and/or program.

34. The main issue complicating efforts is the difficulty in identifying land ownership. Much of the land, in the designated catchment areas is held under customary tender, governed by customary laws that are not written down and differ across locales. Owners and holders of various interests in the land and its natural resources are also not easily identifiable, nor are the boundaries of customary land claims easily delineated, as they are not surveyed and are often disputed. Complicating matters further, many landowners no longer reside in these catchment areas.

35. The clarification of land ownership is thus crucial to the establishment of a landowning entity that could enter into an agreement for nature-based solutions to catchment management under the ADB Safeguards Policy Statement (SPS) requirements for Involuntary Resettlement Safeguards.<sup>2</sup> A 2012 analysis of carbon rights makes it clear that “carbon on customary land is ‘owned’ by customary land ‘owners’ [however] the individuals, groups and clans in which that ‘ownership’ vests is not readily deducible from existing laws.”<sup>3</sup> A catchment protection scheme such as the HWM subproject will therefore be very difficult to implement under existing involuntary settlement requirements and will need to incorporate alternative activities that clarify and strengthen land tenure security for participating landowners whilst not triggering involuntary resettlement impacts.

36. Alternatives have been identified and can be achieved by protecting land under the Protected Areas (PA) Act (2010), but even then, it will still involve a problematic process of determining land ownership. Alternatively, land ownership could be clarified through the land recording process under the Customary Lands Records Act or ideally the land recording process applied in conjunction with the PA process. The PA Act and land recording process allow land ownership to be confirmed without alienation (i.e., customary land rights are maintained). Again, this alternative is fraught with contention and susceptible to prolonged resolution processes that can end up in the courts.

37. Although land tenure uncertainties present a barrier, the potential resolution of land ownership issues and clarification of rights can also be seen as a significant beneficial outcome of the subproject. Research into payment for watershed services suggests that projects have a higher risk of failure and are limited when stakeholders hold a perception towards their land tenure rights that do not align with their actual rights.<sup>4</sup> This can be the case with Registered Land, which is a form of perpetual estate where ownership is provided to a small number of registered Trustees. Again, even though this alternative may remove land tenure uncertainties, it is still associated with conflict and issues related to unfair distribution of development benefits.

38. As discussed below in further detail, the three main types of community activity interventions proposed under Component 2 of the HWM subproject, although still susceptible to having involuntary resettlement impacts, have proposed measures that if effectively put in place, will not

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<sup>2</sup> <https://www.adb.org/documents/safeguard-policy-statement>

<sup>3</sup> Corrin, Jennifer. REDD+ and Forest Carbon Rights in Solomon Islands – Background Legal Analysis. 2012.

<sup>4</sup> George, A., Pierret, A., Boonsaner, A., Christian, V., & Planchon, O. (2009). Potential and limitations of Payments for Environmental Services (PES) as a means to manage watershed services in mainland Southeast Asia. *International Journal of the Commons*, 3(1).

trigger impacts. If these measures however during subproject implementation encounter unanticipated impacts that do trigger involuntary land acquisition impacts, an RP will be immediately developed in accordance with requirements of this RF and ADB and World Bank (WB) safeguards policies on involuntary resettlement in agreement with the Solomon Islands Government.

39. **C2: Activity Area 1: Provide landowner employment through forest and riparian zone restoration works.** While logging is widely viewed as a major threat to catchments, people will continue to pursue this option unless a viable alternative is made available. Pursuing alternatives to logging must therefore involve helping communities delink their livelihoods from the logging sector. To accomplish this, the HWM subproject will focus on building effective watershed-protection partnerships with communities to develop improved, diversified and climate-resilient non-timber-based livelihoods that leverage nature-based finance opportunities.

40. It is envisaged that a locally based nongovernmental organization (NGO), with support from an international forest restoration expert (if necessary), will administer employment of landowners or other watershed community members. The organization and experts engaged to administer the activity will be selected based upon their capacity to; (i) recruit, administer and supervise employment of local people; (ii) train and build capacity of workers; (iii) plan and implement effective (best practice) restoration activities, and (iv) ensure appropriate workplace health and safety standards are met.

41. This initiative is important as it will ensure that benefits from watershed protection activities will begin to flow in the near term, which is required to build trust and commitment to reject logging. Landowner payments are expected to exceed minimum wage standards, and hence will compete favourably with logging labour that has typically poor conditions and often pays below minimum wages. Restoration works will start as soon as possible in the project cycle and works will focus on high priority degraded sites that are directly impacting turbidity levels and affecting current water supply. This will include repairing erosion hotspots on roads and streams caused by logging tracks and direct seeding and replanting riparian areas in proximity to potable water sources.

42. **C2: Activity Area 2: Develop forest carbon PES projects.** This community activity intervention proposes to employ or adapt a model for landowner engagement derived from the Nakau Programme,<sup>5</sup> which designed a three phased methodology for carrying out forest carbon PES that has been successfully implemented in Melanesia, including in the Solomon Islands. The framework defines a voluntary and participatory planning process, which enables project participants to participate in decisions concerning project development, implementation, and management, consistent with the principles of free, prior, and informed consent (FPIC). The Nakau Programme also offers potential for co-financing through private sector investment, which will ideally include ‘off-take agreements’ for purchase of PES credits produced by the project.

43. The first phase develops a Project Idea Note (PIN) document. The PIN describes the project and provides an overview of how the project will operate. It allows a project to be registered with a carbon PES standard as a ‘project in development’. The second project development stage will design the required standard elements for a forest carbon project. The main outputs from this activity will include: Project Description Document (PDD) suitable for carbon standard validation; Protected Area declaration under the Protected Areas Act (2010) (or equivalent protection under another instrument); and completion of land recording.

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<sup>5</sup> Live and Learn International. *Nakau Methodology Framework – An Indigenous Forest Conversation Program through Payments for Ecosystem Services*. Australia. 2014.

44. The last stage involves executing project agreements, submitting project documents or standard certification, and putting project plans into action (e.g., monitoring plan, conservation management plan, benefit sharing plan etc.). During the implementation of community projects, the project development team will monitor, support, and build landowner capacity for good governance, financial management, and land management actions. Landowners will also be supported to re-invest PES finance into development of further sustainable livelihood activities, as described under C2 Activity Area 3 below.

45. The PES activities will be delivered using a 'grouped project approach,' which will commence with one or two pilot projects in the Kongulai/Kovi/Kohove catchments. During the first 2-3 years of the project, these inception projects will be fully developed to 'market stage.' Under the grouped project approach, different sites in Kongulai/Kovi/Kohove or in Lungga can then be developed as 'sub-projects' without the need to undertake every project development step required for the initial pilot projects. In this manner, Component 2 projects are proactively designed to enable effective expansion or replication from the outset.

46. **C2: Activity Area 3: Support employment and alternative livelihood activities.** This final initiative aims to increase landowners' economic participation and reduce poverty addressing a main driver for logging, which is the need for income. This intervention will thus provide access to business and employment education and training, networking, and partnership development with the private sector, and provide access to start-up capital for small enterprise development.

47. In practice, the livelihood activities may include assistance to individual, family-run or community groups whereby the project team will work with landowners to co-design a benefit sharing mechanism (for PES income) that targets re-investment of PES finance into sustainable alternative livelihood activities and employment. The project development team will also facilitate access to training and support and provide seed funding for the development of new micro-enterprises (e.g., at family scale), targeting watershed landowner communities. The nature of these activities will depend on the needs and interests expressed by participants during consultation and joint planning, but possibilities include high-value non-timber forest products (NTFPs), tree nurseries, apiculture, and eco-tourism.

#### IV. OBJECTIVES AND POLICY FRAMEWORKS

48. The ADB and WB aim to avoid involuntary resettlement wherever possible; to minimize resettlement impacts by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of displaced persons relative to pre-project levels; and to improve the standards of living of the poor APs and other vulnerable groups.<sup>6</sup>

49. These principles involve a process of early identification of stakeholders and, in particular of APs, frank and effective public disclosure of any known impacts; consultation and participation to avoid or mitigate negative impacts identified, and to ensure that no person or impact is overlooked; fair, transparent and timely intervention to support APs during implementation, land acquisition and restoration of livelihoods; and commitment, where possible, to improve upon the status quo, particularly for those who may be vulnerable by reason of poverty, ethnicity, gender, age, disability, or social status.

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<sup>6</sup> Displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) (ADB SPS).



50. The over-riding objective is to avoid any resettlement impacts via project design and implementation coupled with a robust and ongoing consultative process. To ensure that the project contributes to the objective of sustainable development, the UWSSP will adopt a comprehensive disclosure and consultation process that includes all stakeholders. The consultation process will reveal all foreseeable impacts and elicit concepts of how mitigation options and resettlement planning can contribute to APs' aspirations for sustainable restoration or improvement of their livelihoods. In the unlikely event of loss of land, and/or land-based assets, the UWSSP will aim to replace like for like. If this is not possible, compensation will be provided for lost land, assets and income, and the costs of relocation and restoration of livelihoods will be met. Restoration includes not only physical assets, but also social and cultural assets. If there is a risk of disruption of these values, which are often disproportionately encountered by women, the APs will contribute to selection of mitigation and resettlement options to ensure policy objectives are met.

51. This document provides a process of resettlement impact assessment, preparation of resettlements plans and the implementation of compensation and income restoration measures for APs. In instances where there is no impact from the subproject, a DDR will be developed (e.g., in cases where the subproject goes through unoccupied government land and does not trigger involuntary resettlement [IR] impacts).

## **A. Finance Institutions' Policy Objectives**

### **1. ADB Safeguard Policy Statement**

52. The key principles of the ADB safeguard policy (2009) (ADB SPS) on resettlement are as follows:

- (i) screen early the project's resettlement impacts and risks;
- (ii) 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;
- (iii) establish a grievance redress mechanism to receive and facilitate resolution of APs' concerns;
- (iv) 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;
- (v) 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;
- (vi) improve the standards of living of the displaced poor and other vulnerable groups to at least national minimum standards;
- (vii) develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement;
- (viii) ensure that APs without title are eligible for resettlement assistance and compensation for loss of non-land assets;
- (ix) prepare an RP elaborating on APs' entitlements, income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule;
- (x) disclose an RP in an accessible place and a form and language(s) understandable to APs and other stakeholders;

- (xi) conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits;
- (xii) provide compensation and other entitlements before physical or economic displacement; and
- (xiii) monitor and assess resettlement outcomes, their impacts on the standards of living of APs.

## **2. World Bank Policy on Involuntary Resettlement**

53. WB resettlement policy starts from the principle of restoration or improvement of livelihoods at replacement cost, rather than current value, recognizing not only financial and physical assets, but also the environmental, social, and cultural assets of an individual, irrespective of gender, ethnic or social status, in the resettlement context. The IR policy (OP 4.12) enjoins avoidance and minimization of adverse impacts not only because it is less costly, but also because it avoids damage to the less tangible and hard-to-value aspects of livelihoods and cultures. WB resettlement policy has a positive objective of sustainable development, with particular regard for the vulnerable.

## **V. SOLOMON ISLANDS LEGAL AND REGULATORY FRAMEWORK**

### **A. Framework Overview**

54. The policy framework and entitlements for land acquisition/resettlement for the project are based on the laws, regulations, and policies of the SIG including the ADB SPS 2009 and the WB Resettlement Policy (OP 4. 12). Where differences exist between SIG legislation and the two policies, the latter will prevail. The current legislation on land acquisition in SIG is outlined below:

- (i) Land and Titles Act (LTA) 1970;
- (ii) Constitution of the Solomon Islands (1978); and
- (iii) Customary Land Records Act (1994).

55. The legislation specifically governing the acquisition of land in the Solomon Islands is contained in the Lands and Titles Act (LTA) 1970. The LTA defines ownership arrangements, governs the management of land, and sets out procedures for the acquisition and lease of land. The LTA empowers the Commissioner of Lands (CoL) to be the custodian of Government land and to deal with its land interest on behalf of the Government. It also regulates the process of acquiring customary land and converting it into registered land and the transfer and lease of registered land.

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

57. Land includes "land covered by water, all things growing on land and buildings and other things permanently fixed to land but does not include any minerals (including oils and gases) or

any substances in or under land which are of a kind ordinarily worked for removal by underground or surface working”.

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

## **B. The Constitution of Solomon Islands**

59. Section 112 of the Constitution with respect to compulsory acquisition of customary land requires Parliament to provide:

- (i) before the land is compulsorily acquired, there must be prior negotiations with the owner of the land, right or interest;
- (ii) the owner must have a right of access to independent legal advice; and
- (iii) so far as practicable the interest acquired shall be limited to an FTE.

60. Although Parliament has not provided for these safeguards in the LTA, the Minister of Lands and the CoL can take them into account in conducting land acquisition.

## **C. Customary Land**

61. In much of Solomon Islands there is no systematic authoritative record of customary ownership or tribal land boundaries. Land use, settlement, and community composition are dynamic in response to a number of social and physical influences. In many areas, including the project sites, broad clans have in recent times divided into smaller sub-clan groups or lineages made up of family units.

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

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

- (i) CoL must appoint a Land Acquisition Officer (LAO) to act as the Commissioner’s agent.
- (ii) The LAO marks out the boundaries of the relevant land on the ground or on a map in such manner as to bring them to the notice of the persons affected.
- (iii) The LAO prepares a written agreement for the purchase or lease of the land with the people who claim to be the owners.
- (iv) The LAO gives public notice of the written agreement and organises a public meeting to determine whether the persons named in the agreement are the correct customary landowners.

- (v) If there is no dispute at the meeting, and no other claimants, the LAO records this fact and sends a copy of the determination to the CoL.
- (vi) If there are rival claimants, the LAO must determine the rightful owners of the land and send a copy of his determination to the CoL and bring it to the attention of the originally identified parties and any claimants.
- (vii) An appeal of the LAO's determination can be made to the Magistrates Court within 3 months.
- (viii) The decision of the Magistrates Court can be appealed to the High Court on a question of law only.
- (ix) Once any appeals have been determined, or the period for appealing has expired, the agreement for sale or lease of the land in question can be implemented.
- (x) Where the land is being leased, the CoL makes an order vesting PE in the persons named as lessors – commonly representatives of the customary land group found to own the land.

### 1. For Crown or State Land

64. Part X of the LTA deals with Crown or State Land. This is alienated land held by CoL on behalf of the Government. This Part provides for the purchase of Government Land by Individuals or companies through the process of CoL granting, transferring, subleasing, or providing temporary occupation of Government Land.

