



SOLOMON ISLANDS

REVIEW OF NATURAL RESOURCE AND ENVIRONMENT RELATED LEGISLATION



Prepared by
Secretariat of the Pacific Regional Environment Programme (SPREP)
and
EDO NSW

January 2018



SPREP Library Cataloguing-in-Publication Data

Solomon Islands : review of natural resource and environment related legislation. Apia, Samoa : SPREP, 2018.

17 p. 29 cm.

ISBN: 978-982-04-0873-9

1. Environmental policy – Solomon Islands. 2. Environment – Protection – Solomon Islands. 3. Environmental law – Solomon Islands. 4. Conservation of natural resources – Law and legislative – Solomon Islands. I. Pacific Regional Environment Programme (SPREP). II. Title.

344.04609593

INTRODUCTORY NOTE

The following review, prepared jointly by the Secretariat of the Pacific Regional Environmental Programme (SPREP) and the Environmental Defenders Office Ltd (EDO NSW), updates and builds on the reviews conducted in the early 2000s under the International Waters Project.

The review offers a brief overview of environmental legislation in force in each Pacific Island country identified and is current as of January 2018.

A number of sources were referenced for this update, including:

- Prior reviews prepared by SPREP;
- Pacific Islands Legal Information Institute – Paclii;
- ECOLEX - an information service on environmental law, operated jointly by FAO, IUCN and UNEP; and
- Government websites.

While reasonable efforts have been made to ensure the accuracy of the information contained in this review, no guarantee is given, nor responsibility taken, by SPREP or the EDO NSW for its accuracy, currency or completeness. SPREP and EDO NSW do not accept any responsibility for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance on, the information contained in this review.

This review is for information purposes only. It is not intended to be a complete source of information on the matters it deals with. Individuals and organisations should consult a local lawyer for legal advice on specific environmental matters.

If you have any feedback in relation to this review, please forward your comments to: registry@sprep.org.



TABLE OF CONTENTS

INTRODUCTORY NOTE	3
TABLE OF KEY ENVIRONMENTAL LEGISLATION	5
CONSTITUTIONAL AND ADMINISTRATIVE STRUCTURE.....	6
1.1. The Constitution.....	6
1.2. Customary law and traditional knowledge.....	6
1.3. The Local Government	7
ENVIRONMENTAL PLANNING AND ASSESSMENT	7
2.1. National environmental law.....	8
2.2. Environmental Impact Assessment and Planning	9
2.3. Land planning	10
2.4. Marine Tenure	10
BIODIVERSITY CONSERVATION	10
3.1. Conservation and Protection of Natural Resources.....	11
3.2. Biosafety.....	12
3.3. Natural Resources	13
WASTE MANAGEMENT AND POLLUTION.....	15
4.1. Pollution.....	16
4.2. Marine Waste Management.....	17
OTHER	17
5.1. Disaster Risk Management.....	18
MULTILATERAL ENVIRONMENTAL AGREEMENTS.....	18

TABLE OF KEY ENVIRONMENTAL LEGISLATION

ENVIRONMENTAL MANAGEMENT

Foreign Investment Act 2005

Land and Titles Act 1978

The Environment Act 1998

Town and Country Planning Act 1979 (amended to Planning and Development Act in 2017)

PROTECTION OF BIODIVERSITY AND NATURAL RESOURCES

Bee Industry Act 1995

Biosecurity Act 2013

Continental Shelf Act 1970

Delimitation of Marine Waters Act 1988

Diseases of Animals Act 1982

Fisheries (United States of America Treaty) Act 1988

Fisheries Limits Act 1977

Fisheries Management Act 2015

Forest Resources and Timber Utilisation Act 1969

Forests Act 1999

Mines and Minerals Act 1990

National Parks Act 1954

Petroleum (Exploration) Act 1987

Protected Areas Act 2010

Protected Areas Act 2010

Quarantine Act 1930 [Chapter 106]

River Waters Act 1969

Solomon Islands Water Authority Act 1993

Wildlife Protection and Management Act 1998

WASTE AND POLLUTION MANAGEMENT

Biosecurity Act 2013

Environment Act 1998

Environmental Health Act 1980

Fisheries (Amendment) Regulations 1993

Maritime Safety Administration Act 2009

Petroleum Act 1939

Ports Act 1956

Rivers Waters Act 1964

Solomon Islands Water Authority Act 1992

OTHER ISSUES

National Disaster Council Act 1990

CONSTITUTIONAL AND ADMINISTRATIVE STRUCTURE

1.1. The Constitution

Solomon Islands achieved independence under the *Solomon Islands Independence Order 1978*. The legal system is largely based on British legal concepts, reflecting the British colonial legacy.

