

Social Assessment and Process Framework for Involuntary Restrictions

Grant Summary

1. **Grantee organization:** Centre for Environmental Law and Community Rights Inc.
2. **Grant title:** Promoting Sustainable Resource Management and Protection to Reduce Threats from Oil Palm and Logging through Legal Education in the Baining Mountains and Nakanai Ranges, New Britain-Papua New Guinea
3. **Grant number:**CEPF 109899
4. **Grant amount (US dollars):**\$86,485
5. **Proposed dates of grant:** 1 July 2020 – 30 June 2021
6. **Countries or territories where project will be undertaken:** Papua New Guinea
7. **Date of preparation of this document:**15 May 2020

8. **Indigenous People affected:** *This section will describe the Indigenous People in the project area.*

The project areas lie within the Pomio District of the East New Britain Province, Papua New Guinea. The communities that will be involved in this project are from respective villages of three LLGs within the district. The three LLGs are: Sinivit, Central Inland Pomio, and Melkoi.

The population density of communities within the project area are such that the three wards of Arabam, Reigal and Maranagi of the Sinivity LLG has a total population of 1,082 with 165 households, while the four wards in Central Inland Pomio, have a total population of 2,668 with 482 households while Tavolo in the Melkoi LLG, has a total population of 558 people with 122 households.

The sociocultural systems indicate that there are three main internal structures in place in all 8 target communities these include; Clan base system (matrilineal), Local Level Government and Church.

The communities of the Baining Mountains and the Nakanai Ranges, are subsistence farmers who rely heavily on subsistence farming for their sustenance as well as generating an income from the sale of their local produce. Through intervention of other NGOs that promote sustainable livelihood projects, communities have been engaged in various activities, such as cocoa, coconut and vanilla farming; and production of herbal soaps, and coconut oil.

The East New Britain Province and Pomio District in general is a matrilineal society in which women are culturally recognized as owners of the land with cultural systems that are in place where men and women know and respect their roles in the society. Statutory law also promotes equality in all aspects of life.

9. **Summary of the proposed project:** *This section will describe what you plan to do and how you plan to do it, with a particular focus on activities implemented in areas inhabited and/or used by Indigenous People.*

The New Britain Island of the Bismarck Archipelago is home to richness of high value species of flora and fauna that are endemic to the region. However, at present, the urge for economic prosperity and demand for increased subsistence land use have threatened the habitat of the endemic flora and fauna of the Archipelago. The most notable threat being large scale development projects such as logging, palm oil plantations expansion and mining currently in operation. A large portion of land, particularly, that of the New Britain, have been demarcated for either logging or oil palm plantations.

CELCOR will work with stakeholders to address the issue by targeting focus communities within CEPFs Key Biodiversity Areas of the Baining Mountains and the Nakanai Ranges in the New Britain Island.

The Nakanai KBA is selected to form part of the Baining Mountains because of the geophysical connectedness to create biological landscape and corridor for species dispersion and maintenances.

The three target areas in these projects are as follows;

- KBA PNG2 Baining Mountains; -Sinivit Rural LLG (Wards of Arabam, Reigal and Maranagi)
- KBA PNG22 Nakanai Range-Central Inland Pomio Rural LLG (Wards of Garuwe, Olaipuna, Pakia and neighboring Manginuna)
- KBA PNG22 Nakanai Range-Melkoi Rural LLG (Ward of Tavolo)

It is certain, the needs of communities are quite similar right across the KBAs, hence, for this project CELCOR intends to focus on conducting training on resource management and planning for the three selected sites. For the Baining Mountains, CELCOR intends to work with Arabam, Reigal and Maranagi (ARM), a Community Based Organization (CBO) and FORCERT Limited (NGO). ARM is in a progressive stage in their efforts in conservation and so CELCOR's intervention will complement the work currently on foot by FORCERT and ARM. It is anticipated that through these trainings, the CBO will be equipped with the knowledge to respond to destructive developments in a number of ways. Firstly, the community shall resist the encroaching of oil palm and logging, while, secondly, will be empowered to effectively manage community expectations and drive the conservation initiative.