65. There can be four types of private title ownership as follows.

- (i) **PE Title**, equivalent to freehold.
- (ii) **Fixed Term Estate (FTE) Title**. CoL as holder of PE title grants FTE title to individuals or companies. This is for a certain term of years with certain conditions to abide. These conditions are stipulated in the grant instrument executed by the title holder and CoL. Most terms are 50 years and currently 75 years. FTE title is acquired through direct allocation from CoL or through the transfer of FTE by an FTE title holder.
- (iii) **Sublease Title**. The FTE title holder leases the Land to an individual or company for a period less than the FTE term with conditions agreed by both parties.
- (iv) **Temporary Occupation License**. This refers to occupation of land under license conditions for up to 3 years, renewable.

66. For FTE title holders there is a provision in the grant instrument that provides for resumption of the land by CoL for public purposes. Compensation as stated in the grant instrument will be paid in the event the land is developed.

### D. Scope of the Power of Eminent Domain

67. SIG's powers of involuntary land acquisition are set out in Division 2 of Part V of the *Land and Titles Act*. Division 2 gives the Minister of Lands the power to compulsorily acquire any customary or registered land where it is 'required for any public purpose'.<sup>7</sup> However, this broad power is circumscribed by protections provided in the Constitution: Section 8(1) of the Constitution allows an involuntary land acquisition to occur only where:

- (i) the acquisition is "necessary or expedient in the interests of defence, public safety, public order, public morality, public health, town or country planning or the development or utilisation of any property in such a manner as to promote the public benefit";

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<sup>7</sup> Section 71(1) of the LTA.

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

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

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

69. Although Parliament has not provided for these safeguards in the LTA, the Minister of Lands and the CoL can take these into account in conducting land acquisition.

70. As for land under FTEs, the agreements provide that CoL can resume the land for public purposes. This is triggered by a request by the concerned Minister to the CoL.

71. Temporary occupation of land for up to 3 years is possible under a similar process. Rent is paid and loss in value and damage are compensated.

## 1. Procedures for Involuntary Land Acquisition

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

- (i) **Landowner identification.** While not a legal step, landowner identification is necessary to identify the owners of any customary land in order to conduct the prior negotiations required in the Constitution.
- (ii) **Prior negotiation.** Negotiations must be conducted with the owners of customary land before the land is acquired;<sup>8</sup>
- (iii) **Declaration.** The Minister of Lands declares that land is required for a public purpose. The declaration specifies the boundaries and extent of land required and the nature of the purpose for which the land is required;<sup>9</sup>
- (iv) **Publication.** The declaration must be published in such manner as the Minister thinks fit. It is common practice to publish the declaration in the Government Gazette. It is upon publication that the land is legally acquired.<sup>10</sup> At this point owners have 6 months to appeal to the High Court to have the declaration quashed;<sup>11</sup>
- (v) **Public notification.** Following the declaration the CoL posts notices describing the declaration, its effect, and the right to compensation.
- (vi) **Notification of owners.** The CoL serves written notice of the declaration to each owner or landowning group, or each person who appears to own, or to claim to own, the land. The identification of landowners above will also assist in this step.

<sup>8</sup> Section 112(a) of the Solomon Islands Constitution.

<sup>9</sup> Section 71 of the LTA.

<sup>10</sup> Section 75 of the LTA.

<sup>11</sup> Section 76 of the LTA.

- (vii) **Assistance to prepare claims.** The Provincial Secretary for each Province assists claimants to prepare claims;<sup>12</sup>
- (viii) **Access to legal advice.** The timing of access to the independent legal advice that must be provided to customary landowners is not specified in the Constitution but would be relevant to the preparation of compensation claims;<sup>13</sup>
- (ix) **Submission of claims** by persons or groups wishing to claim compensation for their rights and interests taken in the acquisition of the land. Claims must be submitted within 3 months of the acquisition (date of publication in gazette). For customary land these claims in effect should include some evidence of customary ownership as well as any evidence as to value;<sup>14</sup>
- (x) **Valuation and payment of compensation.** The CoL considers the claims, accepts, or rejects them, and makes an offer of compensation. Offers and rejections are to be issued within 3 months of receipt of the claim. While not a specified legal step, it is at this stage that the COL may seek advice from the Valuer General, or other valuer, to inform the amounts of compensation payable.
- (xi) **Compensation by land.** Where the land that is acquired is customary land, the COL may make an offer of land in lieu of cash, with the approval of the Land Board and the endorsement of Cabinet. Landowners may choose to accept either the land or the cash equivalent;<sup>15</sup>
- (xii) **Acceptance or appeal.** Claimants have 3 months from the CoL's decision to appeal any rejection, or the amount of compensation offered, to the High Court. Where no appeal is lodged landowners are taken to have accepted an offer.
- (xiii) Provided there are no appeals in respect of the compensation amount and the offer is accepted, the CoL shall cause payment to be made within 3 months of acceptance;<sup>16</sup> and
- (xiv) **Notice to vacate.** Persons with an interest in the acquired land may continue to use and occupy the land until the COL gives them a notice in writing requiring them to vacate, but cannot develop the land without the COL's consent<sup>17</sup>;
- (xv) **Alteration of the land register.** If there are no appeals, and the declaration has not been quashed, the land may be registered to the COL on behalf of the Government.

73. Compensation (including compensation rent) for land compulsorily acquired under the LTA is provided as follows:

- (i) an amount considered just having regard to the condition of the land and other relevant "matters and circumstances", including loss in value of land retained by the owner;
- (ii) valuation is determined as of the date of the declaration; and
- (iii) in the case of customary land, other land can be provided in lieu of monetary compensation.

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<sup>12</sup> Section 74 of the LTA.

<sup>13</sup> Section 112(b) of the Solomon Islands Constitution.

<sup>14</sup> Section 79(1) of the LTA.

<sup>15</sup> Section 84 of the LTA (as amended in 2014).

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

<sup>17</sup> Section 78 of the LTA.

## 2. The Law Governing Valuation

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

75. Notwithstanding this power, Parliament has not provided express criteria. The LTA provides that the CoL may offer such “*amount of compensation as he may think proper*”.<sup>18</sup> Where an offer of compensation is appealed, the High Court may award such compensation as “*in its absolute discretion thinks just*” with regard to the condition of the land on the date of acquisition and such other matters and circumstances the Court may consider relevant.<sup>19</sup>

76. Under the Constitution, the Acts of the United Kingdom Parliament of general application and in force on 1 January 1961 continue to apply in Solomon Islands where not inconsistent with national laws.<sup>20</sup> The relevant UK laws include the *Land Clauses Consolidation Act* and *The Acquisition of Land (Assessment of Compensation) Act 1919*.

77. Basic valuation principles stemming from these Acts include:

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

78. To date, there have been no cases considering the applicability of these laws in the Solomon Islands.<sup>21</sup>

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

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

## 3. Judicial Remedy

81. The LTA provides broad types of judicial remedy to those with an interest in compulsory acquired land. The first is the option to appeal the validity of the acquisition. An appeal against

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<sup>18</sup> Section 79(2) of the LTA.

<sup>19</sup> Section 83 of the LTA.

<sup>20</sup> Section 76, Sch 3, Para 1 of the Constitution.

<sup>21</sup> It is a question to be determined by the High Court as to whether the wide discretionary provisions of the LTA would be inconsistent with the application of English law in this regard.

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

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

83. For disputes over customary land, the Magistrates Court will determine whether the case can be dealt with through civil proceedings or whether the case is better handled through the customary process. If the case cannot be resolved after the Local Court hearing, it is presented before the Customary Land Appeal Court.

84. Disputes arising over alienated land are referred to the Magistrates Court and follow the procedure set out in the LTA and Civil Code. Disputes over the award of compensation for resumed title, or where an FTE holder seeks compensation for unimproved land, are settled in the High Court.

## VI. CLOSING THE GAP BETWEEN ADB/WB POLICY AND SOLOMON ISLANDS LAW

85. There are significant gaps between ADB and WB requirements and Solomon Islands law, although in some respects the practice may mitigate the effect of the gaps.<sup>22</sup> In particular, acquiring ministries carry out prior consultation with affected persons and groups prior to publishing the declaration that starts compulsory acquisition process.

86. Table1 sets out the gaps and gap-filling measures.

**Table 1: Gap-Filling Measures**

ADB/WB Requirements	SI Law	Gap-Filling Measures
Avoid involuntary resettlement wherever possible. Minimize involuntary settlement by exploring project and design alternatives.	No provision.	The RF includes measures on avoiding or minimizing resettlement and its impacts.
Enhance or at least restore the livelihoods of APs. Improve the living standards of the displaced poor and other vulnerable groups.	Only asset losses are compensated without regard to livelihoods. No special attention to poor and vulnerable groups.	The RF includes measures on compensation at replacement cost for affected land/assets and to restore/improve living standard of APs.

<sup>22</sup> See Solomon Islands: Strengthening Country Safeguard Systems in the Transport Sector: Equivalence Assessment and Legal Analysis of Solomon Islands Law, Final Report 19 June 2014 (ADB TA-8217-SOL).



ADB/WB Requirements	SI Law	Gap-Filling Measures
Screen the project early on to identify resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons.	No provision.	The RF includes measures on survey/census, cut-off-date, assessment of impacts and resettlement planning.
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.	Constitution requires consultations re customary land. No reference in Land and Title Act (LTA).	The RF includes measures on consultations with APs, including vulnerable groups, during preparation and implementation of RPs.
Establish a grievance redress mechanism to receive and facilitate resolution of APs' concerns.	Formal hearing and court proceedings only.	The RF includes measures on project-specific 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.	Depreciation applied in valuation of structures. No requirement for benefit sharing.  Land-based resettlement possible in case of customary land and FTEs.	The RF includes measures of on-site relocation, replacement of affected structures, compensation at full replacement cost. (The project is not amenable to benefit-sharing schemes.)
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.	No provision.	The RF includes measures for site relocation of affected structures, transitional allowances, and restoration of civic infrastructure.
Improve the standards of living of the displaced poor and other vulnerable groups to at least national minimum standards.	No provision.	The RF includes measures on restoration/improvement of livelihoods of APs, including the poor and vulnerable groups.
Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement.	Consistent with SPS, except third-party verification of negotiated agreement is not required.	The RF describes procedures for the negotiation with APs, with agreements to be verified by a Third-Party Validator.
Ensure that APs without titles are eligible for resettlement assistance	No provision. There is nothing in the SOL Laws to address the issue	The entitlement matrix provides for resettlement assistance and

ADB/WB Requirements	SI Law	Gap-Filling Measures
and compensation for loss of non-land assets.	of displaced persons without land title or legal land rights.	compensation for loss of non-land assets to APs without titles.
Prepare an RP elaborating on APs' entitlements, income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	No provision.	The RF requires RPs to be prepared where subprojects involve involuntary physical or economic resettlement.
Disclose an RP in an accessible place and a form and language(s) understandable to APs and other stakeholders.	No provision.	The RF requires disclosure of RPs.
Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits.	No provision.	Land acquisition/resettlement costs will be included and financed by the Project.
Pay compensation and other entitlements before physical or economic displacement.	Not required.	To be provided.
Monitor and assess resettlement outcomes, their impacts on the standards of living of APs.	Not required.	The RF includes monitoring measures, including semi-annual safeguard monitoring reports.

AP = affected person; FTE = fixed-term estate; LTA = Land and Titles Act; RF = resettlement framework; RP – resettlement plan; SPS = Safeguards Policy Statement.

**VII. THE UWSSP RESETTLEMENT POLICY PRINCIPLES AND ENTITLEMENTS**

87. The resettlement process will follow both the national laws and the ADB/WB requirements. In case of any gap, the ADB/WB requirements will apply. The project's key resettlement principles are:

- (i) project design and location has and will continue to be explored to minimize land (and particularly non-Government land) requirements and consequential impacts on people;
- (ii) APs will be consulted during project cycle. Effective mechanisms will be established for hearing and resolving grievances;
- (iii) to the fullest extent possible land acquisition will be achieved through a negotiated settlement. The Project will follow the process for negotiation of agreements as outlined in this RF;
- (iv) appropriate support will be provided to landowners during negotiations to mitigate against any imbalance of power, information, and experience between the two parties;

- (v) offers of compensation for land access and use will be fair and adequate and ensure that those people who entered into negotiated settlements will maintain the same or better income and livelihood status. An independent Third-Party Validator will be contracted to validate the fairness of the land acquisition process such as the negotiation address the risks of asymmetry of information and bargaining power of the parties;
- (vi) the livelihoods of all APs will be improved, or at least restored, through (a) land-based resettlement or cash compensation at replacement value, as relevant, (b) prompt replacement of assets, and (c) prompt compensation at full replacement cost;
- (vii) APs will be provided 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;
- (viii) the standards of living of the displaced poor and other vulnerable groups will be improved to at least national minimum standards;
- (ix) absence of formal title will not be a bar to compensation and assistance and particular attention will be paid to any vulnerable groups;
- (x) payment will be made in advance of SW's possession of the land;
- (xi) the RP will be conceived as part of the project and its implementation will be financed by SW; and
- (xii) relevant impacts including unforeseen losses and damages that may occur during civil works will be monitored and remedial steps taken as required according to ADB SPS and government pertinent laws.

88. The project will follow eligibility and provisions in the RF for compensating all types of losses resulting from land acquisition or restriction on land use or access. APs will receive compensation at replacement cost, and other resettlement assistance such as shifting allowance. Titled APs and customary landowners will receive compensation for land acquired by the project. Non-titled APs are not eligible for compensation for land but will receive compensation for assets attached to land and other assistance as required. Households headed by women and other vulnerable households will receive further assistance.

#### **A. Project Approach to Land Acquisition**

89. The RF applies to the UWSSP, including any activities that may be considered 'linked' to the project. Consultation and Grievance Redress Mechanism requirements apply throughout the project, irrespective of land acquisition method applied. In most cases it is anticipated that the land required for project delivery will be obtained via negotiated arrangements – generally 'willing buyer-willing seller' or long-term leases; in which case specific requirements as per ADB policy requirements will apply. A RP will only be needed in the unlikely event of involuntary land acquisition being required for activities funded by the project.

