



REVIEW OF LEGISLATION,
POLICIES, STRATEGIES AND PLANS
RELATING TO THE USE AND
MANAGEMENT OF THE OCEAN

SOLOMON ISLANDS

SUMMARY REPORT



Marine and Coastal Biodiversity Management
in Pacific Island Countries

SUMMARY REPORT TO THE GOVERNMENT OF SOLOMON ISLANDS

Supported by the Marine and Coastal Biodiversity
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Marine and Coastal Biodiversity Management
in Pacific Island Countries



On behalf of:
 Federal Ministry
for the Environment, Nature Conservation,
Building and Nuclear Safety

of the Federal Republic of Germany



BACKGROUND

At the inaugural, national Oceans Summit in Honiara on 9 June 2015, the Government of the Solomon Islands decided to develop an integrated spatial ocean resource management plan.

The project to review the Solomon Islands legislation, policies, strategies and plans relating to oceans management is part of the Marine and Coastal Biodiversity Management in Pacific Island Countries (MACBIO) project in support of the decision made at the Oceans Summit.

This report summarizes the main findings of an analysis and assessment¹ of 54 instruments of legislation, policies, strategies and plans relevant to management and use of the Solomon Islands oceans and will contribute to the development of both the oceans policy and plan.

RESULTS OF THE REVIEW

The review of national legislation and regional and national policies and strategies found that many of the necessary legislative and policy settings for developing and implementing an integrated spatial ocean resource management plan for the Solomon Islands already exist. In particular, maritime boundaries in the Solomon Islands are defined under the *Delimitation of Marine Waters Act 1978*, which provides definitions and interpretations relevant to the marine waters of the Solomon Islands including:

- Internal waters
- Territorial waters
- Exclusive economic zone
- Continental shelf
- Legal character of marine waters

However, there are gaps in some of these instruments that will need to be addressed along with issues relating to the ability of ministries to effectively implement their responsibilities under these legislation and policies.

The Constitution of the Solomon Islands is particularly important to underpin any legislative or policy efforts to develop and implement a national spatial ocean management plan. The Constitution was ratified in 1978 and is considered the supreme law of the Solomon Islands. The (marine) environment is recognized within the Constitution, with the declaration that “*the natural resources of our country are vested in the people and government of Solomon Islands*”. The Constitution also recognizes traditional systems of governance and Article 75 provides that Parliament shall make provisions for the application of laws, which include customary laws.

While the analysis did not identify any legislation or policy that provides a specific foundation for the development of an oceans management policy or a spatial integrated ocean resource management plan there is significant legislative support for implementing responsibilities to address a range of broad oceans management issues.

Under Section 4.2.4.3 of the Democratic Coalition for Change (DCC) Government Policy Statement, to support collaboration and cooperation to achieve an integrated approach to ocean use and management, the government has committed to:

- I. Encourage effective coordination and efficient administration of all government ministries through cluster-groupings.
- m. Encourage effective coordination of policy implementation through strong efficient administration of the Policy Implementation, Monitoring and Evaluation Unit.

¹ Muldoon J, Wini-Simeon L and L Fernandes (2016) Review of legislation, policies, strategies and plans relating to the use and management of the Solomon Islands' oceans. Report to the Government of the Solomon Islands. MACBIO (GIZ, IUCN, SPREP), Suva

Legislation that supports an oceans management policy and plan

Lands Survey Act 1996

Under the Lands Survey Act, the Ministry of Lands, Housing and Survey (MLHS) is responsible for charting the EEZ coordinates and boundaries – this responsibility would also extend to charting and mapping any boundaries related to developing marine spatial planning in oceanic and marine environments, e.g. zoning or various types of marine protected areas. The relevant definitions are contained in the *Delimitation of Marine Waters Act, 1978*.