In the Nakanai Range, though not a priority area for CEPF, the area is situated within a KBA, and is also a haven of high biodiversity with high floral endemism. The range itself is tentatively listed as Nakanai World Heritage Area, and has seen much attention was given to in the recent years, for legal protection, particularly supported by UNDP. Given its extensive land area with karst outcrop, efforts in conservation have been progressing at a slow pace. The greatest threat to Nakanai Range is also logging and oil palm expansions into hinterland from the coastline.

CELCOR's assistance to these communities, of the Baining Mountains and Nakanai Range encompasses the facilitation of Conservation Management and Governance of Natural Resource workshops, and conservation area plan review.

The overall outcome of this project is to empower these communities to form a stronger coalition, make informed decisions, and take a collaborative approach to the development, establishment and management of protected areas with the Baining Mountains and the Nakanai Ranges.

In PNG, the customary land owners play a vital role in the conservation of biodiversity and any form of land use decision making. It is vital that they are well aware and informed of natural resource management laws and set policies that enable them to make informed decisions in regard to the management of their resources in order to protect themselves and their natural environment.

It is possible that without this intervention, landowners will continue to make poor decisions due to lack of understanding on laws and policies regarding their land and resources, disagreements in local land- use and development planning, and disagreements in land ownership, has in turn caused an overall delay in establishment of protected areas leaving them vulnerable to expanding oil palm plantations and large scale industrial logging in New Britain, New Ireland and Manus provinces.

The Community Legal Education programme of CELCOR is the core programme to be utilized in implementing activities under this programme. The CLE programme has been a flagship programme that has reached over 100 communities in PNG over the years, equipping them with knowledge and skills in addressing sustainable resource management and conservation challenges. The programme has enabled communities to mobilize, and to resist encroachment; and confidently seek redress to defend their customary land.

CELCOR's approach to the project is guided by the following CEPFs Priority:2. Integrate biodiversity conservation into local land-use and development planning.2.2 Provide legal training and support to communities for effective enforcement of environmental protection regulations.

CELCOR's strategy in achieving this goal would be in facilitating Conservation Management and Governance of Natural Resource workshops within the KBA areas that are currently progressing in the establishment of conservation areas. The communities will be taught the skills of conflict resolution and management, conservation areas management planning and enforcement, and the collaborative efforts in addressing land grabbing and environmental destruction issues under the two main components as indicated below;

Component 1: Community Awareness and mediation skills training on conflict resolution and management and conservation establishment in the Baining Mountains

CELCOR worked with ARM Association in 2016 under the small grant by CEPF. Under the small grant, CELCOR undertook two scoping exercises to assess the skills and capacity needs of the ARM to establish and effectively manage the conservation area and community development initiatives. The needs identified were; direct legal assistance, awareness of their legal rights, and assist in drafting and reviewing any resource use and management, including policy development that will have led to conservation area establishment. This proposed project is building on from the needs identified. The legal assistance required was mainly due to the encroachment of oil palm plantations into the conservation area. The ARM association has been working with other local NGOs to progress conservation efforts in the Baining Mountains and have not reached gazetted status.

Apart from the CEPF support project, there were other activities leading to conserving the Baining Mountains under different approach. The first approach was taken by UNDP in 2018 and engaged CELCOR to facilitate establishment of a MOU between the Warangoi Landowners Association, East New Britain Provincial Government and PNG Power Limited to protect the Baining Mountains as Warangoi water catchment management project. PNG Power Limited and East New Britain Provincial Government operate a hydroelectricity project using the Warangoi river within the Baining Mountains since 1978. In October 2018, CELCOR was again invited by the Quaquet Stewardship Council to provide legal advice and representation in putting a stop to the logging operations within the area covered under the ARM conservation proposal. Quaquet Stewardship Council comprises of village chiefs of the Baining speaking people. They make decisions for the affairs and welfare of the Baining people.

For this proposed project, CELCOR officers that will be directly involved are Community Legal Education and Awareness Raising Officer, Policy Lawyer and CLEAR intern. They will facilitate a three-day workshop focused on conflict resolution of customary land as the lack of awareness and knowledge of this is one of the underlying factors that promote encroachment of customary land by logging and oil palm companies. The workshop anticipates enabling participants to be aware of the process that are in place

as well as steps to take in order to safeguard their natural wealth and livelihoods. Twenty-five participants will participate as these will mainly be clan leaders in the communities who are the authorized decision makers, ward councillors, village court magistrates and their officers. Youths and women will also participate.