90. Involuntary land acquisition may be required if additional land is required during subproject implementation and the pre-requisites for negotiated settlement are not satisfied, or where land acquisition is for some reason restricted and involuntary land acquisition processes need to be applied. This scenario is considered unlikely as project components will be designed to avoid involuntary land acquisition, in close collaboration with the community.

91. Given the prevalence of customary (communal land) in the Solomon Islands, the following guidance is provided for the preparation of Resettlement Action Plans (RAPs) for this project:

- (i) ADB and WB policies and performance standards will be applied in full where involuntary land acquisition is required to allow project delivery;
- (ii) alternatives to land acquisition will be considered. Especially where replacement land is scarce or non-existent, or where customary land tenure is deemed inalienable, negotiated agreements for long-term lease or alternative infrastructure siting will be considered;
- (iii) where communal land must be acquired, collective compensation may be appropriate. Under such conditions, compensation may be used solely for appropriate community purposes, or be distributed equitably among community members. The RPs will describe arrangements for applying collective compensation;
- (iv) individual users and occupants of acquired communal land will be identified in the census prepared for the RP and appropriate mitigation measures or negotiated agreements established to provide for restoration of their livelihoods or living standards;
- (v) where replacement land does not exist, it will be impossible to establish a technical valuation for replacement cost. The RP will describe alternative means used for valuation. This may include negotiated agreement with affected communities;
- (vi) if relevant, the RP will describe any changes that may occur regarding land use and tenurial arrangements for remaining communal land in Project-affected areas; and
- (vii) the RP will describe a process by which conflicting claims to ownership or use rights will be addressed.

## **B. Determination of Compensation**

92. The project requires that compensation for any land or assets lost as a result of project development be compensated at full replacement cost. Full replacement cost is the cost of replacing an expropriated asset of the same or better quality in the current land and/or housing market. Depreciation is not a factor in ADB policy and is not considered when valuing compensation for expropriated built structures. Full replacement includes the following elements:

- (i) **Fair market value:** Where markets function, fair market value can be assessed by examining land sales records in the last 3 or 4 years for similar properties. The market value is the going price of an asset in the open market, but where markets do not exist field investigations are needed to collect baseline data to value assets, and to ensure that the government valuation is realistic;
- (ii) **Transaction costs:** These may include the legal and documentation expenses associated with updating land records to reflect sales, transfers, inheritances, and leases, as well as the legal expenses associated with registering property titles for replacement lands and houses. Transport costs may also be included. These costs will not be paid by the displaced person, but by SW; and
- (iii) **Transitional and restoration costs:** Transitional cost involves a short-term subsistence allowance to support the displaced persons through a period of income loss due to a project. It may also include agricultural extension, training and other poverty reduction or capacity building programs. Restoration cost refers to necessary improvements on land or to housing to achieve the objectives of enhancing or at least restoring, livelihoods, compared with pre-project levels.

93. Valuation will be carried out through Ministry of Lands, Housing and Survey (MLHS) Valuation Division. Two valuation reports will be prepared - one by the government valuer and one by an independent valuer - based on the size and condition of land, any improvements made to the land, and assessment in respect of the closest comparable values that are obtainable.

94. MLHS Housing Division publishes valuation rates for houses and commercial structures. Private buildings are valued at replacement rate plus relocation expenses. During RP preparation, the UWSSP PMU will undertake a market rates appraisal to determine if the official rates applied will meet the threshold of undepreciated full replacement cost for any assets affected.

95. For removal of crops and trees, eligible owners will be compensated on the basis of the published schedules of the Ministry of Agriculture (Agricultural Extension Division) for root crops and tree crops and the Forestry Division for plantation trees and wood/timber trees. The rates for root crops are based on value of product per square meter and tree crops according to age, size, and productivity of individual trees. The crop rate schedule is gazetted. However, if the published schedule is not based on market rate, the compensation will be adjusted, or additional grants will be included from the project to meet market rate compensation.

### **C. Eligibility Criteria**

96. Eligibility of an individual's entitlements under this resettlement framework (RF) will relate to their:

- (i) loss of land, whether an owner, lessee, or informal occupant:
  - (a) APs with formal legal rights are generally the customary owners of lands or those with PE or FTE titles recorded in the land register. This category may also include any leaseholders with formal legal rights as tenants;
  - (b) persons whose rights are not formal or legal, but whose claims on land or assets are recognized under national or customary laws, such as those having usufruct rights or informal leases on customary land. Where land records do not exist, documentation and testimony from community leaders would determine eligibility for compensation, replacement land, or other resettlement assistance; and
  - (c) persons with no legal rights to land or assets at the time of assessment or census. This may include internally displaced people, squatters, or persons who depend upon the land they occupy for their livelihoods. They have neither legal rights nor recognizable ownership claims, but if the project land acquisition destroys their livelihoods, they are considered APs and are entitled to receive resettlement assistance.
- (ii) loss of trees or other plants, whether on owned, leased or informally accessed land'
- (iii) loss of land-based improvements – houses, shelters, business buildings, also irrespective of the ownership status of the land;
- (iv) loss of access to commons and reserves, e.g., road reserves, whether or not legally encroached, and restricted areas.

97. Eligibility for loss of non-land assets, whether temporary or permanent, will be recognized for project- induced impacts on:

- (i) an individual's business or income;
- (ii) soil or water quality changes that impact the individual's livelihood activities in the direct or indirect impact area;
- (iii) air, light, or noise pollution, or restrictions on access to social or economic resources that impact property values and amenity;
- (iv) access to resources due to quarrying operations; and
- (v) any other assets or elements of livelihoods recognized in the Solomon Islands law and in WB World Bank Operational Policy that may be discovered during disclosure and consultation.

98. Persons demonstrating that they will suffer losses from any of these causes as at the cut-off date for entitlements will be regarded as eligible for resettlement assistance. Losses from encroachments or activities commenced after the cut-off date for the respective projects will not be eligible. Table 2 presents the entitlement matrix.

**Table 2: Entitlement Matrix**

<b>Application</b>	<b>Entitled APs</b>	<b>Entitlement</b>
<b>Permanent Loss of Land</b>		
Alienated land required for project construction	Registered owner (PE, FTE)	Cash compensation as agreed between SW and owner or new FTE lease for replacement land.  Transaction costs. Transitional assistance where required.
Customary land required for project construction	Landowners and users	Replacement land of equivalent size and quality or cash compensation at replacement cost as agreed between SW and landowner group.  Transaction costs. Transitional assistance where required.
<b>Loss of Structure</b>		
Houses, commercial structures etc. on land required for project construction	Registered owner	Cash compensation at undepreciated full replacement value without deduction for salvaged materials, and relocation assistance and shifting allowance.  The shifting/relocation allowance will be agreed between SW and the household/ AP on a case-by case basis. The shifting allowance will be adequate to cover (i) dismantling of the structure; (ii) transport of structure/housing materials salvaged and all household effects/commercial goods; and (iii) costs of alternative accommodation, if required, while the structure is being re-built.
Houses, commercial structures etc. on road ROW or other public land	Owner of structure, regardless of legal status	Compensation will be provided for entire structure if remaining structure is no longer viable. For commercial structure: compensation for business disruption. Subsistence allowance if required.
<b>Loss of Crops, Trees, etc.</b>		
Gardens, trees, crops, perennials, productive trees/plants	Owners of crops, trees, regardless of legal status	Compensation at replacement cost as determined by the Forest Division for timber trees and the Department of Agriculture for crops or productive plants/trees.  Provision of 30 days' notice to harvest standing seasonal crops. If harvest is not possible, cash compensation for crops (or share of crops) equivalent to prevailing market price.

Application	Entitled APs	Entitlement
		<p>Cash compensation for perennial crops and fruit bearing trees based on annual net product market value multiplied by the number productive years.</p> <p>Cash compensation equivalent to prevailing market price of timber for non-fruit trees</p>
<b>Loss Due to Temporary Occupation by the Project</b>		
Alienated and customary land	Landowners, users	<p>Rent as negotiated with landowners. All temporary use of land will be through written agreement with the landowner/leaseholder and land will be returned to the landowners after rehabilitation to original or better condition.</p> <p>Possible compensation may include:            (i) provision of 30 days' notice regarding construction activities, including duration and type of disruption;            (ii) contractor's actions must ensure there is no income/access loss through provision of access etc.;            (iii) assistance to mobile vendors/hawkers to temporarily shift for continued economic activity;            (iv) for construction activities involving unavoidable livelihood disruption, compensation for lost income or a transitional allowance for the period of disruption, whichever greater; and            (v) restoration of affected land, structure, utilities, common property resources.</p> <p>Compensation at replacement cost for damages within land used for project.</p> <p>The project will ensure that APs have uninterrupted access to their land and livelihood sources. In case of any unavoidable loss of access, APs will be provided compensation for their losses at replacement cost.</p>
<b>Vulnerable Households</b>		
Loss of assets (land, structures, trees, crops)	Identified through consultation with community leaders (households headed by women, elderly, disabled, poor)	<p>Additional cash assistance depending on extent of disruption to vulnerable AP's means of livelihood. Amount to be specified in the RP, if applicable. This may include provision of transport cost, and daily allowance equivalent to the APs daily income from the loss of asset (temporary or permanent) e.g., housing, small canteens, betel nut until they have managed to re-established their livelihood with the maximum of 7 days support as agreed with the APs during consultations.</p>
<b>Unforeseen Seen or Unintended Impacts</b>		
Identified at final design phase		Unanticipated involuntary impacts will be documented and mitigated based on the principles provided in ADB's involuntary resettlement policy.

## VIII. SOCIAL IMPACT ASSESSMENT AND RESETTLEMENT PLAN PREPARATION AND IMPLEMENTATION

### A. Criteria for Screening and Selecting Subprojects

99. The established PMU will screen each subproject to identify potential land acquisition and resettlement impacts, and enable the Project to adopt measures to avoid, mitigate or minimize the impacts.<sup>23</sup> The screening form attached as Annex 1 will be completed after site visits, and, as relevant, in consultations with potential APs to understand land use/ownership arrangements.

100. Where the screening identifies that a subproject will require land acquisition and resettlement, a Social Impact Assessment (SIA) will be undertaken for the purposes of preparing an RP.

101. In the case of a substantial landowner of high capacity which is open to negotiation of an agreement to sell its land, an SIA and RP will not be required. Instead, a negotiated settlement will be sought in accordance with the ADB SPS. This includes the requirement for a third-party verifier and condition that failure to negotiate by the landowner will not result to compulsory acquisition.

### B. Social Impact Assessment and Resettlement Planning

102. Subprojects that involve involuntary land acquisition and resettlement will conduct a Social Impact Assessment (including census of APs, inventory of losses (IOL), and SES) and to inform the preparation of an RP. The scope and level of detail of each SIA and RP will vary depending on the magnitude and complexity of land acquisition and resettlement issues. RPs will follow the outline set out in Annex 2.

103. Consultations will be carried out with APs, and necessary surveys undertaken including IOL and census of APs. Potential impacts will be assessed during feasibility study and updated by conducting IOL/detailed measurement survey and census following detailed design. Consultation and surveys will be conducted in a participatory manner to estimate the losses and impacts. A cut-off date will be established as the date of the start of an IOL and publicized 1-2 weeks in advance. The landowners and users who have documented claims to affected land, crops, trees, or structures at the cut-off date will be eligible for compensation and other entitlements.

104. The IOL will document the losses and impacts resulting from subprojects' land and asset acquisition. The AP survey will include questions about the socio-economic status of APs in order to furnish information required for the elaboration of livelihood restoration and stabilization measures. The survey will cover the following:

- (i) **Information about AP/households** - number of people in household; gender and age of head of household; tenure of land; ownership of assets; education of household members; livelihood activities (paid and unpaid); cash income; subsistence production;
- (ii) **Loss of land** – by type of land affected, i.e. residential, agricultural, commercial, fishpond etc.); total area of land (including other plots); area of land affected; tenure of land;
- (iii) **Loss of other assets** - by type, i.e., structures, crops and trees (type, area affected, number lost, etc.); time required to rebuild or relocate;

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<sup>23</sup> Preliminary subproject designs must indicate the type and extent of works.



- (iv) **Loss of, or impacts on livelihood activities** – type, dependency, how impacted, restoration measures required; and
- (v) **Other impacts or losses.**

105. Simple excel formatted sheet will be used to enter the survey data, which will subsequently be entered onto a database and analysed to provide a profile of APs; to describe the losses and impacts; and to assist in the calculation of compensation for the losses and impacts. Data will be disaggregated, as relevant, by gender, ethnic group and income group and the AP conditions, needs, and priorities will be analysed to ensure that land acquisition and resettlement do not disadvantage women and other vulnerable groups.

106. RPs will be prepared in accordance with the policy, principles and planning and implementation arrangements set forth in this RF. They will be based on accurate baseline land, asset, census and socioeconomic survey information, and establish appropriate mitigation measures (e.g., compensation at full replacement cost for loss of assets, transitional assistance for relocation, and transitional assistance for livelihood restoration, and transitional assistance for commercial enterprises) for all relevant categories of adverse impacts. RPs will also identify differential impacts on community sectors and ensure that land acquisition and resettlement do not disproportionately disadvantage women or other vulnerable groups.

107. Preparation of the RPs will begin as soon as it is determined that involuntary land acquisition is essential to complete any Project activities and will be finalized prior to the commencement of any works to carry out those activities. RPs will summarize the scope of land acquisition and resettlement; the socio-economic condition of APs, including vulnerable groups; consultation process; legal and institutional framework; entitlements; and implementation arrangements. They will assign responsibility for preparation, implementation, and monitoring of the RP (including responsibility for meeting all associated costs with implementation) and coordinate project actions with any other agencies involved to ensure timely and effective RP implementation.

108. RPs will include sufficient budget for implementation of necessary mitigation and compensation and will specify source of funds. Budgets will be based on published rates from relevant government authorities and include additional grants, if required, to ensure that compensation rates for affected land and assets are at full replacement cost. RPs will include an implementation schedule linked with the subproject civil works to ensure that, wherever possible, civil works will not commence until compensation and assistance have been paid to APs. Draft RPs will be disclosed to APs and other stakeholders and finalized incorporating comments from APs. Final RP will be produced in English, with summaries in local language, as needed. The RP will be updated following the detailed design and will be redisclosed to APs and other concerned stakeholders.

109. RPs will be endorsed by Solomon Water and submitted to ADB and WB for review and approval. An ADB/WB 'no objection' will be required prior to implementation of any subproject safeguards.