The *Constitution of the Solomon Islands* (Constitution) is the supreme law in Solomon Islands. All laws in Solomon Islands have their legitimacy in the Constitution. The Constitution provides the legal basis for the enactment of laws by establishing and vesting in the National Parliament, the power to make laws for Solomon Islands (sections 46 and 59). Any law which is inconsistent with any provision of the Constitution has no effect. The Constitution establishes the national legislature (Chapter VI), executive (Chapter V) and judiciary (Chapter VII).

The Constitution sets out the sources of law in Solomon Islands as follows:

- the Constitution;
- Acts of Parliament;
- Customary law;
- Acts of the United Kingdom Parliament of general application and in force on 1 January 1961, with such changes as may be necessary to facilitate their application to the circumstances of Solomon Islands; and
- Principles and rules of the common law and equity, except where they are inconsistent with the Constitution or an Act of Parliament, they are inapplicable or inappropriate in the circumstances of Solomon Islands, or they are inconsistent with customary laws.

The Constitution recognises the importance of the country's natural resources in the preamble, which states that: '*The natural resources of our country are vested in the people and government of Solomon Islands*'. Chapter XI sets out the process for compulsory acquisition of customary land.

1.2. Customary law and traditional knowledge

The Constitution recognises traditional systems of governance. The preamble to the Constitution provides, in part, that "we shall cherish and promote the different cultural traditions within Solomon Islands". The Constitution provides that customary practice is part of the country's law, as long as it is consistent with the Constitution and Acts of the Solomon Island Parliament. The Constitution defines customary law as "the rules of customary law prevailing in an area of Solomon Islands."

According to article 75 of the Constitution, Parliament shall make provisions for the application of laws, including customary laws. In doing so, the Parliament shall have particular regard to the customs, values and aspirations of the people of Solomon Islands.

Similar to other Pacific Island Countries, one of the difficulties of ensuring that environmental issues are adequately addressed in Solomon Islands is the need to accommodate traditional and customary practices alongside formal regulation of environmental matters.

The *Land and Titles Act 1978* defines current customary usage as "the usage of Solomon Islanders obtaining in relation to the matter in question at the time when that question arises, regardless of whether that usage has obtained from time immemorial or any lesser period". This term is common throughout Solomon Islands' legislation. It provides the position of customary rules in the national hierarchy of norms. That is, customary norms apply in any area of law where legislation does not specifically cover, or where legal precedents of the court do not override those rules.

The *Customary Land Records Act 1994* establishes an Office of National Recorder of Customary Land and enables customary land holding groups to appoint representatives to deal with recorded customary land holdings.

The *Customs Recognition Act 2000*, deals with proof and recognition of custom, including in criminal and civil cases. It is not yet in force as the Minister has not yet appointed a date by notice in the Gazette.

1.3. The Local Government

Solomon Islands has three tiers of government: national, provincial and local.

The Constitution provides for Parliament to divide Solomon Islands into provinces, of which there are nine:

1. Central Province
2. Choiseul Province
3. Guadalcanal Province
4. Isabel Province
5. Makira-Ulawa Province
6. Malaita Province
7. Rennell and Bellona Province
8. Temotu Province
9. Western Province

In addition, Honiara Capital Territory is separately governed through a town council.

Provincial Government Act 1997

The Constitution devolves certain responsibilities to the Provinces in relation to various aspects of the protection and management of the environment. Among them, Provinces are required to provide for:

- Cultural and environmental matters: protection of wild creatures, coastal and lagoon shipping.
- Agriculture and fishing: animal husbandry, protection, improvement, maintenance of freshwater and reef fisheries.
- Land and land use: codification and amendment of customary law about land, registration of customary rights including customary fishing rights, and physical planning.
- Local matters: including waste disposal and cleaning services, public conveniences, public nuisances, cemeteries, parks and recreational areas, markets and the keeping of domestic animals.
- Rivers and Water: control and use of river waters, and pollution of water.
- Local Government: the making of by-laws for Area Councils and other bodies such as Town Councils.