The Delimitation of Marine Waters Act, 1978

The Delimitation of Marine Waters Act provides the necessary legal definitions and interpretations that apply to the marine waters of the Solomon Islands, including:

- Internal waters
- Territorial waters
- Exclusive economic zone
- Continental shelf
- Legal character of marine waters

Fisheries Management Act 2015 (and the Fisheries Limit Act 1996)

The Fisheries Management Act provides for the conservation, management, development and sustainable use of fisheries and marine resources of Solomon Islands, monitoring and controlling fishing vessels within and beyond the fisheries waters, including establishing marine protected and managed areas. The Fisheries Limit Act extends the fishery limits of Solomon Islands to 200 nautical miles from the baselines from which the territorial sea adjacent to Solomon Islands is measured. Both of these Acts provide the necessary operational support under an oceans management policy or plan to manage fishery resources within the 200 nautical mile exclusive economic zone.

Mines and Minerals Act 1996

The Mines and Minerals Act provides for the development of mining in the Solomon Islands by prescribing appropriate procedures for the grant of licences, permits or leases (however it does not yet address the issue of deep-sea mining). The Act also provides for designating any area as a reserved area and prohibiting reconnaissance, prospecting or mining within a reserved area.

Protected Areas Act 2010

The Protected Areas Act provides for the declaration and management of protected areas or areas where special measures need to be taken to conserve biological diversity and the regulation of biological diversity and prospecting research. The Act relies on nominations to identify potential candidate areas for protected area declaration. This approach does not preclude a scientific approach to identifying candidate protected areas. The Regulations to the Act make special provisions for marine protected areas (including the use of zoning).

National Parks Act 1996

The National Parks Act states that an 'area of land' may be declared a national park but does not define the term 'land' which raises the question of whether the Act applies also to marine/oceanic areas. In the absence of evidence to the contrary it is assumed that the Act will apply. There is strong synergy with the Protected Areas Act – both Acts provide the legislative basis to declare an area to be a protected area – and also complements other legislation with protected area establishment provisions such as the Fisheries Act, the Closed Districts Act and the Forestry Act.

Closed Districts Act 1937

The Closed Districts Act provides for an area to be closed potentially for biodiversity conservation (or other purposes) and formally applies to the waters of the Solomon Islands up to three nautical miles seaward of the low-water mark.

Police Act 2013

The Police Act provides for a range of functions to be carried out by the Police Force including conducting surveillance of the Solomon Islands maritime borders, maritime search and rescue and enforcement of maritime and fisheries laws.

Wildlife Protection and Management Act 1998

The Wildlife Protection and Management Act provides for the protection, conservation and management of wildlife in the Solomon Islands by regulating the export and import of certain animals and plants. The Act provides compliance with the obligations imposed on the Solomon Islands under the Convention on International Trade in Endangered Species.

Environment Act 1998

The Environment Act provides for the protection and conservation of the environment through applying environmental impact assessment obligations on any prescribed developments to ensure that they do not cause detrimental and negative impacts to the marine and oceanic environment.

Maritime Safety Administration Act 2009

The Maritime Safety Administration Act establishes the Solomon Islands Maritime Safety Administration and provides its functions and powers to regulate franchise shipping schemes, manage maritime infrastructure and implement maritime conventions and agreements. This includes registration of vessels and the maintenance of the register of ships, inspection and survey of vessels, regulation of small craft, regulation and operation of marine navigation aids, maritime safety and maritime security, wrecks and salvage and other responsibilities involving the regulation, management, application and enforcement of requirements applying to the maritime sector to achieve compliance with applicable international maritime conventions, agreements and arrangements.

Forestry Resources and Timber Utilisation Act 1996

The Forestry Resources and Timber Utilisation Act consolidates and amends laws relating to forest resources and timber use and controls and regulates the timber industry. This Act provides support for an oceans management policy as it deals with potential impacts if approvals were given that could lead to the removal of mangrove forests or for activities such as clear felling in catchment areas that could cause coastal erosion and increased sedimentation in inshore areas.