## **IX. INSTITUTIONAL RESPONSIBILITIES**

### **A. Solomon Water Authority**

110. Solomon Water has overall responsibility for management of the land acquisition and resettlement program. Project preparation assistance (PPA) consultants will undertake the

surveys and prepare RPs with the help of SW and relevant authorities. SW will ensure that entitlements and measures in the RP are consistent with this RF and suitable budgetary provisions are made for timely implementation of the RP. Solomon Water will coordinate with (CoL) and Ministry of Lands, Housing and Survey (MLHS) and other relevant government agencies in the land acquisition process.

## **1. Existing Safeguards Capacity**

111. The current SW management structure includes a Land Management/Property Officer, working on land acquisition, including regularisation of existing service infrastructure. It also includes an Environmental Specialist and a Social Safeguards and Gender Specialist. These three positions however are all project contract positions. Consideration is being given to the recruitment of the Land Management Officer on a permanent basis to work with the PMU on land acquisition and resettlement aspects of the Project. Capacity building in safeguards for land acquisition and resettlement would take place in the consultant/officer's interaction with and support to the PMU and PPA consultants in the preparation of RPs.

112. Terms of reference for a Land Management Officer are set out in Annex 3.

## **2. Project Management Unit**

113. The established PMU, assisted by PPA consultants, is responsible for preparation and implementation of the overall Project, including preparation and implementation of the land acquisition and resettlement safeguard requirements. In this regard PMU is responsible for the following activities:

- (i) Recruitment of a safeguards team comprised of a Land Management Officer (social safeguards officer) and environmental specialist.
- (ii) Screening and assessing subprojects.
- (iii) Preparing RPs for subprojects, if required, or Due Diligence Report to meet the project's requirements according to the safeguard policies of ADB and the government.
- (iv) Undertaking adequate consultations with and dissemination of relevant information to APs, including public disclosure of draft and final RPs, in accordance with the RF.
- (v) Ensuring that design engineers take into account safeguard issues and try to avoid or minimize social impacts through appropriate design. PPA consultants will brief technical design team in this regard.
- (vi) Addressing any project-related grievances of APs and facilitating the resolution of disputes on land ownership.
- (vii) Undertaking public consultation to inform APs of the subproject scope and schedule of the subproject activities, including land acquisition and compensation activities.
- (viii) Ensuring that safeguard requirements are included in the bidding documents for civil works contracts.
- (ix) Following the award of the civil works contract, arranging a briefing to the contractors to raise their awareness on safeguard requirements.
- (x) Coordinating with relevant authorities including MLHS and CoL to ensure that land acquisition and compensation activities are completed prior to start of construction activities.
- (xi) Undertaking regular monitoring and reporting on implementation progress of safeguard plans.

## B. Ministry of Lands, Housing and Survey

114. The MLHS will provide necessary support to SW in carrying out land acquisition activities, particularly with respect to customary land. If a subproject requires acquisition of customary land, the CoL will on the request of the Minister appoint a Land Acquisition Officer (LAO) to undertake land acquisition. SW PMU assisted by the PPA consultants and LAO will identify land, landowners, or leaseholders, participate in consultations, prepare declarations and notices as required, and undertake a land acquisition survey.

115. The Valuation Division of MLHS, headed by the Valuer General, is responsible for the valuation of land and buildings.

## C. Third-Party Validator

116. To ensure that land compensation offers in the negotiation process are fair, free of coercion and reasonable in the local context, Solomon Water will engage a Third-Party Validator to ensure that proposed prices are fair; to observe key stages of the negotiation process; intervene (if required); and record the negotiation process in order to ensure transparency and any imbalance of power or information between the parties is recognised and addressed and as a consequence a fair process is followed.

117. The Third-Party Validator will also participate in the grievance redress mechanism.

118. SW will engage the Third-Party Validator on a contract basis, based on an open and transparent procurement process. The Third-Party Validator will have experience and qualifications in law, land rights or negotiation. The validator must, although engaged by Solomon Water, be able to perform their role impartially. Appropriate candidates for the role may include lawyers or magistrates, or civil society organizations in related fields or roles. Terms of Reference for the role of Third-Party Validator are provided in Annex 4.

119. Table 3 summarizes the roles and responsibilities of the respective agencies.

**Table 3: Resettlement Implementation – Roles and Responsibilities**

Agency	Roles and Responsibilities
Solomon Water	Overall execution of the project Provides funds for land acquisition and resettlement Liaison with MLHS
Solomon Water PMU	Manages the social and resettlement aspects of the project Finalizes project decisions concerning land acquisition (in consultation with MLHS re customary land) Manages design and supervision of works Manages consultants on all matters dealing with resettlement and consultations Prepares and updates RPs/Due Diligence Report Discloses the RF and RPs/Due Diligence Reports Informs APs, local authorities and interested others about the Project, including compensation details Coordinates with MLHS/CoL to initiate land acquisition process Prepares inventory of losses (IOL) and census of APs Coordinates with MFT/Solomon Water to obtain budget and funds for compensation payments

Agency	Roles and Responsibilities
	<p>regarding alienated land prepares and attends to execution of purchaser agreements; payment of purchase price; registration in Land Registry            With civil contractor schedules and makes compensation payments for non-land assets            Records the compensation payment process for monitoring and reporting            Establishes grievance procedure as outlined in RPs            Provides data and other information to external monitoring agencies            Prepares completion report            Solomon Water makes payments.</p>
MLHS / Commissioner of Lands	<p>Oversees and supports land acquisition and resettlement process as the national agency responsible for land acquisition            Regarding customary and FTE land, through CoL completes land acquisition            CoL appoints LAO            Surveyor General carries out land survey or approves survey by Solomon Water engineers            Valuer General confirms land valuations            LAO finalizes agreements and obtains execution by owners            CoL registers transfers in Land Registry.</p>
ADB	<p>Review and approve all resettlement plans/due diligence report under the respective policies of ADB and the government            Disclose RP on official website            Provide guidance as required based on safeguards monitoring report and supervision missions</p>

## X. CONSULTATION, PARTICIPATION, AND DISCLOSURE

### A. Consultation

120. Consultation will be undertaken during preparation and implementation of subprojects. The PMU, primarily through the PPA consultants, will consult affected landowners, households, leaders, and representatives of communities to ascertain their needs and concerns about land and asset acquisition. AP surveys will be carried out in a participatory manner with heads of households having input into the estimate of losses and impacts. SW PMU will ensure participation of APs in planning and implementation of the process, and specific consultations in relation to land and asset acquisition will be detailed in the RP. Individual meetings with directly affected households will also be undertaken and recorded in the RP.

121. In the case of customary land, these consultations and surveys will be coordinated with the LAO. The first step in the consultation process is identification of stakeholders: a stakeholder analysis will be prepared to identify all affected APs, customary leaders, landowner associations, local officials, (e.g., Provincial and City Administration), and NGOs.

122. The PMU will conduct consultation with stakeholders at different points in the preparation and implementation of subprojects. The PMU will utilize a variety of mechanisms, as appropriate considering the nature, scale and impact of the subproject, to consult with stakeholders and APs during preparation and implementation of RPs including: (i) village meetings; (ii) specific facilitated meetings with APs including customary leaders, land owners and users; (iii) separate meetings

with women and vulnerable households; (iv) key informant interviews with Government staff; (v) one-to-one socioeconomic household surveys of women and men APs and affected communities; and (vi) participatory compilation of the Inventory of Losses affecting APs. In any case, meaningful consultation as per ADB SPS will be adhered to and special attention will be provided to the need of disadvantaged or vulnerable groups, especially those below the poverty line, the landless, the elderly, female headed households, women and children, Indigenous Peoples, and those without legal title to land.

123. Detailed information on the consultation process at implementation stage will be included in each RP.

## **B. Notification**

124. Official notifications will be provided to landowners outlining the nature of the project, the land acquisition requirements relevant to their land parcels, and the proposed process for negotiation. The notification will also advise owners of their entitlement to and suggestions for accessing impartial legal advice, will appraise them of the role of the Third-Party Validator, and will seek commencement of the negotiation process. At notification, relevant information from this RP will be provided to landowners and local government officials.

125. In the case of private land, this notification will be provided to registered landowners. In the case of customary land, the notification must be given in the manner most effective for the purpose of bringing it to the attention of all members of the customary 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.

## **C. Negotiation**

126. The timing and nature of negotiations will vary between sites; however, they will be conducted adhering to the following principles:

- (i) adequate time and information will be provided to landowners to prepare for negotiations;
- (ii) negotiations will be entered into in good faith;
- (iii) due consideration will be given to all landowner requests;
- (iv) those who entered negotiated settlements will maintain the same or better income and livelihood status; and
- (v) no party to the negotiation will be forced to arrive at an outcome. Failure to negotiate will not result to compulsory acquisition, otherwise involuntary resettlement policy of ADB and WB will be triggered.

127. Solomon Water will be responsible for the availability of two key elements of the negotiation process to ensure its fairness:

- (i) entitlement of landowners to receive relevant information;
- (ii) arbitrate of ongoing disagreement; and
- (iii) engagement by the project of a Third-Party Validator to validate the fairness of the negotiation process according to ABD and WB safeguards requirements

128. If the Third-Party Validator finds there is a lack of symmetry and fairness in the negotiation process, including uneven access to information, this should be resolved through corrective action plans or application of the grievance mechanism.

129. Records of all negotiation activities will be prepared by PMU. The Third-Party Validator's report will be submitted firstly to Solomon Water and MLHS for comment, then to MOFT and ADB for approval before implementation of agreements and entry to land.

#### **D. Disclosure of the Resettlement Plan**

130. Solomon Water is responsible for RP disclosure. RPs will be disclosed to APs and communities and posted on Solomon Water's and ADB's websites prior to the subproject's approval. They will be made available in English in accessible public locations. Solomon Water will also arrange to interpret and explain the key provisions in local language if needed. Any updates to the RP will be disclosed to the APs and key project progress and information shared to them during implementation.

#### **E. HWM Subproject Consultations**

131. It is noted that in preparation of the HWM subproject, initial consultations were held in the proposed subproject areas in April 2020 employing a Participatory Rural Appraisal (PRA) approach. PRA is generally defined as a facilitated process that is 'participant centred', involving participants in a critical examination of issues and identification of solutions. The complete findings from these consultations have informed preliminary design for the HWM subproject with a summary report of consultation findings contained in Annex 5.

### **XI. COMPENSATION, INCOME RESTORATION, AND RELOCATION**

132. This section describes the measures proposed for income restoration, including compensation and special measures to help vulnerable households improve their living standards and measures for replacement land if needed.

133. **Avoiding or minimizing land acquisition.** In order to minimize land acquisition and resettlement impacts, the engineering design will avoid or minimize the need to acquire additional land, to the extent feasible and consistent with agreed design standards and good engineering practice. Should any households need to be physically displaced from their home, they will receive the appropriate compensation and assistance according to the entitlement policy. But in most areas, the APs will also be involved in trying to find alternative land within the nearby areas, for those who have lost houses or gardening land. Since the project sites are within urban and peri-urban areas where available lands are becoming limited thus replacing land for land may not be easy or possible. Any alternative approach than land replacement, if necessary, will be discussed and agreed with the affected persons. It will not be at the disadvantage of the affected persons and will enhance or at least restore the livelihoods of all affected persons in real terms relative to pre-project level.

134. **Negotiated use or purchase of alienated land.** Based on the LTA of the Solomon Islands, authorities consult with landowners or leaseholders, and then obtain land through land lease or purchase through negotiated settlement. The project will comply with this process. Where the project involves a water supply, water treatment or sanitation component that is located on alienated land, the PMU will collaborate with MLHS to negotiate with landowners or leaseholders to acquire the permanent right to use or acquire additional land required for the water and sanitation infrastructure upgrading and rehabilitation, or on a temporary basis to accommodate other activities related to the project. The negotiated use and purchase of alienated land for this project should be voluntary and without any coercion. The process will follow adequate safeguards including: (i) consultation with APs on the project and options to avoid or minimize

impacts; (ii) applicable national laws and regulations will be followed; (iii) landowners or any other people will not experience major adverse impacts e.g. the land should be free of any private residential structures or major sources of livelihood; (iv) APs will receive compensation for land if leased or purchased or any losses/damages to non-land assets and (v) a written memorandum of agreement (MOA) will be signed with APs for the permanent use of the land and (vi) third party verification of the MOA and process of negotiated land purchase.

**135. Compensation for removal or damages to crops, trees, and structures.** In the case of annual crops, to the extent possible, the APs will be encouraged to harvest the crops before clearance of any land, and in this case, no compensation will need to be paid for crops. If APs are unable to harvest before the land is needed, compensation will be paid. For perennial crops and fruit trees, APs will also be encouraged to harvest the current year's crop before clearance of land, to the extent possible, and no compensation will be paid for the current crop yielded. However, plants and trees to be removed, will be compensated based on annual net product market value multiplied by the number productive years. If APs have not been able to harvest the current year's crop, the grant for lost income will take this into account. Cash compensation equivalent to prevailing market price of timber for non-fruit trees will be compensated. APs will also be required to cut the trees prior to clearance of additional land, and they will be permitted use or sell the timber from the harvested trees.

**136. Fences and animal shelters.** Loss of these assets will be compensated for at replacement value (per meter) for similar fencing, planting, or building materials.

**137. Structures.** The majority of the project sites are vacant lands except for Titingge where the construction of a water storage tank may affect a land user's house and the augmentation of a trunk mains in White River area will need to replace existing pipes along (and under) some residential structures. However, sites are not fixed thus they may be avoided. This will be further confirmed during detailed design. However, if these structures need to move back or will be partially damaged to upgrade these infrastructures, APs will be provided with compensation at replacement cost for materials and labor. In addition, these APs are entitled to a moving allowance to relocate their possessions.

**138. Payment of compensation.** The initial assessment of affected assets will be made at the time of the screening of the subproject which will be followed by a DMS and replacement cost survey, after the completion of the detailed engineering design. Where necessary, the PMU/SW will engage a valuer/appraiser (usually through MLHS or a private valuer, if required) to review the rates, and survey current market prices, in order to determine or recommend the compensation rates at replacement costs. Particular attention must be paid to ensure that the person who owns plants and crops or assets receives the compensation directly, for example, women gardeners. Compensation rates for structures will be verified and approved by the office of the Valuer-General and compensation for crops and trees will be verified and approved by the Ministry of Agriculture. The PMU will ensure that all procedures are followed properly, funds are disbursed in a fair and transparent manner, and that payment is made prior to start of works.