The identification of the 25 participants will be done in collaboration with the ARM CBO. As an external partner to the communities, CELCOR only provides recommendation of representations from different micro sectors within the communities per the workshop content. CELCOR requesting through ARM that of the 25 participants there must at least be present, ward councillors, clan leaders, women group representatives, church leaders, youths, local level government officers as well as village court officials also that all 25 participants must have committed their land and is involved in the conservation process and have the capacity to make decisions on their land. ARM will further identify within their community members who fit the criteria. Although 25 participants are listed, it is always anticipated that there would be more participants participating as observers. Invitation to the workshop would be sent by ARM in writing especially to the respective government units present and invitation by word of mouth to the three communities.

The activities will be implemented in close collaboration with FORCERT, a local NGO partner based in Kokopo. FORCERT also works with the three communities in promoting livelihood and landuse planning within the Baining Mountains. Both CELCOR and FORCERT share the same goals in working with the communities in establishing conservation areas, where FORCERT is assisting the communities through the process in establishing conservation areas, CELCOR complements FORCERT's work by ensuring land use planning and any conflicts associated with it are mediated or resolved and managed at the community level. Further, the communities will be assisted to review and formalize conservation plans that conforms within the legal requirements of the protected areas laws. In addition, skills training by CELCOR will empower communities to be informed of natural resource and conservation governance and management practices that will equip them in establishing, protecting, and stopping encroachment of illegal logging and oil palm expansion which is the greatest threat to the protected area establishment of the Baining Mountains.

Component 2: Community Awareness and skills training on conflict resolution and management and conservation establishment in the Nakanai Ranges

The objective of this component is to empower communities of the Nakanai Ranges to understand the different options in establishment of protected areas as an approach to protect and secure their customary land from logging and oil palm encroachments. The identification of the 30 participants for the Central Inland Pomio varies for the two identified LLG. For the Central Inland Pomio identification will be done in collaboration with local contact who has been involved in assisting the team from JCU as well as seeking recommendations from the JCU team.

Participant identification for the Melkoi LLG will be done in collaboration with Tavolo Wildlife Management Area Association. The coordinator of the association is also the Tavolo ward councillor familiar with the community members involved in conservation.

Again, similar to the approach taken in identification of participants for the Baining workshops, CELCOR an external partner to the communities will rely on the recommendation from the locals and CBO onsite. CELCOR only provides recommendation of representations from different micro sectors within the communities per the workshop content. Emphasis will be made that of the 30 participants must

have committed or considering to committee their land to conservation process and have the capacity to make decisions on their land. Where there is an absence of a CBO, the local ward councilor is approached to assist identify within their community members who fit the criteria.

Invitation to the workshop would be sent by local partners on site in writing especially to the respective government units present and invitation by word of mouth to the five communities.

The five (5) day awareness workshops are aimed at further educating and informing the communities of their rights, natural resource and conservation management. Knowledge attained from the workshop is anticipated to empower communities to defend their resources and protected their conservation areas from illegal logging and encroachment of oil palm.

10. Potential impacts: *This section will assess expected project impacts (both positive and negative) on Indigenous People.*

The overall outcome of this project is to empower these communities to form a stronger coalition, make informed decisions, and take a collaborative approach to the establishment and management of protected areas with the Baining Mountains, Nakanai Ranges and the greater Bismarck Archipelago.

The main impact to be seen after this project is for the communities to be empowered with the knowledge attained to better defend and protect their resources from threats of illegal encroachment from oil palm and logging projects into onto their customary land and to sustainably manage and conserve their resources. These efforts would be seen through reports of communities, continue progressing in the establishment of conservation areas, mobilizing to speak out on illegal activities on their land, or seeking redress through the appropriate authorities or further through the court systems.

11. Participatory preparation: *This section will describe the participation of affected communities during the project design process (i.e. prior to submission of the full proposal), and explain how Free, Prior and Informed Consent was obtained.*

CELCOR has a well-established network within PNG with local NGOs and CBOs, for communities in which a CBO is present this is the main point of contact in which CELCOR works through, in the absence of a CBO, CELCOR works with identified spokesperson who in most cases is a recognized leader either cultural leader or statutorily appointed.