The *Provincial Government Act 1997* sets out the functions of Provincial Governments. There are a number of provincial ordinances that are significant in terms of environment management in the country; most focus on natural resource management. Regulatory or executive powers derive from valid provincial ordinances or may be delegated to the province under national statutes, devolution orders, or by negotiation between the province and the responsible national authority. The Devolution Orders made in respect of each province give them legislative competence over a range of matters of direct relevance to natural resource management.

However, it seems that the Provincial Governments are not in a position to take on environment management and monitoring responsibilities due to the disconnection between national and provincial governments in implementing action plans.

Honiara City Act 1999

The *Honiara City Act* is an Act to make provision for the establishment of a city council for the Honiara city and to prescribe its functions and powers.

Local Government Act 1964

The *Local Government Act* is a law to establish the local government system as a second tier of government. All local councils were administered under this Act until the adoption of the provincial government system. Provinces are now administered under the *Provincial Government Act*, whilst the Honiara city is now administered under the *Honiara City Act*. Certain subsidiary legislation however, continues to apply in relation to Honiara city and the provincial governments.

The Schedule to the *Local Government Act* sets out the functions of councils in respect of numerous topics including, but not limited to: planning, control and promotion of development; custom, tradition and social change; land, agriculture; fisheries; forestry; ports and wharves; shipping; air transport; water supplies; cultural affairs and social development.

ENVIRONMENTAL PLANNING AND ASSESSMENT

2.1. National environmental law

The Environment Act 1998

The *Environment Act* was passed in 1998 and commenced on 1 October 2003. It is an Act to make provisions for the protection and conservation of the environment, the establishment of the Environment and Conservation Division and the Environment Advisory Committee.

The Act defines the environment as “including all natural and social systems and their constituent parts, and the interactions of their constituent parts, including people, communities and economic, aesthetic, cultural and social factors”.

The main objectives of the Act are:

- to provide for and establish integrated systems of development control, environmental impact assessment and pollution control (including prevention and monitoring).
- to reduce risks to human health and prevent the degradation of the environment by all practical means. This includes regulating the discharge of pollutants, the production, transport, collection, treatment, storage and disposal of wastes, and promoting recycling, re-use and recovery of materials in an economically viable manner.
- to give effect to regional and international conventions and obligations relating to the environment.

Key provisions of the Act include:

- | | |
|--------------|--|
| Section 4 | Where there is an inconsistency between the Act and the provisions of any other Act, the provisions of the <i>Environment Act</i> shall prevail. |
| Sections 5-7 | The administration of the Act relies on the Environment and Conservation Division (Division), established under the Act. |
| Section 6 | For the purposes of promoting sustainable development, the Division shall, as far as possible, be guided by the following environmental principles: the precautionary principle, fairness for future generations, conservation of biological diversity and ecological integrity, and improved valuation and pricing of environmental resources |

Section 12 The Minister, in consultation with the Director, has the power to give directions on matters of policy to the Division. This will ensure that government policies implemented by the Division.

Sections 13-14

An Environmental Advisory Committee (Committee) is also established with defined powers and functions. This Committee shall advise the Division or the Minister on any matters connected with environment and conservation referred to it by the Director or Minister.

Subsidiary legislation made pursuant to the *Environment Act* include:

- *Environment Regulation (Amendment) Regulation (LN 17) 2014* – amendment of prescribed fees in schedule; and
- *Environment Regulations 2008* - preparation of public environmental report of environmental impact assessment; prescribed development applications; appeal under section 32(1) of the Act; and control of pollution.

2.2. Environmental Impact Assessment and Planning

Environment Act 1998

Part III of the *Environment Act 1998* includes specific provisions on environmental impact assessments (EIA). Section 15 imposes a general duty on the Director, the Division and the relevant public authority to consider the environmental impact. Specifically, while considering the grant of approval for any existing or proposed development or further expansion in any existing development, they shall have regard, as far as practicable, to the effect such development or expansion would have on the environment.

Section 17 provides guidance to any developer who proposes to carry out any applications for prescribed development (among them food industries, chemical industry, fishing and marine product industry and tourism industry) in Solomon Islands. The developer must make an application to the Director in such form as may be approved by the Minister, demonstrating the sustainability of its project by submitting a development application accompanied by a public environmental report or, for larger projects, an environmental impact statement.

Foreign Investment Act 2005

The *Foreign Investment Act 2005* repeals the *Investment Act 1990*. This Act aims to monitor the activities of foreign investors in Solomon Islands and ensuring they do not carry out prohibited activities through maintaining a register. This may include prohibited activities that impact the environment.