**139. Other allowances.** The project will support APs to restore or improve their living conditions and standards based on pre-project level and in the most efficient, effective manner possible, and will provide a number of allowances for this. These include: a shifting allowance to move structures if required; transitional allowance to assist APs until they settle such as in their new house; a business disruption allowance due to lack of access caused by civil works, the value calculated on the number of days of disruption; a moving allowance for APs that have to relocate housing and move possession, paid in cash or in the form of transport provided.

140. **Vulnerable affected persons.** The project will assist the following vulnerable households: (i) APs with a monthly income of less than the national poverty line; (ii) AP household heads whose age is 65 or older; (iii) female-headed household heads; and (iv) household heads who are physically and/or mentally incapacitated (disabled). Female-headed households, in particular widows, face particular disadvantages due to pressures to raise children without a husband.

141. **Project employment.** People affected by permanent or temporary loss of land, or by damage or loss of crops, trees and structures, will be given priority for employment by contractors for civil works and/or maintenance works on the project, in accordance with their qualifications to do the work.

142. **Timing and coordination of land acquisition activities with civil works.** If payment of compensation is delayed, compensation rates will be updated regularly based on inflation rates (e.g., Solomon Islands Consumer Price Index) to ensure that APs receive compensation at market price at the time of compensation payment. Changes to compensation amounts will be verified and approved by the office of the Valuer General. All land acquisition activities will be coordinated with the civil works schedule. Civil works contractors will not be issued a notice of possession of the site until (i) compensation and relocation of APs have been satisfactorily completed; (ii) agreed rehabilitation assistance is in place; and, (iii) the site is free of all encumbrances. A Compensation Completion Report will be submitted to ADB confirming satisfactory completion of these requirements.

## **XII. GRIEVANCE REDRESS**

### **A. Grievance Redress**

143. The project has established a grievance redress mechanism (GRM) to receive and facilitate resolution of affected peoples' concerns, complaints, and grievances about the Project's performance, including those concerning environmental and social impacts and issues. The GRM as outlined in Table 4 below ensures that: (i) the basic rights and interests of every affected person are protected; and (ii) their concerns arising from Project performance during the phases of design, construction and operation activities are effectively and timely addressed. The GRM ensures that any concerns are addressed quickly and transparently, and without retribution to the affected parties. Any RP or other documentation prepared to meet the requirements of this RF will include details of the GRM process.

144. In the early stages of engagement, project stakeholders and affected communities will be made aware of:

- (i) how they can access the GRM;
- (ii) who to lodge a formal complaint to;
- (iii) timeframes for response;
- (iv) that the process must be confidential, responsive, and transparent; and
- (v) alternative avenues of redress, where conflicts of interest occur.

145. The grievance process will ensure that no costs are imposed on those raising the grievances; that concerns arising from project implementation are adequately addressed in a timely manner; and that participation in the grievance process does not preclude pursuit of legal remedies.



146. Specific means of redress are available in disputes over land ownership or compensation, or for grievances related to Project construction impacts. These are discussed below.

## **B. Land Ownership Disputes**

147. In alienated land, ownership is generally clear under the land registry system. Where disputes over land ownership arise, however, disputing parties have recourse to the Magistrates Court under procedures set out in the LTA. Magistrates Court decisions may be appealed to the High Court on a question of law.

148. For disputes over customary land, there is an opportunity for resolution in the course of the acquisition process, involving consultations, public hearing and determinations of the LAO. If disputes are not resolved in this process, the Magistrates and Customary Land Appeal courts have jurisdiction.

149. Solomon Water/PMU will not be party to court cases between competing private parties as to land ownership or other claims to land.

## **C. Compensation and Other Disputes**

150. Most grievances related to compensation calculation and disbursement and other assistance are expected to be resolved at the PMU level. A mutually satisfactory resolution at this stage prevents the cost and delay of court proceedings. APs will incur no costs in participating in good faith in the grievance redress procedure.

151. The complaints and grievance redress procedures will be outlined in the RPs prepared for particular subprojects to ensure stakeholder participation in the implementation process and to ensure there is a publicly acceptable forum with which to deal with any issues or complaints arising through land acquisition. Through public consultations, APs will be informed that they have a right to seek redress through the Project complaints/ grievance resolution mechanism. The record of the grievance redress mechanism will be the subject of monitoring.

152. Subject to elaboration and adjustment in the RPs for particular subprojects, the grievance redress mechanism will apply the following procedure:

- (i) the complainant may, but is not required to, submit a complaint for resolution to the project office. Straightforward complaints may be resolved on the spot with the contractor, with the complaint and its resolution recorded by project staff;
- (ii) if the complainant is not satisfied with the outcome or chooses to initiate the complaint at a higher level, it is submitted to the PMU;
- (iii) the complaint is referred to the Third-Party Validator and, in the case of customary land, to the head of the land-owning group. A RP may provide for a Community Advisory Committee representing APs, which will participate in the grievance redress mechanism;
- (iv) if the complaint concerns the valuation of land or buildings, it will also be referred to the land valuer;
- (v) the complaint is discussed among the complainant, Third-Party Validator, head of the land-owning group, representative committee, land valuer, and SW - PMU. The complainant may be assisted by a person of his/her choosing, including a lawyer;
- (vi) decision on the grievance is made promptly by SW PMU in accordance with the grievance procedure and conveyed to the complainant;

- (vii) PMU will record the complaint: date, complainant, grievance, attempts at resolution, outcome; and
- (viii) a complainant who is not satisfied with the outcome of the process will be advised of his/her right to take the matter to court, and any cost that will incur will be met by the disputing individual or group.

**D. During Construction**

153. Onsite complaints during construction will be directly addressed by the construction site supervisor. If the complaint is straightforward, the site supervisor will resolve the complaint immediately. If the complaint is complicated and outside the control of the site supervisor, it will be referred to the site supervisor’s manager who will have 2 days to resolve the complaint and communicate the outcome to the affected person.

154. Onsite complaints will be documented in a register that will be maintained at the local SW office, or at the subproject office if there is one. 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 complainant for their record at the time of registering the complaint.

155. Complaints will be responded to within the first 24 hours by the construction site supervisor and then further updated if required to be provided every 2 days, until the complaint is resolved. The complaints register will show a record of who has been directed to deal with the complaint and the outcome of the complaint. The register will also record other details such as the date and time when the action was commissioned, complaint was resolved, when and how the complainant was informed of the decision. The register is then signed off by the person who is responsible for the decision and dated. The register will record all the issues raised and will be available during the monitoring of the Project. This is also a public document that SW will make available.

156. If the complainant is not satisfied with the on-site complaint resolution, they may refer their grievance to PMU. The Complainant may take the grievance to the country’s judicial system (Magistrates Court) if still unsatisfied with the final resolution through the grievance redress mechanism.

**Table 4: Established Grievance Redress Procedure/Stages for the UWSSP**

Stage	Process
1	Any grievance should first be made known to the Solomon Water Projects Team Manager (PTM). This may initially be verbally however a monitoring form must be prepared and signed off by the party raising the grievance – support to filling in the form can be provided by Solomon Water to the aggrieved party. Following the discussion, the grievance may either be resolved or need to be escalated to Stage 2.
2	The unresolved grievance should then be referred to the General Manager of Solomon Water. Based on the discussion the General Manager will issue a Stage 2 Grievance Outcome form confirming the grievance has been resolved and the means of resolution; or the grievance has not been resolved; and outlining Solomon Water General Manager position on the grievance. If the grievance is not resolved under Stage 2 the grievance is then referred to a three-member Grievance Tribunal under Stage 3.

3	The Grievance Tribunal is to be comprised of: (i) a member of The Board of SW (ii) the PS of the MMERE (iii) an independent member jointly selected by both parties. The Tribunal's decision is final.
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MMERE = Ministry of Mines, Energy and Rural Electrification; PS = Permanent Secretary; PTM = Project Water Manager; SW = Solomon Water.

### **XIII. BUDGET AND FINANCING**

157. Land acquisition, compensation, resettlement, income restoration costs, and monitoring and reporting will be financed by SW. The budget for all such activities will be estimated during feasibility stage based on interviews with affected owners, occupants, and communities, and on available information and experience as to market values of land and buildings and other costs. This information will be updated after the detailed survey and investigation (detailed design stage), and further consultations with APs. The Government/SW will release sufficient budget for implementation of compensation, resettlement, and rehabilitation activities in an appropriate and timely manner.

158. All APs are entitled to compensation or other appropriate assistance and mitigation measures, regardless of whether these persons have been identified at the time of resettlement planning, and regardless of whether sufficient mitigation funds have been allocated. For this reason, and to meet any other unanticipated costs that may arise, the RP budget will include contingency funds, i.e., at least 10% of estimated total costs. Compensation must be paid promptly and in full to the APs prior to the possession of the sites or affecting any assets. No deductions from compensation will occur for any reason. RPs will describe the procedures by which compensation funds will flow from UWSSP to the APs.

159. RPs prepared under the project will identify all costs of resettlement describing the valuation of land and assets and how replacement value or cost will be achieved. Costs will include compensation (including in-kind compensation); livelihood restoration, where this is required; costs of implementing the RP (including administration charges and contingency); and monitoring.

### **XIV. MONITORING AND EVALUATION**

160. RPs will set out a monitoring framework consistent with the generic indicators described in this RF. The progress of all aspects of land acquisition and RP implementation will be monitored, particularly the delivery of resettlement entitlements to APs. The SW/PMU will involve customary heads and Community Advisory Committees to assist with the monitoring, where appropriate. The monitoring will also cover APs' satisfaction with consultation, timeliness of compensation payment, and restoration of livelihoods.

161. The PMU will submit compensation completion reports on land acquisition and RPs to ADB, and the findings will be incorporated into the progress reporting of the PMU. ADB review missions will specifically check the progress of any resettlement and land acquisition undertaken for subsequent investments or subprojects.

162. The SW/PMU will also inform relevant partners and ADB on the project's social safeguard aspects through its progress/monitoring reports. Semi-annual safeguard monitoring reports will also be submitted to ADB. The evaluation of impact of the RPs will be undertaken as part of the monitoring and evaluation process.

163. The generic indicators for monitoring are set out in Table 5 below.

**Table 4: Generic Indicators for Monitoring**

Monitoring Issues	Monitoring Indicators
Budget and time frames	Are resettlement implementation activities being achieved against agreed implementation plan? Are funds for resettlement being allocated on time? Has SW received the scheduled funds? Have funds been disbursed according to the RP?
Delivery of AP entitlements	Have the APs received entitlements for land, trees and structures in accordance with the entitlement matrix?
Consultation, grievances, and other issues	Have resettlement information brochures/leaflets been prepared and distributed? Has the update RP been disclosed locally? Have consultations taken place as planned? Has a public meeting on the RP been held?  Have any APs used the grievance redress procedure? What were the outcomes? Have conflicts been resolved?
APs' satisfaction	Are APs satisfied with consultation, fairness and adequacy of compensation, and timeliness of compensation payment?
Effect on livelihoods	Have APs' standards of living been restored or improved?

### Annex 1 : Screening Form

<b>Project Component:</b>		<b>Date:</b>			
<b>Location and impact area:</b>					
Probable Land Acquisition and Resettlement Effects	Yes	No	Not Known	Remarks	
Will there be land acquisition?					
Are the ownership status and current use of the land to be acquired known?					
Will infrastructure be located within existing public roads or rights of way?					
Will there be loss of shelter and residential land?					
Will there be loss of crops, trees, or structures?					
Will there be business losses?					
Will there be loss of income sources or means of livelihood?					
Will there be involuntary restrictions on land use apply or on access to parks and protected areas?					
Will people lose access to natural resources, communal facilities and services?					
Will sensitive cultural or historic sites be affected?					
<b>Information on Displaced Persons</b>					
<p>Is there an estimate of the likely number of persons who will be displaced?  <input type="checkbox"/> No      <input type="checkbox"/> Yes</p> <p>If yes, approximately how many? _____</p> <p>Is there an estimate of the likely number of vulnerable persons?  <input type="checkbox"/> No      <input type="checkbox"/> Yes</p> <p>If yes, approximately how many? _____</p> <p>Category for Involuntary Resettlement Impacts*:    A <input type="checkbox"/>    B <input type="checkbox"/>    C <input type="checkbox"/></p> <p>Name of Person Conducting the Screening: _____.</p> <p>Date: _____.</p> <p>Signature: _____.</p>					

## Annex 2: Outline Resettlement Plan

1. A resettlement plan (RP) is required for all subprojects involving land acquisition and resettlement impacts. Its level of detail and comprehensiveness will be commensurate with the significance of potential resettlement impacts and risks.
2. **(A) Executive Summary.** This section provides a concise statement of project scope, key survey findings, entitlements, and recommended actions.
3. **(B) Project Description.** This section provides a general description of the project, discusses projects components that result in land acquisition, involuntary resettlement, or both and identify the projects area.
4. It also describes the alternatives considered to avoid or minimize resettlement include a table with quantified data and provide a rationale for the final decision.
5. **(C) Scope of Land Acquisition and Resettlement.** This section:
  - (i) discusses the project's potential impacts, and includes maps of the areas or zone of the impact of the project components or activities;
  - (ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
  - (iii) summarizes the key effects in terms of assets acquired and displaced persons; and
  - (iv) provides details of any common property resources that will be acquired.
6. **(D) Socioeconomic Information and Profile.** The section outlines the results of the Social Impact Assessment, the census survey, and other studies, with information and /or data disaggregated by gender, vulnerability, and other social groupings, including:
  - (i) define, identify, and enumerate the people and communities to be affected;
  - (ii) describe the likely impacts of the land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
  - (iii) discuss the project's impacts on the poor, indigenous and /or ethnic minorities, and other vulnerable groups; and
  - (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.
7. **(E) Information Disclosure, Consultations, and Participation.** This section:
  - (i) identifies project stakeholders, especially primary stakeholders;
  - (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
  - (iii) describes the activities undertaken to disseminate project and resettlement information during the project design and preparation for engaging stakeholders;
  - (iv) summarizes the results of consultations with displaced persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
  - (v) confirms disclosure of the draft resettlement plan to displaced persons and includes arrangements to disclose any subsequent plans; and
  - (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with displaced persons during project implementation.