Policies, strategies and plans that support an oceans management policy and plan

NATIONAL

The Constitution provides a national obligation for the people and the government to work together to manage the natural resources of the Solomon Islands. However, the primary instruments that are more likely to achieve integration and coordination are the DCC Government Policy Statement, National Development Strategy 2011–2020 (NDS) and the Medium Term Development Strategy 2015–2019 (MTDS). The NDS and the MTDS are the fiscal ‘tools’ for funding the business of government and consequently are the means whereby ministries are able to develop and implement collaborative and cooperative programs for ocean management.

Democratic Coalition for Change Government Policy Statement

The Democratic Coalition for Change (DCC) Government Policy Statement provides the means for coordinating government departments and organizations involved in sectoral management arrangements in the Solomon Islands and the policy basis for future coordinated and integrated oceans management.

National Development Strategy 2016–2035 and Medium Term Development Plan 2015–2019

The NDS is the basis for funding of Solomon Islands Government programs and defines the objectives and priorities for funding allocation. Consequently, recognition by the NDS of the need for the development of policy, strategies and/or plans is critical to receiving government support for the policy and planning process for oceans use and management.

The MTDP 2015–2019 updates development programs supporting the government’s NDS objectives. The MTDP does not yet specifically contemplate the development of a national oceans management policy although it does identify funding priorities for ministries potentially involved in the development of the Policy, e.g., Fisheries, Environment, Lands. This is to be expected until the oceans policy process is included in the next iteration of the NDS (which is currently being considered).

National Climate Change Policy 2012–2017

The policy provides for coordination of climate change work in the country and provides the policy framework for cooperation and collaboration between the government and people of Solomon Islands as well as with development partners, international and regional institutions, intergovernmental organizations and experts.

National Adaptation Programmes of Action

The Solomon Islands is party to the United Nations Framework Convention on Climate Change (UNFCCC) and has ratified the Kyoto Protocol. As a party to the Convention, the country is required to take full account of its specific needs and capitalize on its special situations to entice donor funding and encourage transfer of appropriate technology. The NAPA assembles the specific needs and addresses the special situations of Solomon Islands. It prioritizes and ranks key sectors of the economy that require urgent and immediate adaptation to solicit funding and enable technology transfer, consistent with Article 4.9 of the UNFCCC. This supports the potential implementation arrangements for a national oceans management policy.

Solomon Islands National Plan of Action: Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security

The Coral Triangle National Plan of Action (NPoA) details a people-centered and integrated resource management approach that relies on a core of community-based management as a national strategy to improve food security, adaptive capacity (climate change and other pressures), conservation of target or threatened species and habitats appropriate to the context of Solomon Island. This action plan will provide potential strong community and program support for the development of a national oceans management policy.

National Biodiversity Strategic Action Plan 2009

The Solomon Islands National Biodiversity Strategic Action Plan (NBSAP) has been developed in response to the commitment in ratifying the UN Convention on Biological Diversity (CBD). The NBSAP identifies and highlights the high biodiversity values of the Solomon Islands as well as identifying key threats and barriers to conserving biodiversity, and focuses on actions to mitigate potential risks.

The NBSAP provides a range of strategies and actions to deal with these potential risks and sets out an action implementation framework for achieving this. The NBSAP will need to be reviewed and revised to provide up to date support for the national oceans management policy.

Action Plan for Implementing the CBD Program of Work on Protected Areas (2011)

This is an action plan to support the Solomon Islands work in implementing the CBD through identifying the current situation on protected areas and providing a blueprint for work towards establishing a protected areas system. This strategy and action plan will provide strong support for the development of the national oceans management policy.

Ministry of Fisheries and Marine Resources Corporate Plan 2014–2018

The Ministry of Fisheries and Marine Resources (MFMR) Corporate Plan 2014–2018 provides for the development of oceans use and management arrangements as the role of the MFMR is to regulate the orderly development and quality management of Solomon Islands fisheries and marine resources and to ensure Solomon Islands receives maximum economic and social benefits from the sustainable use of its fisheries and marine resources.