Town and Country Planning Act 1979 (renamed 'Planning and Development Act' in 2017)

The *Town and Country Planning Act 1979* is the principal mechanism for managing development, environmental planning and protection at the national and provincial levels in both urban and rural areas. The Act establishes a Planning and Development Board in each province and in Honiara. However, if there is no Board appointed, the functions are transferred to the Honiara City Council and Provincial Executive.

The objective of the Act is to provide for the administration of town and country planning, the making of local planning schemes, and the control and development of land. From an environmental point of view, the Act could implicate the conservation of cultural and biodiversity areas. However, a significant limitation of the Act is that it affects only non-customary land.

2.3. Land planning

Land and Titles Act 1978

The *Land and Titles Act* seeks to amend, declare and consolidate the law relating to the tenure of land, the acquisition of land, and the registrar of interests in land. This Act deals with the registration of unregistered interests, systematic settlement, purchase or lease of customary land by private treaty, compulsory acquisition of land, land ownership and related matters. Part XXVI is dedicated to customary land and restricts dispositions of customary land.

This Act covers the management of land, defining “customary” land, and sets out procedures for land acquisition. The Act is administered by the Commissioner of Lands and is assisted by the Registrar of Titles and other officers. The duties and powers of the Commissioner of Lands are listed at section 4 and include advising the Minister on any matters concerning land policy.

The Act distinguishes land and customary land by defining:

- land as “Land covered by water, all things growing on land and buildings and other things permanently fixed to land but does not include 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.”
- customary land as “any land lawfully owned, used or occupied by a person or community in accordance with current customary usage” that has been registered under the Act.

The Act vests ownership in substances in or under land in the State. The same definitions make it clear that any products of land (for example trees) are owned by landowners (right to use, dispose of and sell the products of the land), and restate the common law position relating to the State ownership of minerals, oils or gases.

For the purposes of this review, this Act does not have a direct impact on the environment. However it is important to consider that in Solomon Islands, and in many other Pacific Countries, the customary land tenure system and traditional land use are at the base for the management of the environment. Therefore, the issue of customary land needs to be reviewed with the view to putting in place an effective mechanism to deal with all matters pertaining to customary land. In fact, proper management of customary land will only be effective if it is backed by legislation which guarantees legal certainty. Currently there is no legislation which deals with customary land in a comprehensive manner. However, the *Customs Recognition Act 2000* would serve this purpose if and when it comes into force.

Several pieces of subsidiary legislation have been made under the *Land and Titles Act*:

- *Land and Titles Act - Land and Titles (Customary Land Appeal Court Allowances) Regulations 2008*
- *Land and Titles Act - Land and Titles (General) (Amendment) Regulation 1999 (LN 64) 1999*
- *Land and Titles Act - Land and Titles (Land Board) Regulations (LN 69) 2014.*

2.4. Marine Tenure

Under the traditional system, a group may claim exclusive use of an area of sea, beach or lagoon. This applies especially to customary fishing rights which are protected under the *Fisheries Management Act 2015*.

BIODIVERSITY CONSERVATION

Solomon Islands currently has a weak system for the conservation of biodiversity and for the regulation of trade in wildlife. As the *Environment Act* 1998 only has provisions for environmental impact assessment and pollution control, Solomon Islands relies on dated legislation for the protection of wildlife, habitats and ecosystems.

3.1. Conservation and Protection of Natural Resources

Conservation

Wildlife Protection and Management Act 1998

This Act commenced in 2003 and repealed the previous *Wild Birds Protection Act 1914*. It provides for the protection, conservation and management of wildlife by regulating the export and import of certain animals and plants. This Act implements the country's obligations under the *Convention on International Trade in Endangered Species* (CITES).

The Act contains two schedules: Schedule I contains the lists of animals and plants that are prohibited from exports, whilst Schedule II contains the lists of animals and plants that are regulated.

The Act is administered by the Minister, the Director of Environment and Conservation, a Chief Inspector, and other Inspectors. However, the Act is not operative as its commencement date has not been declared in the Gazette.

Two pieces of subsidiary legislation were created under this Act:

- *Wildlife Protection and Management Order (LN 38) 2014*; and
- *Wildlife Protection and Management Regulations 2008*.

Protected Areas

Protected Areas Act 2010

This Act provides for the declaration and management of protected areas (areas where special measures need to be taken to conserve biological diversity), the regulation of biological diversity and prospecting research and for related matters.