8. **(F) Grievance Redress Mechanisms.** This section describes mechanisms to receive and facilitate the resolution of displaced persons' concerns and grievances. It explains how the procedures are accessible to displaced persons and gender sensitive.
9. **(G) Legal Framework.** This section:
- (i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirement; and discuss how any gaps will be addressed;
  - (ii) describes the legal and policy commitments from the executing agency for all types of displaced person;
  - (iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost of assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided; and
  - (iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.
10. **(H) Entitlements, Assistance and Benefits.** This section:
- (i) defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
  - (ii) specifies all assistance to vulnerable groups, including women, and other special groups; and
  - (iii) outlines opportunities for displaced persons to derive appropriate development benefits from project.
11. **(I) Relocation of Housing and Settlement.** This section:
- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and /or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
  - (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
  - (iii) provides timetables for site preparation and transfer;
  - (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
  - (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
  - (vi) describes plans to provide civic infrastructure; and
  - (vii) explains how integration with host populations will be carried out.
12. **(J) Income Restoration and Rehabilitation.** This section:
- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
  - (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets)
  - (iii) outlines measures to provide social safety net through social insurance and /or project special funds;
  - (iv) describes special measures to support vulnerable groups; and
  - (v) describes training programs (e.g., to enhance income generating activities).

13. **(K) Resettlement Budget and Financial Plan.** This section:
  - (i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training loan implementation;
  - (ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items);
  - (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs; and
  - (iv) includes information about the source of funding for the resettlement plan budget.
  
14. **(L) Institutional Arrangements.** This section:
  - (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
  - (ii) includes institutional capacity building program, including technical assistance, if required;
  - (iii) describes roles of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and
  - (iv) describes how women's groups will be involved in resettlement planning and management.
  
15. **(M) Implementation Schedule.** This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction and provide land acquisition process and timeline.
  
16. **(N) Monitoring and Reporting.** This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of displaced persons in the monitoring process. This section will also describe reporting procedures.



## **Annex 3: Terms of Reference for Third-Party Validator**

### **Terms of Reference for Third-Party Validator – Land Acquisition and Resettlement (National, 2-person months)**

#### **A. Background**

1. In pursuing its vision of “safe water for a healthy nation” Solomon Water has prepared a 30-Year Strategic Plan and 5-Year Action Plan, which embody its planned improvements to all aspects of delivering safe and reliable water supply and sewerage services in its urban areas of operations. From these strategic plans, a number of high priority projects have been identified for development, including the Urban Water Supply and Sanitation Sector Project (“the project”).
2. Activities to deliver the project’s outputs may include:
  - (i) new surface water source and associated water treatment and raw and treated water transmission infrastructure on the Lungga River;
  - (ii) augmenting trunk mains from the Mataniko and White River borefields to the existing water supply networks;
  - (iii) augmenting reservoir capacity;
  - (iv) rehabilitation and expansion of the Gizo water supply system;
  - (v) rehabilitating GHA’s sewer outfalls;
  - (vi) construction of new pump stations at several locations to pump sewage to the existing outfalls at King George VI and Point Cruz; and
  - (vii) construction of a septage treatment facility to service GHA.
3. Land acquisition will be required from owners and occupants at some if not all of the affected sites. A Resettlement Framework (RF) has been prepared and Resettlement Plans (RPs) will be prepared for each subproject. Consultations with affected persons will be carried out with a view to negotiating agreements on compensation and other assistance. To ensure that these negotiations proceed in a fair and balanced manner, the project intends to engage the services of a third party validator to observe, record and validate that the negotiations have been undertaken and agreements have been concluded in accordance with the requirements of the Resettlement Plan.
4. In case the Third-Party validator finds that there is a lack of symmetry and fairness in the negotiation process, including uneven access to information, this should be resolved through application of the grievance redress mechanism set out in the Resettlement Plan.

#### **B. Scope of Work**

5. The Third-Party Validator will provide independent verification/validation of the conformance of the negotiation process with the Resettlement Plan between Solomon Water and each affected person or group. To achieve this, the tasks required of the validator will comprise;
  - (i) Reviewing the Project’s Resettlement Framework and Resettlement Plans.
  - (ii) Attending initial consultations and negotiation meetings.
  - (iii) Conducting meetings and interviews with landowners and other affected persons as required.
  - (iv) Reviewing minutes of meetings and documentation of other consultations leading up to the conclusion of agreements.

- (v) Reviewing complaints submitted under the Project's grievance redress mechanism and participating in the ensuing discussions.
- (vi) Validating that agreements are voluntary (through meetings or interviews as required)
- (vii) Validating that agreed compensation and other assistance is fair and reasonable.

6. Note that the Third-Party Validator must disclose any conflict of interest with affected persons.

**C. Outputs**

7. A brief report documenting the results of the review and validation activities will be prepared and submitted to Solomon Water and MOFT and will form part of the Project's reporting to ADB.

**D. Qualifications**

8. The Third-Party Validator should have experience and qualifications in law, land rights or negotiation. The validator must, although engaged by Solomon Water, be able to perform their role impartially. Appropriate candidates for the role may include lawyers or magistrates, or civil society organizations in related fields or roles.

## **Annex 4: Terms of Reference for Lands Management Officer**

### **Terms of Reference for Land Management Officer – Land Acquisition and Resettlement**

#### **A. Background**

1. In pursuing its vision of “safe water for a healthy nation” Solomon Water has prepared a 30-Year Strategic Plan and 5-Year Action Plan, which embody its planned improvements to all aspects of delivering safe and reliable water supply and sewerage services in its urban areas of operations. From these strategic plans, a number of high priority projects have been identified for development, including the Urban Water Supply and Sanitation Sector Project (“the project”).
2. Activities to deliver the project’s outputs may include:
  - (i) new surface water source and associated water treatment and raw and treated water transmission infrastructure on the Lungga River;
  - (ii) augmenting trunk mains from the Mataniko and White River borefields to the existing water supply networks;
  - (iii) augmenting reservoir capacity;
  - (iv) rehabilitation and expansion of the Gizo water supply system;
  - (v) rehabilitating GHA’s sewer outfalls;
  - (vi) construction of new pump stations at several locations to pump sewage to the existing outfalls at King George VI and Point Cruz; and
  - (vii) construction of a septage treatment facility to service GHA.
3. Land acquisition will be required from owners and occupants at some if not all of the affected sites. A Resettlement Framework has been prepared and Resettlement Plans will be prepared for each subproject. Consultations with affected persons will be carried out with a view to negotiating agreements on compensation and other assistance.
4. Solomon Water has established a Project Management Unit (PMU) responsible for implementing the Project, including acquisition of the necessary land in accordance with the Resettlement Framework (RF) and Resettlement Plans (RPs). A Land Management Officer is required to work within the PMU as the principal person responsible for land acquisition and resettlement activities.

#### **B. Scope of Work**

5. Under the direction of the Project Manager, the primary job purposes of this position are:
  - (i) manage the land acquisition and resettlement aspects of the project;
  - (ii) participate with ADB social safeguards specialists in planning and carrying out community consultations, social safeguards assessment and preparing mitigation measures, if applicable, on proposed subprojects; and
  - (iii) produce social safeguards reports including Due Diligence Reports, and RPs for compliance with RF and RPs.
6. The Officer will be required to:
  - (i) advise on project decisions concerning land acquisition (in consultation with MLHS re customary land);
  - (ii) manage design and supervision consultants on all matters dealing with resettlement and consultations;
  - (iii) prepare and update Due Diligence Reports;

- (iv) disclose the RF and RPs/Due Diligence Reports;
- (v) inform APs, local authorities and interested others about the project, including compensation details;
- (vi) coordinate with MLHS and Commissioner of Lands to initiate the land acquisition process;
- (vii) update inventory of losses and census of affected persons;
- (viii) coordinate with MOFT/Solomon Water to obtain budget and funds for compensation payments;
- (ix) regarding alienated land: prepare and attend to execution of purchaser agreements; payment of purchase price; registration in Land Registry;
- (x) with civil contractor schedule and makes compensation payments for non-land assets;
- (xi) record the compensation payment process for monitoring and reporting;
- (xii) establish, facilitate, and monitor grievance procedures as outlined in RPs;
- (xiii) provide data and other information to external monitoring agencies; and
- (xiv) prepares completion report.

**C. Section F: Selection Criteria**

- 7. Minimum Qualification:
  - (i) professional and recognized economics, engineering, environment, or social sciences qualification, at least at diploma level;
  - (ii) record of professional development in safeguards practices;
  - (iii) training and communication competencies;
  - (iv) data analysis and report writing capability; and
  - (v) good interpersonal, verbal, written, communication and presentation skills.
- 8. Experience in:
  - (i) conduct of social safeguards assessments and exposure in safeguards practices; and
  - (ii) record of honesty and integrity.
- 9. Knowledge of:
  - (i) good understanding of safeguards issues, training, and processes applicable in the Solomon Islands;
  - (ii) good knowledge of applicable policies, procedures, and SIG requirements; and
  - (iii) awareness of safeguard issues associated with water/wastewater infrastructure works.

**Annex 5: Summary of Initial Consultations**

**Honiara Catchment Management Project**

# **Catchment Community Consultation Report**

**20th May 2020**

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**Prepared for:  
Solomon Islands Water Authority (SIWA)**



## I. INTRODUCTION

1. The consultation with landowners from the Lungga and Kongulai Catchments was undertaken during the period of 20th – 23rd April 2020 to inform the design of the GEF financed *Honiara Catchment Management Project*. The *Honiara Catchment Management Project* is a child project of the Urban Water Supply and Sanitation Sector Project (UWSSSP). The overall project aims to address the impacts of forest and land degradation in the catchments surrounding Honiara, and in particular reduce vulnerability to the impacts of climate change.
2. Most of the land in the Lungga and Kongulai catchment areas are held under customary title. The customary landowners are key rights holders and decision makers about land and resource use. Catchment management interventions need to provide benefits to the custom landowners and ensure they are not negatively impacted. The Honiara Catchment Management Project approach includes improving catchment management through interventions that provide benefits to incentivise customary landowners to participate in alternative livelihood activities and engage in better land management practices.
3. The landowner consultation was undertaken using a Participatory Rural Appraisal (PRA) approach. PRA is generally defined as a facilitated process that is 'participant centered', involving them in a critical examination of issues and identification of solutions. In PRA, all participants and the facilitation team learn from each other.

## II. OBJECTIVES

4. The general objective of the consultation was to gather information from male and female members of the catchment communities to inform the design of the GEF *Honiara Catchment Management Project* proposal. Specifically, the consultation aimed to:
  - (i) build landowners understanding of the relationship between catchment land use and downstream impacts;
  - (ii) grow a relationship of trust between landowners and project proponents, including SIWA;
  - (iii) ensure landowners' knowledge and experience is valued and used to inform the project design;
  - (iv) understand landowner needs and aspirations for future development, including to develop an understanding of landowner values and the benefits that could incentivize land use change;
  - (v) determine the drivers of past land use decisions;
  - (vi) understand the barriers and possible solutions for uptake of alternative, sustainable land use practices; and
  - (vii) ensure that project interventions are fair and empowering for women.

## III. SUMMARY OF KEY FINDINGS

5. The following key findings are summarized from the results section of this report.
  - (i) Custom landowners (male and female) consider cultural and customary values of catchment areas (including forests and rivers) to be highly important. The tangible cultural values include provision of resources used for custom purposes, such as making traditional dress. *Tabu* places such as burial sites and sites used for sacrifices by ancestors are still considered highly important;
  - (ii) Landowners perceive the catchment area to have changed significantly. Major changes were considered to be the introduction of logging, use of the catchment area

for the Honiara city water source, and emigration of people out of the catchment area towards the coastal and peri-urban areas of Honiara. Changing attitudes of younger generations were also perceived to be a driver of change. The catchment areas are still used today for gathering resources (e.g. building materials and firewood), and hunting;

- (iii) While men and women identified positive and negative outcomes from logging, the overall general perception was negative. Most participants suggested that revenue from logging was short lived and unfairly distributed. Logging is perceived to bring social issues such as teenage pregnancies, fighting within the communities and tribes, and land disputes;
- (iv) Some women reported receiving royalties but said that most of the royalties went to men, as distributed by Trustees (all male). The prevailing view is that royalty distribution is unfair, and men receive a bigger share than women;
- (v) The women also stated that damage to the environment is a major concern arising from commercial logging. They explained that women are predominantly involved in gardening and looking for food in the bush and reported that since logging came and destroyed the natural environment women have to walk further to make gardens or look for food. They also must walk longer distances to get water since logging has also affected the water supply;
- (vi) A significant negative perception for implementing catchment protection was the timeframe for the project to start when compared with logging activities. Male participants stated that the catchment protection project would need to start quickly because discussions with logging companies are progressing in some parts of the catchment;
- (vii) Participants perceived that establishing a Protected Area in the catchment would prevent them from accessing land and resources (e.g. for firewood, building materials or hunting). Hence this was considered as a barrier to gaining support;
- (viii) Men and women said that PES is a new concept that requires more consultation and training with the communities. At the moment there is not enough information about the proposed project;
- (ix) "Money" was generally ranked as the most important benefit sought by men, and women ranked it as relatively important. This was related to the importance of money in the life of people who live in an urban or per-urban environment, where most goods and services are purchased;
- (x) Education, employment and setting up businesses were also generally perceived to be important benefits sought from development projects, especially because they enable people to have better livelihood opportunities or allow people to earn money.
- (xi) Women highlighted that despite Guadalcanal being a matrilineal society, men always dominate in any decision making about land issues or land development. Participants reported that gender roles and responsibilities are strongly determined by culture;
- (xii) Women have the capabilities to do various positions such as project manager/coordinator, treasures, chairperson, secretary, trainers, rangers etc. However presently women only occupy these positions in organizations that do not involve men;
- (xiii) Barriers identified (by women and men) to women's increased participation were similar. The main barrier is perceived to be cultural, where women's roles are subordinate to men in most areas of decision making and in particular in relation to land;
- (xiv) Lack of capacity and skills for participation in the project was a barrier identified by men and women;

- (xv) Logging companies were perceived to be a major barrier to change. People want and need money and therefore had incentives to agree to logging company offers to log their forest, which were also reported to be supported by the Department of Forestry;
- (xvi) Participants reported that since the catchment covers peri-urban areas there are some illegal settlers settling in some parts or near the catchment areas. This is an external barrier that could cause risks to a catchment project; and
- (xvii) From the discussions and general observations, the timeframe for developing a catchment protection project is a key issue. Logging is currently the major threat to the catchments and people will likely pursue this option unless an alternative is available very soon.