National Strategy for the Management of Inshore Fisheries and Marine Resources 2010–2012

The Inshore Strategy encompasses priorities and activities to meet national and international obligations to sustainable management and use of marine resources. The strategy is currently out of date. MFMR is in the process of revising the strategy, but has advised that the current draft is not ready for circulation. The Ministry is currently working on separating the strategy into two documents, an inshore fisheries strategy and a provincial fisheries strategy, to align with DCC policy expectations.

Tuna Management and Development Plan (undated)

The Tuna Management and Development Plan (TMDP) is designed to guide future management and development of tuna fisheries to achieve the overall goal of the Solomon Islands Government, which is *“tuna fisheries are managed to ensure Solomon Islands receives maximum economic and social benefits from the sustainable use of its tuna resources”*. The TMDP sets out a series of goals, strategies and actions by which the overall goal will be achieved. Preparation of the TMDP is provided for under Section 7 of the *Fisheries Act 1998*.

National Fish Aggregating Device Management Plan 2008

The purpose of the Fish Aggregating Device Management Plan is to manage the use of fish aggregating devices (FADs) in Solomon Island waters (primarily for tuna). The plan identifies issues and terms around the use of FADs, provides for development of a FAD register for FADs deployed in Solomon Island waters, establishes reporting requirements for deployments (dates, location, etc.), requires owners of FADs to monitor their deployment and to monitor catch (including capture of undersize fish), provides for restrictions on deployment and exclusion zones including navigation and shipping routes, defines guidelines for access to FADs, electronics, general FAD design, and visibility of FADs and associated gears and defines types of FADs allowed.

National Tourism Strategy 2015–2019

The National Tourism Strategy is designed to identify and address sector-related impediments, to facilitate a faster rate of economic growth and increased benefits from tourism. The document is subtitled 'Strategy for Growth', reflecting the importance that sustainable tourism could play in growing the economy of the Solomon Islands and in achieving the broader goals of the government.

The strategy covers the five years 2015–2019, and aims to ensure practical and systematic measures are taken to build the tourism sector. The strategy outlines a sequenced and prioritized program of development which will contribute to development and implementation of a national oceans management policy

Ridges to Reefs Conservation Plan (Isabel Province) 2012

The Ridges to Reefs Conservation Plan is designed to guide future conservation and development activities in Isabel Province. The plan identifies protected area priorities as a contribution to the POWPA and the NBSAP. The plan also gives effect to the *Protected Areas Act 2010*.

Code of Logging Practice

The Solomon Islands Code of Logging Practice is part of the policy and regulative systems that the Ministry of Forestry and Reforestation and logging companies use to manage forest harvesting operations in the country.

The Code of Practice is relevant to an oceans management policy and/or plan because of its application to catchment areas that feed/lead into coastal and inshore areas.

REGIONAL

Pacific Regional Environment Program Strategic Plan 2011–2015

The Pacific Regional Environment Strategic Plan identifies the priorities, strategies and actions for addressing environmental challenges over the five years from 2011. This plan is the framework that guides the South Pacific Regional Environment Program annual work plans and focus its vision for the foreseeable future. The plan is at the end of its useful life. However, the thematic areas and approaches of the plan are useful for developing a Solomon Islands oceans management policy.

Framework for a Pacific Oceanscape (2010)

The Framework for a Pacific Oceanscape has been developed to support policy development by:

- Providing a (baseline) review of the Pacific Island Region's ocean policy environment and the status of its institutional and operational framework;
- Providing a summary of progress in implementation of ocean-related policy, in particular, the Pacific Islands Regional Ocean Policy, identified as a key priority initiative under the Pacific Plan in 2005, as well as key issues that need to be addressed; and
- Identifying critical and emerging priority issues and opportunities of strategic significance for ocean management and conservation.

