



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

SOLOMON ISLANDS



Marine and Coastal Biodiversity Management
in Pacific Island Countries



EFFECTIVE MANAGEMENT



Marine and coastal ecosystems of the Pacific Ocean provide benefits for all people in and beyond the region. To better understand and improve the effective management of these values on the ground, Pacific Island Countries are increasingly building institutional and personal capacities for Blue Planning.

But there is no need to reinvent the wheel, when learning from experiences of centuries of traditional management in Pacific Island Countries. Coupled with scientific approaches these experiences can strengthen effective management of the region's rich natural capital, if lessons learnt are shared.

The MACBIO project collaborates with national and regional stakeholders towards documenting effective approaches to sustainable marine resource management and conservation. The project encourages and supports stakeholders to share tried and tested concepts and instruments more widely throughout partner countries and the Oceania region.

This review of the legal basis for effective marine management is part of MACBIO's support to its partner countries' national marine planning and management processes.

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MARINE ECOSYSTEM
SERVICE VALUATION

MARINE SPATIAL PLANNING

EFFECTIVE MANAGEMENT





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

REPORT TO THE GOVERNMENT OF SOLOMON ISLANDS

Supported by the Marine and Coastal Biodiversity Management in Pacific Island Countries (MACBIO) project

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in Pacific Island Countries



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

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Marine and Coastal Biodiversity Management
in Pacific Island Countries



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ACRONYMS AND ABBREVIATIONS

AIS	Automatic Identification System
Cap	Chapter
CBD	Convention for Biological Diversity
CITES	Convention on International Trade in Endangered Species
CROP	Council of Regional Organisations in the Pacific
CTI-CFF	Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security
DCC	Democratic Coalition for Change
EEZ	Exclusive Economic Zone
EIA	Environmental impact assessment
EIS	Environmental Impact Statement
FAD	Fish aggregating device
FAME	SPC Division of Fisheries, Aquaculture and Marine Ecosystems
FAO	Food and Agricultural Organisation
FFA	Forum Fisheries Agency
FSM	Federated States of Micronesia
ICM	Integrated coastal management
IMO	International maritime organisation
IUCN	International Union for the Conservation of Nature
LMMA	Locally Managed Marine Area
MACBIO	Marine and Coastal Biodiversity Management in Pacific Island Countries project
MDG	Millennium Development Goal
MDPAC	Ministry of Development Planning and Aid Coordination
MEA	multilateral-lateral environment agreements
MECDM	Ministry of Environment, Climate Change, Disaster Management and Meteorology
MECM	Ministry of Environment, Conservation and Meteorology
MFMR	Ministry of Fisheries and Marine Resources
MLHS	Ministry of Lands, Housing and Survey
MPA	Marine protected area
MPNSCS	Ministry of Police, National Security and Correctional Service
MSWG	Marine Sector Working Group of the Council of Regional Organisations in the Pacific (CROP)
MTDPS	Medium Term Development Plan
MTS	Medium Term Strategy
NAPA	National Adaptation Programme for Action
NBSAP	National Biodiversity Strategy Action Plan/Programme
NDS	National Development Strategy
NFD	National Fisheries Developments
nm	Nautical mile
CTI NPoA	Coral Triangle Initiative National Plan of Action
NPoA	National Plan of Action
PER	Public Environmental Report
PICTs	Pacific Islands Countries and Territories
PIROP	Pacific Islands Regional Oceans Policy
PNA	Parties to the Nauru Agreement
PoWPA	Plan of Work on Protected Areas
PSC	Public Services Commission
R2R	Ridges to Reefs Conservation Plan for Isabel Province, Solomon Islands
SDG	Sustainable Development Goal
SILMMA	Solomon Islands Locally Managed Marine Area
SIMSA	Solomon Islands Maritime Safety Administration
SINTDS	Solomon Islands National Tourism Development Strategy
SOLAS	Safety of life at sea
SOPAC	Pacific Islands Applied Geoscience Commission (Division of SPC)
SPC	Secretariat of the Pacific Community
SPREP	South Pacific Regional Environmental Programme
TMDP	Tuna Management and Development Plan
UN	United Nations
UNCBD	United Nations Convention on Biological Diversity
UNCLOS	United Nations Convention on Law of the Sea
UNFCCC	United Nations Framework Convention to Climate Change
VDS	Vessel Days Scheme
WCPFC	Western and Central Pacific Fisheries Commission

EXECUTIVE SUMMARY

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.