The objects of the *Protected Areas Act* are to set the framework for the establishment of a system of protected areas in order to regulate or manage biological diversity with a view to ensuring its conservation and sustainable use, promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings. Under this Act, these objectives need to be pursued through the promotion of environmentally sound and sustainable development in areas adjacent to protected areas and through the rehabilitation and restoration of degraded ecosystems.

Substantive provisions of the Act include:

- | | |
|-----------|---|
| Part 2 | Establishes the Protected Areas Advisory Committee (Committee). |
| Section 4 | The Committee shall consist of members appointed by the Minister. |
| Section 5 | The Committee's functions include advising the Minister on matters relating to the objects of this Act and the implementation of the <i>Convention on Biological Diversity</i> and assist in formulating, developing, approving, implementing, monitoring and reviewing a national biodiversity strategy and action plan in collaboration with the relevant stakeholders, including non-governmental organisations. |

- Section 11 The Director of the Environment and Conservation Division shall establish and maintain a register of protected areas.
- Section 12 The Committee may appoint management committees consisting of owners of the protected areas, public officers, provincial government officers and any other persons to manage one or more protected areas.
- Part 4 Establishes the Protected Areas Trust Fund.
- Section 15 The Protected Areas Trust Fund shall be used for the establishment, management and other matters relating to protected areas or for other purposes as are prescribed by Regulations.
- Part 5 Sets out rules for biodiversity research or bioprospecting research. Such research may only be conducted with a permit issued by the Committee.
- Section 18 Biodiversity research or bioprospecting research involving customary land or customary fishing areas shall only be carried out on the basis of an agreement entered into with the owners of such land or areas and after other statutory conditions in the section have been fulfilled.

The Act is supported by the *Protected Areas Regulations 2012*.

National Parks Act 1954

This Act allows the declaration of areas as National Parks. Section 4 allows the governments to purchase or to otherwise acquire the land situated within a national park if considered necessary by the Minister. Section 8 also prohibits the hunting of any animal other than fish in a national park.

Five parks have been established through this system.

3.2. Biosafety

Bee Industry Act 1995

Under the *Bee Industry Act*, the Minister may create regulations for the purpose of preventing the introduction or spread of pests or diseases affecting bees in Solomon Islands. The Act also empowers inspectors to take steps to enforce the regulations. The Act is supported by the *Bee Industry (Prohibition on Importation of Bee, Bee Products and Used Appliances) Regulations 1996 - LN 74, 1996*.

Biosecurity Act 2013

The *Biosecurity Act* repeals the *Agricultural Quarantine Act* and associated regulations. Section 6 provides the objectives of the *Biosecurity Act*, which include:

- to prevent the entry of animal and plant pests and diseases into Solomon Islands;
- to control their establishment and spread in Solomon Islands;
- to facilitate the safe importation of animals and plants and their products, and related equipment and technology; and
- to facilitate international co-operation in respect of animal and plant diseases and related matters.

Key parts of the Act include:

- Part 2 Biosecurity border control

Part 3	Vessels and aircraft
Part 4	Biosecurity import procedures
Part 5	Biosecurity export procedures
Part 6	Biosecurity quarantine
Part 9	Biosecurity emergencies

The Act is administered by a Director of Biosecurity (Director) and biosecurity officers. The Director must establish and maintain a biosecurity register to be available for inspection and copying by the public. Provincial Governments also may exercise certain powers as allowable under section 82.

The Act is supported by the *Prohibition of Animals Order LN 55 2016* and the *Prohibition of Imports Order LN 19 2016*.

Diseases of Animals Act 1982

The *Diseases of Animals Act* gives inspectors various powers to deal with animal diseases, including the power to declare infected places and areas, and to destroy diseased animals.

Quarantine Act 1930

The *Quarantine Act 1930* applies broadly to “measures for the inspection, exclusion, detention, observation, segregation, isolation, protection, treatment, sanitary regulation and disinfection of vessels, persons, goods and things, and having as their object the prevention of the introduction or spread of diseases or pests affecting man”. This is through regulating activities including the importation or landing of animals, plants and other things and preventing the introduction of pests and undesirable plants, and through requiring vessels and aircrafts to give notice of their arrival in Solomon Islands. The Act further provides for the appointment of inspectors and defines their powers and prescribes offences.

Associated regulations include the *Quarantine (Declaration of Ports of Entry) (Port of Tetere) Order 1997 - LN 37, 1997*.