#### **IV. RECOMMENDATIONS**

6. The following activities and approaches are recommended for inclusion in the GEF *Honiara Catchment Management Project* proposal. These recommendations relate specifically to the engagement of custom landowner communities from the catchments.

- (i) Landowner benefits should be delivered as early as possible in the project implementation period, or if possible, prior to commencement of the project through related catchment management co-financing. This is required to provide a viable and timely incentive to cease logging activities. Opportunities to provide benefits by engaging landowners in restoration works should be considered a high priority.
- (ii) Benefits to landowners should include (but not be limited to) some form of financial remuneration, such as through employment, or clan or family payments. This recognizes the importance of money to the lives of catchment communities and the need to cover their 'opportunity costs' of foregoing income from logging. However, such forms of benefit sharing should be supported by investments in good governance and planning (see below).
- (iii) Distribution of benefits to landowners should also include non-financial benefits, such as investments into education and new enterprise development. The non-financial benefits should be determined through community-led planning processes.
- (iv) To ensure good planning and fair distribution of project benefits (e.g. PES payments), the project must invest in supporting good governance and benefit sharing arrangements at community level. The project should not repeat mistakes from the logging experience, where unfair distribution of royalties and poor governance has led to conflict and other issues.
- (v) Careful consideration should be given to establishment of projects on Registered Land, as this presents significant risk to fair and transparent governance and sharing of benefits. Other instruments such as Land Recording or the Protected Areas Act (i.e. not requiring alienation of land) are likely to be more appropriate. Establishment of Registered Land concentrates decision-making through a small number of Trustees and was identified by landowners as a significant reason for unfair benefit distribution and reason for conflict in relation to logging activities. However, projects on Registered Land may be more appropriate if it were possible to establish another layer of governance that is conducive to fairness and transparency. The latter may be required if the project seeks to shift the activities of existing landowner companies (operating on Registered Land) from logging to PES.
- (vi) Education and consultation are required to correct landowner misconceptions that Protected Areas will lock them away from access to land or resources (e.g. firewood collection). The Protected Areas Act makes specific provisions for local and customary access and use of resources from Protected Areas on customary land.



- (vii) An equal number of male and female representatives (mandated by landowner communities) should be represented in catchment level governance arrangements (e.g. under the proposed Water Fund model). This acknowledges the key role of landowners as decision makers and beneficiaries.
- (viii) The project should include dedicated investments into women’s empowerment and participation. While inclusion of women should be a ‘cross-cutting’ aspect of the project, it is recommended that it is also a specific activity focus requiring dedicated personnel. Women in the catchment face complex and challenging cultural and other barriers to participation and are arguably the most impacted by poor land use and governance. Conversely, consultation results indicate that women could play positive roles in various aspects of the project.
- (ix) While equal participation of women should be mandated under the project, it is recommended that a bottom-up participatory approach to women’s empowerment be pursued. The project must mitigate the risks of causing unintended negative consequences (e.g. domestic violence) and recognize that a culturally sensitive approach is needed.
- (x) Further investment in landowner community consultation is required prior to and through the implementation of the project. This should aim to build landowner awareness and understanding of alternative land use and livelihood opportunities (e.g. PES), increase capacity for participation, and build trust between landowners and institutional stakeholders (including SIWA).
- (xi) The project should incorporate activities that provide opportunities to involve elders (men and women) in the practice and sharing of customary traditions on their land. This will contribute to maintenance of cultural values that are reported to be declining in younger generations.
- (xii) Solomon Islands Government needs to adopt a unified and coordinated position towards catchment protection, as landowners may be confused by conflicting approaches.

## V. SUMMARY OF TABLES

**Table 1: Workshop Participation**

Date	20/04/2020	21/04/2020	22/04/2020	23/4/2020
<b>Facilitator</b>	Bill Apusae	Bill Apusae	Bill Apusae	Bill Apusae
<b>Note takers</b>	Michelle Maelaua, Relinta Manaka	Michelle Maelaua, Relinta Manaka	Michelle Maelaua, Relinta Manaka	Michelle Maelaua, Relinta Manaka
<b>Description</b>	Women’s workshop #1 Lungga, Mataniko and Kongulai Landowners	Men’s workshop #1 Kongulai Landowners	Men’s workshop #2 Lungga Landowners	Men’s workshop #3 Lungga & Kongulai Landowners
<b>Landowner Attendees</b>	Doreen Maeke, Margareth Haso, Elizabeth Wale, Melissa Lauhana, Sarina Su’umani, Susan Devesi, Susan Tani, Melinda Kii, Jae Vatohi	Bernard Supawa, Augusto Taraha, Mariano Mele, Luciano Dime, Leonard Mare, Siplisio Loga, Damaso Roko.	Vanderlaar, Gideon Raba, Sam Kulolo, Reginald Tohina, Larry Viravira,	Peter Kutu, Stanley Teteha, Logino Vatohi, Junior Malaha
<b>Other attendees</b>	Chanel Iroi (Undersecretary) and Banabas Bago - MECDM			

### Semi-structured interview respondents

- (i) Augusto Taraha (male)
- (ii) Bernard Supawa (male)
- (iii) Doreen Maeke (female)
- (iv) Jae Vatohi (female)
- (v) Kasiano Kere (male)
- (vi) Melinda Kii (female)
- (vii) Peter Kutu (male)

**Table 2: Men’s List of Past and Present Catchment Uses**

Past uses	Present uses
<ul style="list-style-type: none"> <li>• Hunting of wild pigs</li> <li>• Hunting of birds (dove)</li> <li>• Cutting trees and sticks for building house</li> <li>• Harvesting bush ropes for building house</li> <li>• Customs houses</li> <li>• Gardening – traditional gardening</li> <li>• Cultural sites (Tabu sites)</li> <li>• Harvesting of custom medicines (Herbal medicines)</li> <li>• Water (River) for swimming, drinking, cooking, and washing)</li> <li>• Old settlements</li> <li>• Gardening (traditional)</li> <li>• Secret sites or tabu sites</li> <li>• Water source for; drinking, cooking, swimming, bath and washing</li> <li>• Collection of building materials for houses</li> <li>• Collection of traditional medicines (herbs)</li> <li>• Food source – pig meets, birds, ferns, and fruits</li> <li>• During the past most people depend entirely on the catchment areas.</li> </ul>	<ul style="list-style-type: none"> <li>• Try to protect under SIWA act</li> <li>• Commercial logging activities</li> <li>• Gardening (Traditional &amp; Modern)</li> <li>• Water Catchment for Honiara City</li> <li>• Herbal medicines harvesting</li> <li>• Tourism activities</li> <li>• Educational research (Scientific)</li> <li>• Settlements</li> <li>• Gardening – traditional &amp; modern.</li> <li>• Hunting still practiced today</li> <li>• Commercial logging</li> <li>• Local scale logging (Lucas milling)</li> <li>• Main source of water supply to the Honiara City</li> </ul>

**Table 3. Value of Ecosystem Goods and Services as Determined by Male Landowners (\$SBD)**

Ecosystem Goods or Service	Use	Alternative	Cost to Purchase at Store/Market	Cost to Family in1 Year
Water from streams and Rivers	Drinking	Minerals bottle of water	\$10.00/bottle	\$3,650.00
Fish from River	Food	Canned Tuna	\$15.00/can	\$5,475.00
Roots Crops (Cassava, Yam etc.)	Food	Rice	\$169.00/20kg bag	\$5,475.00

Ecosystem Goods or Service	Use	Alternative	Cost to Purchase at Store/Market	Cost to Family in1 Year
Herbal Medicine	Medicine (drugs)	E.g., Panadol (Pharmacy)	\$50.00	\$8,112.00
Wild Pig	Food	Pork	\$30.00/kg	\$10,950.00
Bush Tobacco leaves	Smoking	Cigarette	\$25.00	\$9,125.00
Hunting of wild pig	Food meat	Buy pork meat from butchery shop	\$500.00/leg tie	\$6,000.00/year
Bush material for houses	Building houses	Timber from timber yard	\$30,000.00	\$30,000.00
		Renting a house	\$2,000.00/Month	\$24,000.00
prawn from River	Food	Market	\$1,000.00/month	12,000.00/year

**Table 4(a). Women’s Perceptions of the Positive and Negative Aspects of Commercial Logging**

Pros (positive)	Cons (negative)
<ul style="list-style-type: none"> <li>• Provide employment opportunity</li> <li>• Royalty payment</li> <li>• Provides material for house</li> <li>• Provides income</li> <li>• Supply building materials for schools, community houses and churches</li> <li>• Creating road access</li> <li>• Provide employments</li> <li>• Assist in community development</li> <li>• Assist in school fees for landowner students</li> <li>• Economic benefit for the country</li> </ul>	<ul style="list-style-type: none"> <li>• Deforestation</li> <li>• Soil erosion</li> <li>• Land, air, and river pollution</li> <li>• Soil degradation</li> <li>• Causes flash floods</li> <li>• Land disputes and division among family, communities, and tribes</li> <li>• Human trafficking</li> <li>• No proper implementation of activities such EIA (Environmental Impact Assessment)</li> <li>• Destroy the ecosystem</li> <li>• Land, water, and air pollution</li> <li>• Unequal royalty sharing</li> <li>• Degradation of water quality</li> <li>• Land dispute</li> <li>• Teenage pregnancies</li> <li>• Broken families - husband separating from wife.</li> </ul>

**Table 4(b). Women’s Perceptions of the Positive and Negative Aspects of Water Shed Protection**

Pros (positive)	Cons (negative)
<ul style="list-style-type: none"> <li>• Tourism attraction</li> <li>• Income from sustainable gardening</li> <li>• Recreational sites</li> <li>• Good environment/ecosystem</li> <li>• Availability of resources</li> <li>• Preserved for future generations</li> <li>• Protect environment/ecosystem from destructions (commercial logging)</li> <li>• Protect cultural sites (Tabu &amp; secret sites)</li> <li>• Maintain ecosystem goods and services</li> <li>• Promote recreation activities</li> <li>• Promote better water quality and quantity</li> <li>• Avoid destructive development (logging)</li> </ul>	<ul style="list-style-type: none"> <li>• Time consuming</li> <li>• More consultation and awareness are needed</li> <li>• Stealing of resources might happen</li> <li>• Disputes may arise</li> <li>• No access to resources</li> <li>• Need to properly understand the overall concepts</li> </ul>

**Table 5(a). Men’s Perceptions of the Positive and Negative Aspects of Commercial Logging**

Pros (positive)	Cons (negative)
<ul style="list-style-type: none"> <li>• Royalty payments</li> <li>• Employment opportunity</li> <li>• Road Access</li> <li>• Improve church and school buildings</li> <li>• School fees</li> <li>• Building halls</li> <li>• Provide timber for building houses</li> <li>• Development – clinics, church building, school buildings,</li> <li>• Access to water supply</li> </ul>	<ul style="list-style-type: none"> <li>• Damages of catchment areas – pollution – streams, rivers, air</li> <li>• Unfair distributions of royalty payments</li> <li>• Land disputes within and among tribal groups</li> <li>• Social effects – teenage pregnancies, and fighting (tribal, family &amp; communities)</li> <li>• Forest and land degradations</li> <li>• Loss of biodiversity</li> <li>• Invasive species (Giant African Snail)</li> <li>• Increasing Carbon Dioxide in atmosphere.</li> <li>• Health risks</li> <li>• Damaging of cultural sites (tabu sites, old settlements, secret sites)</li> <li>• Social issues – fighting within communities, families, and tribes.</li> <li>• Teenage pregnancies</li> </ul>

**Table 5(b). Men’s Perceptions of the Positive and Negative Aspects of Water Shed Protection**

Pros (positive)	Cons (negative)
<ul style="list-style-type: none"> <li>• Improve water quality and quantity</li> <li>• Conservation or protection of catchment resources for future generation</li> <li>• Protect biodiversity</li> <li>• Increases resources within the catchment catchments</li> <li>• Act as a carbon sink</li> <li>• Improve soil quality</li> </ul>	<ul style="list-style-type: none"> <li>• Restricted access to natural resources</li> <li>• Can also bring disputes among tribes and communities</li> <li>• New concept/idea that new to people</li> <li>• Timeframe – process too long and people will change to logging.</li> <li>• Timeframe – awareness on preservation of environment/catchment area is too late</li> </ul>

Pros (positive)	Cons (negative)
<ul style="list-style-type: none"> <li>• Availability of abundant fresh air</li> <li>• Provide food security</li> <li>• Better ecosystem services</li> <li>• Protection of cultural sites – tabu sites or secret sites</li> <li>• Provide recreational area for tourism</li> <li>• Stop illegal logging activities</li> </ul>	<ul style="list-style-type: none"> <li>• Disputes of land ownership of benefit sharing is involved</li> <li>• This can also lead to mismanagement of project funds with no proper skills</li> <li>• Poor management of land/resources due to lack of skills and capacity</li> </ul>

**Table 6: Women’s Interest in Alternative Land Use Activities**

Rank	Activities	Rationale
<b>Very good.</b> Very interested. It's close to my heart.	<ul style="list-style-type: none"> <li>• Traditional gardening</li> <li>• Bee keeping</li> <li>• Eco-tourism</li> <li>• Reforestation</li> <li>• Protected area</li> <li>• Modern gardening</li> <li>• Firewood harvesting</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain soil quality and do not have much harm to the ecosystem</li> <li>• Provide food security and livelihood for the family and communities</li> <li>• Land use such as beekeeping and protected area can help protect ecosystem</li> <li>• Reforestation can also help rebuild ecosystem and soil and water quality.</li> </ul>
<b>Good.</b> I am interested. I generally like this.	<ul style="list-style-type: none"> <li>• Harvesting fern</li> <li>• Noni, cocoa, and ginger farming</li> <li>• Tilapia farming</li> <li>• Coconut and beetle nut plantations</li> <li>• Income from conservation</li> <li>• Recreational sites</li> <li>• Poultry farming</li> </ul>	<ul style="list-style-type: none"> <li>• They may be not very good and can have minor disadvantages. For instance, tilapia can cause changes to native species, but it is also good for income.</li> <li>• They also mention that some of these land uses needs to be properly understood before it can be implemented</li> <li>• Land use activities such coconut and beetle nut plantation required land clearing therefore but is ranked as good for income and livelihood.</li> </ul>
<b>Neither good nor bad.</b> I am undecided about this.	<ul style="list-style-type: none"> <li>• Cattle grazing</li> </ul>	<ul style="list-style-type: none"> <li>• We need more information about this land use - it also needs to be properly managed. Even though it could have positive impact to the livelihood and economic it also can have impact on ecosystems and natural environment.</li> </ul>
<b>Not great.</b> Not really interested.	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Really bad.</b> I would not support this.	<ul style="list-style-type: none"> <li>• Commercial logging</li> <li>• Local scale logging</li> <li>• Mining.</li> </ul>	<ul style="list-style-type: none"> <li>• Cause damage and harm to the ecosystems (forest, river, and air)</li> <li>• Decreases soil quality and water quality</li> <li>• Causes social issues such as - fighting within communities and families and teenage pregnancies etc.</li> <li>• Land disputes from unequally distribution of royalties (benefits)</li> <li>• Health risks such as malaria, stomach upsets etc</li> <li>• Invasive species - giant African snails</li> </ul>
<b>Do not know</b>	<ul style="list-style-type: none"> <li>• Rice farming</li> </ul>	<ul style="list-style-type: none"> <li>• More knowledge, skills, and information on how to carry out the land use activity is required.</li> </ul>

