

**Process Framework for Involuntary Restrictions**

**March 14, 2018**

**CEPF Grant 103948**

**Wildlife Conservation Society**

***Protecting the Upland Forests of Kolombangara***

**Kolombangara Island, Solomon Islands**

## **Grant Summary**

1. Wildlife Conservation Society
2. Protecting the Upland Forests of Kolombangara
3. CEPF-103948
4. \$187,244.82
5. Start date: 6/1/2018. End date: 5/31/2020.
6. Solomon Islands
7. 3/14/2018

### **A. Project background**

This project will seek consent from landowning communities and tribes to designate a National Park on approximately 6,968 hectares of land under customary title above 400 m on Kolombangara Island under the Solomon Islands Protected Areas Act. Such a statutory designation would ban logging and mining activities within the Park boundaries, and could place a number of other restrictions on the use of plants, animals, and features of the area. The nature of these other restrictions will depend upon management rules for the Park's management plan developed by the provisional Management Committee and agreed by the landowners. Ownership of the land is not changed by National Park designation. The land will remain under customary ownership despite the formal registration of land as protected.

The proposed project will: build the program administration and financial management capacity of the Kolombangara Island Biodiversity Conservation Association (KIBCA), an indigenous community-based conservation organization, to implement the project; facilitate formal consultations with landowners using a government designed and approved free, prior and informed consent (FPIC) process to gain approval for National Park designation; facilitate development of the management plan for the National Park through participatory processes; initiate conversations with indigenous landowners around benefits sharing, with a focus on opportunities from small-scale ecotourism; and conduct regular monitoring against this process framework for involuntary restrictions and social assessments of any impacts to indigenous people.

### **B. Participatory implementation**

The proposed project is, in essence, a delivery mechanism to secure free, prior and informed consent (FPIC) for a detailed and complete consent procedure surrounding the establishment of the a National Park on customary land in the Kolombangara Upland Forest. This consent is required by the Protected Areas Act 2010, and the Director of Environment must be satisfied that this consent has been obtained before granting any National Park status. Given the complexity of the consent required (41 distinct villages, multiple tribal members outside the island, and a lack of clear boundary areas or differentiation between tribes), we are proposing to build this consent in two broad stages. This project design allows for broad-scale local participation to design and give consent to any restrictions on local ability to access resources through National Park establishment.

First, under Project Component 1 (*Secure project endorsement from stakeholders*), we will seek specific project endorsement from KIBCA, the Kolombangara Landowners Trust Foundation (KLTF) and the Kolombangara Island Council of Chiefs (KICC) for the CEPF project to develop a National Park on customary land only. This will be obtained through annual general meetings (to be held in July 2018) of KIBCA (supported under this proposal) and KLTF and KICC (supported under complementary funding through the Rainforest Trust). These organizations will be presented with a summary of the proposed approach, landowner and other stakeholder consultation schedule, and risk analysis, and they will be asked to share concerns and / or voice their consent. Following these critical meetings of organizations who represent indigenous landowner interest on the island, we will

convene a stakeholder roundtable in Honiara or Gizo (expected timing in early August 2018). This roundtable will itself serve three functions to: (1) bring together all parties working on Kolombangara and seek to align and harmonize various project agendas in order to minimize conflict and cause confused expectations from landowners; (2) strengthen the role of the Solomon Islands Government in coordinating and strengthening the process of protected area designation; and (3) obtain specific endorsement for this work from all stakeholders present. If time allows, we will also seek guidance from this group on the framework for a management plan, including identification of management rules that may affect local ability to access or use resources within the Park boundaries.

Once this endorsement has been obtained, under Project Component 4 (*Formalize protection of Kolombangara Upland Forest on customary land*), we will seek to enact the formal consultation processes described in the Protected Areas Act Regulations 2012. The Act dictates that for a protected area to be approved the applicant must show that the landowners, and other people who have rights in the area, want the area to be protected, and that the boundaries are agreed by neighbors, in addition to having an agreed, effective implementation plan and management committee. Specifically, the Act requires the consultation process to meet certain standards (described in Regulation 44(1)(a)). In each community, an internal consultation must be held to reach consensus or resolution about creating a protected area. To be legally valid these consultations must be given with appropriate notice so that all affected parties are able to attend. A record must be kept of the resolutions by the person chairing or presiding over the meeting, and records and minutes must be signed by at least two other people (Regulation 44(2)(a)).

We will run these meetings in each of the 41 villages within the project area, beginning in January 2019. We expect that there will be at least two meetings in each community. The first set of meetings will coincide with the advertisement of 30 days' notice for the formal consultations and will involve: presenting outcomes of scoping consultations held in 2016 and 2017; highlighting comments, concerns and expectations from community members; introducing the proposed consent process; and introducing grievance mechanisms and communication channels. The second set of meetings will: seek consent from community leaders to continue with the protected area process; discuss the protected area boundary; and discuss potential rules and regulations, with the aim of highlighting concerns. Following this meeting, community leaders will be asked to run internal village consultations about the proposal, and if in support, to sign an endorsement. All concerns raised about proposed management rules that restrict access or use of resources in the proposed Park boundaries will be communicated to the provisional Management Committee, who will adjust proposed rules based on local feedback. A third follow-up visit will collect endorsements and discuss any remaining concerns, including given feedback about any proposed changes to management rules.