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.

This report provides an analysis and assessment 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.

DEVELOPING AN OCEAN PLAN OR POLICY

The review of national legislation and regional and national policies and strategies (listed at Attachment 1) has 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 recognised 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 recognises traditional systems of governance and Article 75 provides that Parliament shall make provisions for the application of laws, which include customary laws.

Attachment 2 provides a summary of the scope of issues that an integrated, spatial ocean management plan is likely to address and whether the legislation, policies and strategies analysed and reviewed in this report are relevant in the context of an integrated oceans management policy or plan. That is, are the legal, policy and management settings and instruments in place to support the development and implementation of an oceans management policy and plan for the Solomon Islands. Attachment 3 provides an overview of ministry responsibilities, roles and issues as they relate to oceans use and management (based on issues raised at the Oceans Summit in June 2015).

While the analysis did not identify any legislation or policy that provided a specific foundation for the development of an oceans management policy or an integrated spatial ocean resource management plan, there is significant legislative support for implementing responsibilities to address a range of broad oceans management issues. However, apart from the Democratic Coalition for Change (DCC) Policy Statement there is no overarching legislation or policy to provide the necessary coordination of all legislation and policies for oceans management.

Under Section 4.2.4.3 of the DCC Policy Statement, to support collaboration and cooperation to achieve an integrated approach to ocean use and management, the government has committed to:

- l.** 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 INTRODUCTION

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.

MACBIO is funded by the German Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMUB) through its International Climate Initiative (IKI). The project is being implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ, German Agency for International Cooperation) with technical support from the International Union for the Conservation of Nature (IUCN) Oceania office and in close collaboration with the Secretariat of the Pacific Regional Environment Programme.

The MACBIO project assists governments to strengthen the sustainable management of their marine and coastal resources and biodiversity. In particular, the objectives of the MACBIO project are to:

- Consider the economic value of marine and coastal ecosystem services in national development planning;
- Align exclusive economic zone-wide spatial planning frameworks with the requirements of sustainable ecosystem use and conservation;
- Use and demonstrate best practices for the management of marine protected areas, including payments for environmental services, at selected site; and
- Disseminate concepts and instruments that have proven successful for the sustainable management of marine and coastal biodiversity regionally and internationally.

1.1 PURPOSE OF REVIEW

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.

This report provides an analysis and assessment 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.

1.2 REVIEW APPROACH

The analytical framework used to undertake the review of legislation, policies, strategies and plans in support of the Solomon Islands proposed spatial integrated oceans resource management plan and/or policy comprises three components:

1. Individual analysis of legislation, policies, strategies and plans (a list of instruments reviewed is at Attachment 1);

An analysis was undertaken of each of the instruments identified as having some relevance to oceans use and management in the Solomon Islands and therefore of relevance to development of a national integrated spatial ocean resource management plan. Each of these instruments was analysed against a number of criteria as follows:

1. Document Type (legislation, policy, strategy, plan or other)
2. Source (regional, national, provincial or local government)
3. Main objectives
4. Main activities that are promoted, controlled and/or managed
5. Main management tools (including incentives) used
6. Geographic extent of jurisdiction (and whether formal or informal)

7. Administration of Instrument (who is responsible)
8. Bodies established under Instrument
9. Regulatory and planning provisions established by Instrument
10. Conflict or potential conflict
11. Synergy or potential synergy
12. Gaps of any kind
13. Relevance of Instrument to development of integrated ocean management
14. Other analytical dimensions as appropriate.

Based upon the analysis, each instrument was given a ranking of relevance of 1–*High*, 2–*Moderate*, 3–*Low* or 4–*Not relevant* to an oceans management policy or plan for the Solomon Islands. The ranking has been used to prioritise the presentation of the results. Instruments ranked as 3 (*low*) or 4 (*not relevant*) have not been included in this report.

2. Integration of individual analyses into an assessment table for comparative analysis and assessment; and
3. This report, which provides an assessment narrative based on the individual analyses and the information from the assessment table.

This review was current at at 2 August 2016. New legislation and policies may have been promulgated since this report was completed.

2 REVIEW OF LEGISLATION, POLICIES AND PLANS OF RELEVANCE TO DEVELOPMENT OF AN INTEGRATED SPATIAL OCEAN RESOURCE MANAGEMENT PLAN

2.1 LEGISLATION

2.1.1 National (including National Constitution)

The following legislation is of **high** or **moderate relevance** to the development of an oceans management policy and plan.