3.3 Natural Resources

Fisheries

Fisheries Management Act 2015

The *Fisheries Management Act* repeals the *Fisheries Act 1998*. The Act’s objective is “to ensure the long-term management, conservation, development and sustainable use of Solomon Islands’ fisheries and marine ecosystems for the benefit of the people of Solomon Islands”.

Section 5 lists a number of principles with which functions and responsibilities under the Act should be exercised consistently, including:

- environmentally sustainable development;
- sustainable use of fisheries resources that achieves socio-economic benefits;
- use of best scientific evidence available;
- consistency with international, regional and sub-regional standards;
- precautionary approach;
- protection of the ecosystem as a whole;

- protection of biodiversity;
- collection and dissemination of accurate fisheries data;
- minimisation of pollution;
- prevention of over-fishing;
- recognition of customary rights; and
- broad and accountable participation by stakeholders.

The Act establishes mechanisms for fisheries management and the sustainable regulation of the industry, such as licencing, fisheries access and management agreements.

Fisheries (United States of America) Treaty Act 1988

The *Fisheries (United States of America) Treaty Act* adopts the *Treaty on Fisheries* between the Government of Certain Pacific Islands States and the United States as part of Solomon Islands' domestic laws. Under the Treaty, United States fishing vessels have access to the "Treaty Area" (basically it is the EEZ of the parties). The Treaty imposes on the United States a duty to ensure that its vessels comply with the provisions of the Treaty and the licences granted there under, and Pacific Islands States who are parties may enforce the provisions of the Treaty and the terms and conditions of licences.

Delimitation of Marine Waters Act 1988 and the Fishery Limits Act 1977

These Acts establish Solomon Islands' claim to its exclusive economic zone, and extend the fishery limits of Solomon Islands to this. The following regulations are made pursuant to the *Delimitation of Marine Waters Act*:

- *Declaration of Archipelagic Base Lines;*
- *Declaration of Archipelagos of Solomon Islands; and*
- *Delimitation of Marine Waters (Marine Scientific Research) Regulations.*

Minerals

Mines and Minerals Act 1990

This Act provides for the development of mining in Solomon Islands by prescribing appropriate procedures for the application for and grant of mining licences, permits or leases and for the establishment of a Minerals Board to regulate and control mining activities within the country.

Section 2 vests the ownership of all minerals in Solomon Islands in the people and government of Solomon Islands. Subject to the provisions of this Act, the Government shall have the exclusive right to deal with and develop the mineral resources in such manner as it deems to be in the national interest.

The Act also includes provisions for Environmental Impact Assessment (EIA) which complements the requirement of the *Environment Act 1998* (Section V).

A series of regulations have been created under this Act that address exploration, permits, licensing and the grant of mining leases.

Associated regulations include the *Mines and Minerals Regulations 1996 – L/N 106*.

Petroleum (Exploration) Act 1987

The *Petroleum Exploration Act* provides for the exploration of petroleum existing in its natural state in strata in Solomon Islands. It applies to the offshore area and to such onshore areas of Solomon Islands as the Minister declares by notice in the Gazette.

The Chief Inspector of Petroleum and the Petroleum Advisory Board administer the Act. The Chief Inspector should be an officer qualified by technical training in the field of geology and have practical experience in local petroleum prospecting and development affairs. Members appointed to the Petroleum Advisory Board shall be selected by the Minister, appearing to him/her to have ability and experience in matters relating to petroleum.

There is also a *Petroleum Act*, which relates to the carriage and storage of petroleum. The *Petroleum Rules* are subsidiary legislation made under the *Petroleum Act*. As with the general mining legislation discussed above, these Acts have a limited range of provisions to achieve environmental protection aims.

Continental Shelf Act 1970

The *Continental Shelf Act* aims to make provisions for the protection, exploration and exploitation of the continental shelf of Solomon Islands, and the prevention of pollution in consequence of works in connection with the continental shelf. The Act states that Solomon Islands exercise sovereign rights over the continental shelf for the purposes of exploring it and exploiting its natural resources.

The grant of licences for exploration and exploitation is subject to the *Mines and Minerals Act* and to the *Petroleum (Exploration) Act*.

Forests

Forest Resources and Timber Utilisation Act 1969

The main objective of the Act is to control and regulate the timber industry, specifically towards the exploitation of forest resources. To do so, it governs the licensing system for the felling of trees and sawmills, and timber agreements on customary land. It also makes provisions and restrictions related to forests declared as State Forest and Forest Reserves, and establishes various offences and penalties related to forests under the Act.