The communities have been identified though to past intervention with CELCOR. These included a scoping trip in the Baining Mountains in 2016, UNDP project in the Nakanai Ranges 2016. The interventions in the past identified the community interest and need for a CLE. Through this interventions CELCOR had further strengthen the local partnership with CBOS and partners.

CELCOR promotes and upholds the FPIC process in all community entry and intervention and will not enter into community engagement with a community who has not initiated the process by reaching out to CELCOR for assistance.

Free, prior, and informed consent was obtained from the communities as follows:

- Arabam, verbal consent, June 2016
- Reigal, verbal consent, June 2016
- Maranagi, verbal consent, June 2016
- Garuwe, verbal consent, June 2016

- Olaipuna, verbal consent, October 2016
- Pakia, verbal consent, October 2016
- Manginuna, verbal consent, October 2016
- Tavolo, verbal consent, October 2016

The consent for intervention in the 8 target communities were gathered from past intervention in which CELCOR had with the respective communities. The consent was obtained verbally through indication of request at the meetings for a more detailed legal education workshop to empower communities in being well informed in better managing their resources. The communities from the Baining Mountains (Arabam, Reigal, Maranagi) indicated through requesting while CELCOR conducted a Scoping trip in 2016, thus was recommended from the scoping report. The communities from the Nakanaki Ranges, particularly from the Inland Pomio and West Pomio LLG, also expressed the same sentiments as the Baining Mountain Communities, when CELCOR had been working there under the UNDP project in these localities, however was unable to reach these communities due to the project ceasing. Further affirmation on the request came in early 2019 when CELCOR in collaboration with James Cook University facilitated and awareness specific workshop on Protected areas, here the communities again indicated a request for more detailed workshop on legal education.

As mentioned above, CELCOR only facilitated workshops in communities that have expressed interest and request whether verbal or written.

12. Mitigation strategies: *This section will outline measures to avoid adverse impacts and provide culturally appropriate benefits.*

As a PNG based organizations and been working with rural communities throughout the country for the last 20 years, CELCOR has procedures it follows when entering communities which include: identify community leaders, village chiefs, women's groups, youth groups and any other stakeholders in the community and maintaining one point of contact and further ensure community consent is provided through the identified leaders. CELCOR is aware and appreciates that cultural dynamics that varies in all communities in the country and ensures that additional information is obtained on cultural practices, norms and expectations of visitors into the communities. Activities to be implemented by CELCOR is at a time convenient to both the community and CELCOR, and does not impose on community activities.

These processes are followed in ensuring smooth interaction and partnership dialogues with the community and local government on the ground.

13. Monitoring and evaluation: *This section will explain how compliance with the safeguard policy on Indigenous Peoples will be monitored, and reported to CEPF and/or the Regional Implementation Team. Monitoring and evaluation methodologies should be adapted to the local context, indicators, and capacity.*

CELCOR has in place, monitoring and evaluation tools that is used internally when implementing activities particularly the community legal education workshop. This will be tailored to suit the specifics of this project in ensuring monitoring and Evaluation will be done at all stages of project implementation. Monitoring of participation will be ensured through daily records of participation and captured discussions. Records of programmes

Evaluation will be conducted at the end of all meetings, seeking feedback of assessment from participants on content, delivery and how best participants will further utilized the knowledge attained at the respective meetings this will be kept on record.

14. Grievance mechanism:

CELCOR welcomes claims and comments from stakeholders and local community. During all meetings that will be organized, CELCOR will inform local people and other stakeholders that they have the right to raise a grievance at any time to CELCOR, the RIT (IUCN), or CEPF about any issue relating to the project. Before starting the project implementation, local communities will be informed of the objectives of the grant. They will be given telephone numbers and e-mails of contact persons at CELCOR, within local government, IUCN, and CEPF. This information will also be put on all education materials that will be produced during this project implementation including posters, brochures, and booklets. Contact information of relevant parties will be made publicly available in the appropriate local language. CELCOR will respond to grievances raised by the communities' members and stakeholders in writing within 10 working days of receipt and communicate with CEPF within 15 days. Claims will be filed and considered in the project monitoring and reporting. If the claimant is not satisfied following the response, they may submit the grievance directly to the CEPF Executive Director at 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 appropriate donor or government representatives.

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