Pacific Island Regional Ocean Policy 2005

This policy is intended to promote the Pacific region as an ocean environment in support of sustainable development. It is not a legal document, but its guiding principles are founded on international law, as reflected in the United Nations Convention on the Law of the Sea and other international and regional agreements.

These guiding principles are:

- improving understanding of the ocean;
- sustainably developing and managing use of ocean resources;
- maintaining the health of the ocean;
- promoting the peaceful use of the ocean; and
- creating partnerships and promoting cooperation.

Secretariat of the Pacific Community Applied Geoscience and Technology Division Strategic Plan 2011–2015

The Ocean and Islands Programme (OIP) of the Secretariat of the Pacific Community (SPC) provides applied ocean, island and coastal geoscience services to support countries to govern and develop their natural resources, increase their resilience to hazards and facilitates data-based approaches to adaptation. The purpose of the strategic plan is to ensure that Pacific Island Countries and Territories (PICTs) are better able to:

- Monitor and assess natural resources, systems and processes;
- Develop, manage and govern their natural resources;
- Manage vulnerability and risks in their countries.

The Applied Geoscience and Technology Division (formerly SOPAC) has developed the strategic plan based on identified key issues facing its members:

- Coastal development, urbanisation and vulnerability
- Maritime boundaries
- Climate change and adaptation
- Natural resource development
- Information management and analysis.

While there are some synergistic opportunities to link this strategic plan with a number of other initiatives, the plan was due for review and evaluation in 2015 and therefore, theoretically it is at the end of its useful life. A revised strategic plan for 2016–2020 is likely to be more relevant.

Secretariat of the Pacific Community Division of Fisheries, Aquaculture and Marine Ecosystems Strategic Plan 2013–2016

The goal of the Fisheries, Aquaculture and Marine Ecosystems Division, in line with the priorities of member countries and territories is that the fisheries resources of the Pacific Islands Region be sustainably managed for economic growth, food security and environmental conservation. The division focuses on fishery-induced threats to resources, while taking account of broader ecosystem management principles.

The plan relates to broad global and regional goals, but also incorporates many of the priorities identified by individual member countries and territories in the SPC Joint Country Strategy process over recent years.

The plan has also responded to changes in the work program requested by Heads of Fisheries and regional organizations. Through a process of review and revision approximately every two years, the plan is maintained as a living document.

Pacific Islands Regional Coastal Fisheries Management Policy and Strategic Actions 2008-2013 (Apia Policy)

The Apia Policy was developed in response to a directive by Pacific Islands Forum Leaders under an amendment made to the Pacific Plan for Strengthening Regional Cooperation and Integration (Pacific Plan) at their meeting in Tonga in 2007. This policy also accommodates the Vava'u Declaration on Pacific Fisheries Resources, which places high priority on *'the development and management of coastal/inshore fisheries and aquaculture to support food security, sustainable livelihoods and economic growth for current and future generations of Pacific people'*. This policy is the first regional mechanism developed to harmonize national policies and activities that address the long-term sustainability of coastal fisheries resources and maintenance of healthy marine ecosystems. It provides guiding principles for strategic action at national and regional levels to address the problems and challenges encountered by PICTs in managing their coastal fisheries. However, the policy is currently out of date and there is no evidence that it has been reviewed or revised.

South Pacific Regional Environment Program Regional Strategy to Address Marine Pollution from World War II Wrecks /The Nairobi International Convention on the Removal of Wrecks

The Regional Strategy to Address Marine Pollution from World War II Wrecks endorsed at the 13th SPREP Meeting, Majuro, Marshall Islands in July 2002, provides a regional strategic framework for the Solomon Islands to consider how best to address pollution from WWII wrecks.