**C. Criteria for eligibility of affected persons**

Eligibility is defined through local land tenure rights to the forest area over 400 m in Kolombangara Upland Forest. Land tenure rights are divided between at least five major tribal groups and a number of sub-tribes, however, as in most of the Solomon Islands, the boundaries of these tenure areas are not mapped or registered. Moreover, persons who have married into Kolombangara landowner families may have some rights to access and use resources on customary land, as negotiated with their kin by marriage. Because these access and use rights are exceedingly complex, we will defer to the judgment of bodies that represent landowner interests (KICC and KLTF) to determine eligibility of affected persons, including who is eligible to participate in decision-making regarding development and refinement of management rules that could restrict access or use of forest resources over 400 m. We will, however, communicate with KICC and KLTF to ensure gender equity is considered when assessing eligibility.

**D. Measures to assist the affected persons**

The consent procedures described in Section B are designed to identify and avoid adverse impacts. In general, if consultations identify that the proposed National Park is likely to have adverse impacts (i.e., by restricting certain uses of the area), this will generally be resolvable by discussion with the provisional Management Committee who will set the management rules. For example, if one community is concerned about restricted access to particular forest plants, this can be identified in the consulting process and allowed (either across the Park or in that specific area) by the Management Committee. To ensure the consent procedure is enacted with the appropriate nuance and sensitivity, under Project Component 3 (*CEPF project management and monitoring*), we will ensure that all KIBCA rangers are trained in best practice FPIC procedures, using expertise from WCS's Papua New Guinea program where we have designed a protocol for community engagement that recognizes the sensitivities of engaging in activities on indigenous lands (see Annex 5, Standardized Community Engagement Protocol for WCS PNG). Training of KIBCA rangers will also involve discussion of appropriate measures to engage women, youth and other marginalized sections of the population in consultations.

Success of project implementation in Solomon Islands depends on clearly articulated and realistically described benefits, which will incentivize management and potentially make up for any lost access to resources through Park establishment. Some of the benefits of the project include: (i) preservation of water sources, leading to clean drinking water and good health; (ii) potential livelihood opportunities from certified logging and bottled water production; and (iii) the ability to maintain traditional knowledge and practice through preservation of cultural sites and intact ecosystems.

In addition, we will use this work to build a foundation to increase the viability of small-scale tourism operators in and around the Park, by working with national government to promote the area and linking with training providers to up-skill community operators. More broadly, we will seek to link with other work in Solomon Islands (funded by the John D. and Catherine T. MacArthur Foundation and Oceans 5) that WCS is undertaking in collaboration the University of Queensland and the Solomon Islands Community Conservation Partnership to establish site-based trust funds that provide a benefits sharing mechanism to incentivize conservation efforts. Over the next two to five years we will seek to set up and capitalize a fund for Kolombangara. Ultimately, we expect that this fund will be able to provide culturally appropriate benefits to landowners in a form decided upon by the landowners themselves: this may include payment of school fees or improvements to critical infrastructure (e.g., health clinics, etc.).

Where grievances do arise and are reported through the complaints mechanism described in Section E, we will respond to them promptly and keep records of actions taken. We have incorporated the costs of safeguard monitoring into our activities under Project Component 4. KIBCA staff facilitating community meetings will be required to record concerns raised by indigenous landowners about how management rules might negatively impact cultural practices or access to resources within the Park boundaries. Landowners can also raise concerns directly with KLTF, KICC and the Provincial Government: WCS and KIBCA will liaise with these groups regularly to ensure complaints are registered and responded to as per our grievance mechanism. These concerns will also be reported to CEPF in our six monthly safeguard monitoring and raised to the provisional Management Committee to ensure that management rules do not adversely impact local people, particularly vulnerable or marginalized sectors of the communities.

**E. Conflict resolution and complaint mechanism.**

Stakeholders will be able to raise grievances at all times. The consenting process is designed to identify and mitigate grievances around the process to establish a National Park on customary land

above 400 m. Landowners will be able to raise grievances to KLTF, KICC and the Provincial Government, with whom we will maintain regular contact. We will make sure that each of the above organizations has a printed brief with the project objectives and a description of the grievance mechanism, which will include the email and telephone contacts for WCS, the CEPF Regional Implementation Team, and the local World Bank office, as well as the email of the CEPF Executive Director. During the first set of community meetings, KIBCA staff will go through the grievance mechanism with each community. We will share all grievances – and a proposed response – with the Regional Implementation Team and the CEPF Grant Director within 15 days. If the claimant is not satisfied following the response, they may submit the grievance directly to the CEPF Executive Director at [cepfexecutive@conservation.org](mailto:cepfexecutive@conservation.org) or by surface mail. If the claimant is not satisfied with the response from the CEPF Executive Director, they may submit the grievance to the World Bank at the local World Bank office.

The first months of the project will focus on building KIBCA capacity to respond effectively to any complaints. These reports will be included in periodic project reporting and will be discussed with the CEPF Regional Implementation Team. More importantly, significant grievances will inform the implementation of the project in terms of the eventual management of the protected area.

**F. Implementation Arrangements**

The draft Process Framework will be made available for discussion at annual general meetings of KIBCA, KLTF and KICC during the first phase of the project under Component 1 (*Secure project endorsement from stakeholders*). During these meetings, KIBCA, KLTF and KICC, which are composed of representatives from all five tribes, will have the opportunity to propose modifications to the Process Framework, which will be duly recorded in the meeting minutes. WCS will revise the Process Framework based on recommendations arising from the AGMs and will circulate to the above bodies for their consent. Once approved, WCS will assist KIBCA to prepare a presentation that outlines the Process Framework and grievance mechanism to be presented at the first set of village meetings. KIBCA rangers will deliver the presentation at each of the 41 village awareness meetings, where special attention will be made to deliver the material to women, youth and other potentially marginalized sectors of the community, even if this means holding separate meetings with those groups.