**Table 7: Men’s Interest in Alternative Land Use Activities**

Rank	Activities		
	Group 1	Group 2	Group 3
<b>Very good.</b> Very interested. It is close to my heart.	<ul style="list-style-type: none"> <li>Traditional Gardening (Yam/Taro)</li> <li>Cattle grazing</li> <li>Earning income from forest protection</li> <li>Eco-tourism</li> <li>Beekeeping</li> </ul>	<ul style="list-style-type: none"> <li>Traditional gardening</li> <li>Modern gardening</li> <li>Bee keeping</li> <li>Eco-tourism</li> </ul>	<ul style="list-style-type: none"> <li>Traditional gardening</li> </ul>
<b>Good.</b> I'm interested. I generally like this.	<ul style="list-style-type: none"> <li>Modern Gardening</li> <li>Local Scale Logging (Lucas mill)</li> <li>Firewood harvesting</li> <li>Harvesting of timber – building materials</li> <li>Noni Farming</li> </ul>	<ul style="list-style-type: none"> <li>Local scale logging</li> <li>Cattle grazing</li> </ul>	<ul style="list-style-type: none"> <li>Cattle grazing</li> <li>Eco-tourism</li> </ul>
<b>Neither good nor bad.</b> I am undecided about this.	<ul style="list-style-type: none"> <li>Commercial logging</li> <li>Mining</li> </ul>	<ul style="list-style-type: none"> <li>Firewood harvesting</li> </ul>	<ul style="list-style-type: none"> <li>Modern gardening</li> <li>Local scale logging</li> <li>Firewood harvesting</li> <li>Earning income from forest protection and management</li> </ul>
<b>Not great.</b> Not really interested. I have concerns.	<ul style="list-style-type: none"> <li>Commercial Logging</li> <li>Firewood harvesting</li> </ul>		<ul style="list-style-type: none"> <li>Beekeeping</li> </ul>
<b>Really bad.</b> I would not support this.		<ul style="list-style-type: none"> <li>Commercial logging</li> <li>Mining</li> </ul>	<ul style="list-style-type: none"> <li>Commercial logging</li> <li>Mining</li> </ul>
<b>Do not know</b>			<ul style="list-style-type: none"> <li>Noni farming</li> </ul>

**Table 8: Women’s Ranking of Aspirations (Benefits)**

Group	Ranking (1 = most important)	Rationale
<b>Group one (women)</b>	<ol style="list-style-type: none"> <li>Better school, or payment of school/ university</li> <li>Employment</li> <li>Money</li> <li>Infrastructure</li> <li>Help to set up own business</li> <li>Better essential services (water / electricity)</li> </ol>	<p>Today education is the key thing to everything. Therefore, they identified education must be the first and foremost thing.</p> <p><i>“With education you can get employment and then you get money. With money you can have good infrastructure, help to set up your own business and have better essential services.”</i></p>
<b>Group two (women)</b>	<ol style="list-style-type: none"> <li>Help to set up own business</li> <li>Better school or payment of school/ university</li> <li>Money</li> <li>Employment</li> <li>Infrastructure</li> <li>Better essential services (water and electricity)</li> </ol>	<p>With your own business someone can have money to start or have better schools, or payment of school/university fees. The group highlighted with better education you can get money to create jobs, infrastructure, and better essential services (water &amp; electricity).</p>

**Table 9(a). Men’s Ranking of Aspirations (Benefits)**

Group	Ranking (1 = most important)
<b>Group one (men)</b>	<ol style="list-style-type: none"> <li>1. Money</li> <li>2. Employment of jobs</li> <li>3. Infrastructure</li> <li>4. Better essential services</li> <li>5. Better school, or payment of schools, university fees</li> <li>6. Help to set up own business</li> </ol>
<b>Group two (men)</b>	<ol style="list-style-type: none"> <li>1. Help to set up own business</li> <li>2. Money</li> <li>3. Better school, or payment of schools, university fees</li> <li>4. Employment of jobs</li> <li>5. Infrastructure</li> <li>6. Better essential services</li> </ol>
<b>Group three (men)</b>	<ol style="list-style-type: none"> <li>1. Money – royalty payments</li> <li>2. Help to set up own business</li> <li>3. Better school, or payment of school/University fees</li> <li>4. Employment</li> <li>5. Infrastructure</li> <li>6. Better essential services (water/electricity)</li> </ol>
<b>Group four (men)</b>	<ol style="list-style-type: none"> <li>1. Better school, or payment of school/university fees</li> <li>2. Employment</li> <li>3. Money</li> <li>4. Help to set up own business</li> <li>5. Infrastructure</li> <li>6. Better essential services (water/electricity)</li> </ol>

**Table 9(b): Average Ranking of Importance of Benefits According to Men**

Benefit	Average ranking (1 = most important)
• Money – royalty payments	1.75
• Employment	3
• Better school, or payment of school/university fees	3
• Help to set up own business	3.25
• Infrastructure	4.5
• Better essential services (water/electricity)	5.5

**Table 10: Women’s Perceptions of Gender Roles in Key Activities**

Activity	How are men involved?	How are women involved?
Decisions about how land is used	<ul style="list-style-type: none"> <li>• Primary decision makers in all land issues</li> <li>• Most men are spoke persons of the tribes</li> </ul>	<ul style="list-style-type: none"> <li>• Contribute very little land matters.</li> <li>• 30% of women involved in land issues</li> </ul>

Activity	How are men involved?	How are women involved?
Running an organization (e.g. an association or business)	<ul style="list-style-type: none"> <li>• Hold key roles (chairperson, treasurers etc.).</li> <li>• Some associations have women representatives (e.g. 70% men 30% women), however women usually hold ordinary positions while men hold then office bearing positions</li> </ul>	<ul style="list-style-type: none"> <li>• Some organizations / associations have majority women</li> <li>• Women are more likely to hold position in women's groups – e.g. women's saving clubs</li> </ul>
Distributing benefits from an organization's activities	<ul style="list-style-type: none"> <li>• Depends on individuals' attitudes. Some men are selfish and distribute benefits unequally</li> </ul>	<ul style="list-style-type: none"> <li>• Same as men too when dealing with benefit sharing</li> </ul>
Managing money for a household (buying food etc.)	<ul style="list-style-type: none"> <li>• Men are financial support and some more dominant with household finance.</li> </ul>	<ul style="list-style-type: none"> <li>• Financial support and more likely to look after 'proper' management of money.</li> </ul>
Solving conflicts	<ul style="list-style-type: none"> <li>• Men as leaders in the communities/families have responsibility in solving conflicts</li> </ul>	<ul style="list-style-type: none"> <li>• Women support in solving conflicts</li> </ul>
Education of children	<ul style="list-style-type: none"> <li>• Men assist in finance</li> </ul>	<ul style="list-style-type: none"> <li>• Women are more concerned about children's education</li> </ul>

**Table 11: Men's Perceptions of Gender Roles in Key Activities**

Activity	How are men involved?	How are women involved?
Decisions about how land is used	<ul style="list-style-type: none"> <li>• In most cases men involved in most decisions on how land is used.</li> <li>• Sole responsibilities for men</li> </ul>	<ul style="list-style-type: none"> <li>• Rely on men because in their culture mostly men carry decisions on land issues</li> </ul>
Running an organization (e.g., an association or business)	<ul style="list-style-type: none"> <li>• Men play most of roles in any association or business if the organization is the community's organization</li> </ul>	<ul style="list-style-type: none"> <li>• Very limited with communities' associations but dominant in women associations</li> <li>• In mixed gender associations men still dominate</li> </ul>
Distributing benefits from an organization's activities	<ul style="list-style-type: none"> <li>• Mostly controlled by men if it is for tribes or from logging royalty payments</li> </ul>	<ul style="list-style-type: none"> <li>• Women are involved in distributing benefits from their own organizations' activities (e.g. women's savings clubs).</li> <li>• Men distribute benefits from community organizations' activities.</li> </ul>
Managing money for a household (buying food etc.)	<ul style="list-style-type: none"> <li>• Depends on each family</li> </ul>	<ul style="list-style-type: none"> <li>• Depends on each family</li> </ul>



Activity	How are men involved?	How are women involved?
Solving conflicts	<ul style="list-style-type: none"> <li>• Communities – men</li> <li>• Tribal – Chiefs and elders</li> <li>• Family – Husband or wife</li> </ul>	<ul style="list-style-type: none"> <li>• Family – Wife &amp; Husband</li> </ul>
Education of children	<ul style="list-style-type: none"> <li>• Depends on each family</li> </ul>	<ul style="list-style-type: none"> <li>• Depends on each family</li> </ul>

**Table 12: Perceptions of Women’s Roles in a Catchment Management Project**

Group	What Roles Could Women Play?	What are the Barriers to Women Taking on Different or New Roles?
Women’s responses	<ul style="list-style-type: none"> <li>• Chairperson</li> <li>• Spokesperson</li> <li>• Trustees</li> <li>• Project Managers/ Coordinator</li> <li>• Treasurers</li> <li>• Trainers</li> <li>• Secretary</li> </ul>	<ul style="list-style-type: none"> <li>• Cultural barriers – women always have respect to their culture</li> <li>• Men dominant culture – men always make decisions and dominate in the communities</li> <li>• Women do not have the capacity to speak up</li> <li>• Men always override</li> <li>• Lack of technical skills</li> <li>• Family commitments</li> <li>• Lack of support from spouse</li> <li>• Disregard women to any decision making</li> </ul>
Men’s responses	<ul style="list-style-type: none"> <li>• Project managers</li> <li>• Project coordinator</li> <li>• Accountant</li> <li>• Chairperson</li> <li>• Trainers</li> <li>• Rangers</li> <li>• Secretary</li> </ul>	<ul style="list-style-type: none"> <li>• Men dominant societies</li> <li>• Cultural barriers</li> <li>• Women regarded as cooks and housewives</li> <li>• Lack of capacities and skills</li> <li>• Afraid to speak up during meetings</li> </ul>

**Table 13. Women’s Perspective of Barriers and Solutions to Undertaking a Catchment Management or Protection Project**

Barriers	Solutions
<p><b>External (outside the community)</b></p> <ul style="list-style-type: none"> <li>• The project (Payment of Ecosystem Services) is a new concept/idea</li> <li>• Illegal settlers within the tribal land boundaries</li> <li>• Concerns about access to the catchment resources with legal protections</li> </ul>	<ul style="list-style-type: none"> <li>• Need proper consultations, awareness, and training with the whole communities</li> <li>• Need to proper dialogue with the help of the government with illegal settlers.</li> <li>• Proper consultations with legal process to communities (e.g. Protected Area Act 2010)</li> </ul>
<p><b>Internal (from inside the community)</b></p> <ul style="list-style-type: none"> <li>• Men’s dominance of a project and benefit sharing</li> <li>• Cultural barrier which does not allow women to speak up</li> </ul>	<ul style="list-style-type: none"> <li>• Women need to speak up during the meetings. Men need to allow women to contribute</li> </ul>

Barriers	Solutions
<ul style="list-style-type: none"> <li>• Tribal land disputes</li> <li>• Lack of capacity and skills to manage the project</li> </ul>	<ul style="list-style-type: none"> <li>• Gender training and awareness with the communities</li> <li>• Provide training and awareness with the communities</li> <li>• With the tribal land dispute there should be proper land consultations with wider communities and neighbouring tribes</li> </ul>

**Figure 14: Men’s Perspective of Barriers and Solutions to Undertaking a Catchment Management or Protection Project**

Barriers	Solutions
<p><b>External (outside the community)</b></p> <ul style="list-style-type: none"> <li>• Outsiders who came and live within the community (illegal settlers)</li> <li>• Threat of logging and mining</li> <li>• Neighboring tribes dispute of land boundaries</li> <li>• Outsider or foreigners control projects</li> <li>• Land boundary disputes from neighboring tribes</li> <li>• Logging companies</li> <li>• Royalty (payments) distribution</li> <li>• Project proposal from outside without considering local communities</li> <li>• New concept/ideas</li> <li>• Urban drift</li> <li>• Urbanization (town boundaries extended)</li> </ul>	<ul style="list-style-type: none"> <li>• Need to abide and by community rules and customs</li> <li>• Need more consultations with the communities</li> <li>• Provide awareness of logging effects</li> <li>• Proper Consultations with neighboring tribes</li> <li>• Train and up-skill locals to take up responsibilities.</li> <li>• Consult with governments line ministries on logging matters (Ministry of Environment &amp; Ministry of Forestry)</li> <li>• Proper distributions of payments</li> <li>• Consult with town authorities on town boundaries</li> </ul>
<p><b>Internal (from inside the community)</b></p> <ul style="list-style-type: none"> <li>• Miscommunication within the communities</li> <li>• Lack of skills and capacities</li> <li>• Land disputes</li> <li>• Current interest in logging &amp; mining</li> <li>• Lack of skills and capacities</li> <li>• Population increases</li> <li>• Demand of resources</li> </ul>	<ul style="list-style-type: none"> <li>• More awareness and consultations about the project</li> <li>• Need to have training to manage and sharing of benefits</li> <li>• Proper land recordings of land ownership must clear.</li> <li>• Apply family planning with population increases</li> <li>• Apply protected area legislations</li> </ul>