The Nairobi International Convention on the Removal of Wrecks entered into force on 14 April 2015 following the deposit of an instrument of ratification with the International Maritime Organization (IMO) by Denmark. Among several provisions, the Convention places financial responsibility for the removal of certain hazardous wrecks on ship owners, making insurance, or some other form of financial security, compulsory.

The Convention fills a gap in the existing international legal framework by providing the first set of uniform international rules aimed at ensuring the prompt and effective removal of wrecks located beyond a country's territorial sea. The Convention also contains a clause that enables State Parties to 'opt in' to apply certain provisions to their territory, including their territorial sea.

Other regional agreements, arrangements, conventions and treaties including the Vava'u Declaration, Niue Treaty, Niue Treaty Subsidiary Agreement, the Tokelau Arrangement, South Pacific Forum Fisheries Agency Convention 10 July 1979, Parties to Nauru Agreement, The FSM Arrangement, United States Multilateral Fisheries Treaty, Western and Central Pacific Fisheries Commission and the Palau Arrangement.

The Solomon Islands is a party to each of the above agreements and is required to abide by them. Each of these treaties and agreements has the potential to underpin fisheries management legislation, strategies and plans. Therefore each of these instruments is highly supportive to an oceans management policy and/or plan as they define arrangements for sharing fish stocks within the region.

FINAL COMMENTS

The review of national legislation and regional and national policies and strategies has found that many of the necessary legislative and policy settings for developing and implementing an oceans management policy and spatial integrated ocean resource management plan for the Solomon Islands already exist. However apart from the DCC Policy Statement there is no overarching legislation or policy to provide the necessary coordination of all legislation and policies for oceans management. There are gaps in some of the relevant instruments that will need to be addressed along with issues relating to the ability of ministries to effectively implement their responsibilities under these legislation and policies.

An improvement of the legislative system will enable better harmonization with other legislation, and provide updated legislation to manage current and future issues and threats, and contribute to a more sustainable future for the oceanic and marine resources of the Solomon Islands.

For example, harmonization of links to effect compliance under the Environment Act and to promote sustainable development are urgently required. Environmental management planning including strategic environmental assessments are important components of ensuring sustainable development and will need to be embedded into the legislation, or at least, into ministerial policies across all sectors.

Jurisdictional issues over coastal waters need to be settled. While Solomon Islanders claim rights (ownership) over coastal waters and the lagoons, the legal status of the claim is, apparently, yet to be settled. In the Solomon Islands the land and sea below the high-tide mark are generally regarded as government land. Customary marine tenure is recognized in the sense that traditional fishing rights are generally protected under some legislation but this still requires further clarification, particularly as it relates to offshore areas.

Clear policies are fundamental to support existing legislation and to clarify mandates, responsibilities and actions of the various ministries. Sectoral policy goals lack clear, inter-ministerial coordination and joint implementation for cross-cutting issues; a mechanism that ensures policies are developed in a coordinated fashion across the sectors needs to be developed and established. The communication of these policies to relevant authorities and stakeholders requires reinforcing and better understanding and coordination.

Mechanisms to implement strategies to achieve policy objectives must be identified and be part of the policy statement, including using the widest approach to ensure understanding, commitment and coordination.

Better coordination and management of resources is crucial if coastal and marine resources are to be preserved for future generations. Lead government agencies must be adequately resourced and strengthened to ensure that they are able to carry out their legislated mandates to support sustainable use of oceanic and marine resources and the protection of biodiversity in the Solomon Islands. Capacity building in relevant ministries is a key element necessary for promoting management effectiveness in oceanic and marine resource initiatives. Issues such as insufficient training and technical knowledge, limited staffing, limited access to scientific and technical information related to coastal and marine resources management, and limited knowledge among communities on basic principles of sustainable resource management need to be addressed.

These actions are necessary to ensure that the issue of long-term sustainable use and management of the Solomon Islands oceanic and marine resources are achieved for the benefit of current and future generations of Solomon Islanders.



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