There are many pieces of subsidiary legislation made pursuant to the *Forest Resources and Timber Utilisation Act* including numerous Exemption Orders and Regulations.

Note that there was an attempt to introduce new forestry legislation in 2004 by way of the *Forests Bill 2004*. This document sought to replace the previous Act and its various amendments. The Bill provided for conservation of forests and improved forest management including establishment of national forests. The bill was comprehensive and provided for a National Forestry Policy and a Provincial Forestry Policy to manage the resource. However, the bill never passed parliament and so did not become law.

Forest Act 1999

The *Forests Act 1999* is another new piece of legislation passed by Parliament in June 1999 and not gazetted, so did not become law. [The Act provides for the sustainable harvesting and management of the forest resources in Solomon Islands and repeals the *Forest Resources and Timber Utilization Act 1991*.

The objectives of the Act are to ensure proper management of Solomon Islands' forest resources in an efficient, effective and ecologically sustainable manner and to promote the development of a sustainable commercial timber industry while protecting and conserving forest resources, habitats and ecosystems including the maintenance of ecological processes and genetic diversity.

A Commissioner of Forests and a Solomon Islands Forestry Board are established by the Act. One of the functions of the Commissioners is the preparation and regular review of a national timber Industry Policy. Although this apparently has never been done, a Code of Practice for Timber Harvesting was produced by the Forestry Division in 1996.

The aim of the Code is to ensure forests are harvested with minimum adverse impact. It theoretically balances the need for protection of environmental values with safety and commercial considerations. Implementation of the standards described in the Code are designed to ensure that important resources and values are recognized and protected during log harvesting operations and that benefits of logging to communities, to industry and to the nation are optimized.

Water

River Waters Act 1969

The purpose of this Act is to regulate, control and manage river waters for equitable and beneficial use. It defines offences in relation to rivers and establishes activities for which permits are required (such as diverting water). However, the Act only applies to areas that are specifically designated under subsidiary legislation.

Solomon Islands Water Authority Act 1993

This Act establishes the Solomon Islands Water Authority (Authority) with numerous functions, including:

- to control, regulate, develop, manage, conserve and utilise urban water resources in the best interests, of Solomon Islands;
- to formulate national policies relating to the control and use of urban water resources;
- to ensure that the water supplied for consumption meets the prescribed water quality standards;
- to provide, construct, operate, manage and maintain, buildings, works, systems and services for impounding, conserving and supplying water for domestic, industrial, commercial and other purposes;
- to provide, construct, operate, manage and maintain buildings, works, systems and services for the conveyance, treatment and disposal of sewage, disposal of trade and industrial waste and other connected purposes; and
- any other like function.

Part VI contains a number of offence provisions, such as illegally divert water or tampering with a water meter.

The Act is supported by the *Solomon Islands Water Authority (Catchment Areas) Regulations LN 42 1995*, which prohibits persons from bringing into or leaving pollutant or waste in a catchment area.

WASTE MANAGEMENT AND POLLUTION

There does not seem to be any specific legislation dealing with water, land, noise or air pollution in a comprehensive manner in Solomon Islands. However various pieces of legislation deal with different aspects of pollution in an ad hoc manner.

4.1. Pollution

The instrument that deals with pollution most comprehensively is the *Environment Act 1998*, which dedicates Section IV to the control of pollution. However, it lacks appropriate subsidiary legislation to make its provisions effective.

Environmental Health Act 1980

The *Environmental Health Act* makes provisions for securing and maintaining environmental health in Solomon Islands.

The Act sets up the administration and structure for community health in the country, includes the administration of environmental health services by the Minister. Under sections 5-6, the Minister may delegate this to the Provincial Governments and the Honiara City Council, which are designated as Enforcement Authorities. The Enforcement Authority is given power to make its own by-laws under the Act to facilitate the efficient operation of environmental health services. The Enforcement Authorities are given power under section 15 to instigate their own prosecutions in their area.

Subsidiary legislation made under this Act include:

- *Environmental Health (Public Health Act) Regulations 1987*; and
- *Environmental Health (SARS Acute Respiratory Syndrome) Regulations 2003 – L/N 46/03*.