Constitution of Solomon Islands 1978, sub legislation and 2009 Amendment

The Constitution of Solomon Islands was ratified in 1978, and is considered the supreme Law of the Solomon Islands. The environment is recognised 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 recognises traditional systems of governance and Article 75 provides that Parliament shall make provisions for the application of laws, which include customary laws.

Relevance to development of an oceans policy and plan

The preamble to the Constitution states that:

(b) the natural resources of our country are vested in the people and the government of Solomon Islands;

The Constitution vests the natural resources in both the people and the government, thereby establishing an obligation for both to work together to ‘manage’ the resources.

On this basis, the Constitution is **highly relevant** to development of an oceans management policy and plan in the Solomon Islands.

Fisheries Management Act 2015 (No 2 of 2015)

(also incorporating provisions of the Fisheries Limit Act)

The purpose of the Fisheries Management Act is to make provisions for the conservation, management, development and sustainable use of fisheries and marine resources of Solomon Islands, to monitor and control fishing vessels within and beyond the fisheries waters, to repeal the *Fisheries Act 1998* and to make consequential amendments to the *Provincial Government Act 1997* and the *Town and Country Planning Act (Cap. 154)*.

The objective of the Fisheries Management Act 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.

The Fisheries Limit Act extends the fishery limits of Solomon Islands to 200 nautical miles from the baseline¹ from which the territorial sea adjacent to Solomon Islands is measured.

Relevance to development of an oceans policy and plan

This Act is **highly relevant** to development of an oceans management policy and plan.

The Act provides for the management of fishery and other marine resources, for the establishment of marine protected/management areas (Part 4 Section 19) and provides a potential tool to achieve sustainable use of marine resources (Box 1).

¹ “baseline” means the baseline drawn in accordance with the Delimitation of Marine Waters Act 1978.

BOX 1 Protected area declaration under the Fisheries Management Act Part 4 Section 19

DECLARATION OF NATIONAL MARINE PROTECTED AREAS AND MARINE MANAGED AREAS

- 19.(1) The Minister may declare a national Marine Protected Area or national Marine Managed Area by Order in the *Gazette*.
- (2) The Director shall –
- (a) receive and decide on applications for an area to be declared as a national Marine Protected Area or a national Marine Managed Area;
 - (b) identify and recommend to the Minister the establishment of Marine Protected Areas and Marine Managed Areas;
 - (c) ensure the development and implementation of conservation and management measures for any areas declared by the Minister pursuant to subsection (1), including through a Fisheries Management Plan; and
 - (d) establish and maintain a register of areas declared pursuant to subsection (1).
- (3) The Director may –
- (a) appoint a management committee responsible for the management of an area declared pursuant to subsection (1); and
 - (b) make recommendations to amend, suspend or revoke a declaration made pursuant to subsection (1).
- (4) Where any part of an area proposed for declaration under subsection (1) includes –
- (a) fisheries waters of more than one Province; or
 - (b) any area where there are customary rights, the agreement of the relevant Provincial Executive and community rights holders on behalf of the communities shall be required.
- (5) No person shall engage, or permit or allow any other person to engage in any activity that –
- (a) is prohibited under a declaration made pursuant to subsection (1); or
 - (b) results in destruction or adverse impacts on the fishery resource in the area declared pursuant to subsection (1) or causes the objective of establishing such area to be unattainable.
- (6) Any person who contravenes subsection (5) commits an offence and upon conviction shall be liable to a fine not exceeding the maximum amount described in the First Schedule or imprisonment to a term not exceeding 2 years or to both such fine and imprisonment, and in addition for contraventions of subsection (5) (b) shall be liable to full compensation for any destruction or adverse impacts and restoration of the area to its original state.

The Act also provides for the recognition of customary rights and respected activities. (Part 4, Section 21).

Protected Areas Act 2010 and Regulations 2012

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 and for related matters; Part 3 Section 10, in particular, provides for the declaration and protection of protected areas (Box 2).

The objectives of the Act are:

- a.** to establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;
- b.** to develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;
- c.** to regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;
- d.** to promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;
- e.** to promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of the protected areas; and
- f.** to rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, such as, through the development and implementation of plans or other management strategies.