Petroleum Act 1939

The *Petroleum Act* is an act relating to the carriage and storage of petroleum. Subsidiary legislation made under this Act refers to a range of environmental matters. Specific obligations arise in case of damages. For example, contractors are obliged under the regulations to control and clean up any released petroleum or other materials and to repair, to the maximum feasible extent, any damage resulting from operations, with all costs to be borne by the contractor.

4.2. Marine Waste Management

The *River Waters Act 1969*, the *Forest Resources and Timber Utilisation Act 1991*, the *Town and Country Planning Act 1979*, the *Water Supply Act 1981* and the *Rural Water Supply Regulations 1987* form the basis of legislation relating to the management of water.

Solomon Islands Water Authority Act 1992

As mentioned above, this Act establishes a Water Authority for Solomon Islands, to provide for the proper management and development of urban water resources and services and sewerage services in Solomon Islands.

Section 17 confers powers on the Authority to address water pollution by enabling the Authority to investigate suspected pollution of the water supply or of particular catchments. The Minister may also make regulations around sewer connections and offences relating to the contamination or pollution of water, whether or not the water is being supplied or used.

Fisheries (Amendment) Regulations 1993

These regulations provide for offences in relation to the pollution of the sea, including disposal of fish offal or waste from a fish processing establishment in the sea, within one nautical mile off land.

Biosecurity Act 2013

The *Biosecurity Act* makes it an offence for any person to import to attempt to import a regulated article except at a biosecurity point. Regulated article is defined as including garbage and other waste.

Ports Act 1956

The *Ports Act* provides for the establishment of the Solomon Islands Port Authority, for the transfer to the Authority of certain port and harbour undertakings of the government, and for the functions of the authority. Section 49 prohibits persons from causing refuse, gas, petroleum oil, bilge water, ballast water or other offensive substance to be discharged into waters or land within the limits of a port without prior written permission of the Authority.

The *Ports Act - Levy of Rates and Dues (Ports of Honiara and Noro) Rules 2015 - LN 68* sets out fees for pollution cleaning and fuel discharge.

Maritime Safety Administration Act 2009

This Act includes provisions for marine pollution prevention and response. Administration powers for this may be delegated to the Ports Authority, by notice in the Gazette.

Under section 25, the Minister may also make regulations associated with the prevention or response to marine pollution and the dumping or incineration of wastes at sea by vessels.

OTHER

5.1. Disaster Risk Management

National Disaster Council Act 1990

The *National Disaster Council Act* establishes a National Disaster Council (Council) in Solomon Islands and confers certain powers upon the Council to deal with natural disasters. The functions of the Council shall be:

- to provide and render advice to the Minister on all matters relating to disasters;
- to approve and co-ordinate all activities necessary in regard to preparedness, response, and recovery;
- to assume full and complete control in operations connected with disasters; and
- to provide and render financial assistance to Committees.

The Act provides that a National Management Office will be established under the responsibility of the Minister with responsibility to administer the Act and to ensure that the national disaster plan and other related plans are periodically reviewed and updated.

MULTILATERAL ENVIRONMENTAL AGREEMENTS

INTERNATIONAL ENVIRONMENTAL INSTRUMENT	STATUS
BIODIVERSITY	
Convention on Biological Diversity (CBD)	R
<ul style="list-style-type: none"> • Cartagena Protocol on Biosafety • Nagoya Protocol on Access and Benefit-Sharing 	A -
Convention on International Trade in Endangered Species (CITES)	A
Convention on Migratory Species (CMS)	-
Convention on Wetlands (RAMSAR)	R
World Heritage Convention (WHC)	A
WASTE AND POLLUTION	
Hazardous waste and pollution	
Basel Convention	-
Rotterdam Convention	-
Stockholm Convention	A
Atmospheric Pollution	
Vienna Convention	A
<ul style="list-style-type: none"> • Montreal Protocol 	A
Ship-based pollution	
UNCLOS (Part XII : Protection and Preservation of the Marine Environment)	A
London Convention - Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter	Sc
<ul style="list-style-type: none"> • London Protocol 	-
CLIMATE CHANGE	
UNFCCC	A
<ul style="list-style-type: none"> • Kyoto Protocol 	R
LAND DEGRADATION	
UNCCD	A
REGIONAL AGREEMENTS	
Waigani Convention	R
Noumea Convention	R
<ul style="list-style-type: none"> • Dumping Protocol • Emergencies Protocol 	R R

Ratification (R), Acceptance (Ac), Accession (A), Signed (S), Succession (Sc)