PART 3 – DECLARATION AND PROTECTION OF PROTECTED AREAS

10. (1) The Minister may, on the recommendation of the Director, declare by order in the Gazette any area as a protected area of biological diversity significance if the area –
- (a) possesses significant genetic, cultural, geological or biological resources;
 - (b) constitutes the habitat of species of wild fauna and flora of unique national or international importance;
 - (c) merits protection under the Convention Concerning the Protection of World Cultural and Natural Heritage; or
 - (d) requires special measures to be taken to conserve biological diversity.
- (2) Before making any recommendations to the Minister, the Director shall –
- (a) conduct meetings and consultation with the owners of the area or other persons who may be affected by the proposed declaration;
 - (b) undertake consultation with the relevant ministries and relevant provincial government;
 - (c) carry out field study appraisal and assess and evaluate the biodiversity significance of the area;
 - (d) verify the rights and interests in the area;
 - (e) identify, assess and evaluate the conservation, protection and management options for the area; and
 - (f) publish in a newspaper having wide circulation in Solomon Islands a prescribed public notice setting out the area to be declared and the biodiversity significance of the area.
- (3) The public notice published under subsection (2)(f) shall provide for a period of not less than thirty days in which any person may, in writing, object to or support the proposed declaration.
- (4) The owner of any area, including any nongovernmental organisation managing a conservation area, may apply to the Director for the area to be declared by the Minister as a protected area.
- (5) When the Director receives an application under subsection (4), the Director shall follow the procedures set out in subsection (2) (b) to (f).
- (6) The Minister shall declare any area proposed under subsection (4) as a protected area, if the Director recommends to the Minister that the area complies with subsections (1) and (7) (a), (b) and (d).
- (7) The Minister shall, before declaring an area as a protected area under subsection (1), ensure that –
- (a) the conservation objectives of the protected area are identified and are in accordance with sound conservation practices;
 - (b) the boundaries of the area are accurately identified, or otherwise demarcated and surveyed;
 - (c) the consent and approval are obtained from persons having rights or interests in the area; and
 - (d) an appropriate conservation, protection or management plan is developed for the area to ensure that the conservation objectives of the protected area will be achieved.
- (8) The Minister may, on the recommendation of the Director, amend, vary, suspend or revoke the protected area by order in the Gazette, in accordance with the prescribed procedures.
- (9) Any amendment or variation to any protected area shall follow the procedures set out in this section.
- 11 (1) The Director shall establish and maintain a register of protected areas.
- (2) The Minister responsible for Forests or the Minister responsible for Fisheries may recommend to the Minister any area within his respective responsibility that has been protected or declared under the written law relating to forestry or fishery to be registered under the register of protected areas if the area meets any requirement under section 10(1).
- (3) The Minister may, upon receiving any recommendation under subsection (2), approve the registration of the area as a protected area if the Director recommends to the Minister that the area meets any requirement under section 10(1) and section 10(7)(a), (b) and (d).
- 12 (1) The Advisory 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.
- (2) Notwithstanding subsection (1), a management committee may consist of –
- (a) only persons who are residing in the vicinity of the protected area; or
 - (b) persons who are responsible for the administration and management of such area under any existing agreement, arrangement or understanding in relation to matters under this Act or other written laws regulating the environment.
- (3) The functions of a management committee are –
- (a) to develop, formulate, implement, monitor and review conservation, protection or management plan in respect of its protected area;
 - (b) to manage the protected area under its control and supervision;
 - (c) to perform any other function the Advisory Committee may assign in writing to the management committee or given to the management committee under this Act or any other written law.
- (4) The Advisory Committee may provide technical support to a management committee.
- (5) The members of a management committee are entitled to prescribed allowances.
- (6) The meeting procedures of management committees are to be prescribed by regulations.

Relevance to development of an oceans policy and plan

The Protected Areas Act is **highly relevant** to the development of an oceans management policy and/or plan as it provides the legislative basis for declaring protected areas and using zoning for spatial planning within any oceans management arrangement, along with other sectoral legislation.

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 areas.

The Regulations make special provisions for marine protected areas (including the use of zoning) which is extremely useful in considering options for managing use in the ocean. However, the scale of marine protected areas contemplated in the Regulations appears to be smaller than would be useful in broad-scale oceanic zoning. That is, the Regulations require marking boundaries with permanent or semi-permanent markers such as buoys or anchoring restrictions. Note, however, that this interpretation may not be accurate as the assessment is based on an initial interpretation without the benefit of understanding the original drafting intent. Legally, however, the Regulations do appear to provide for large-scale marine protected areas and zones.

Police Act 2013

The Police Act provides for the organisation, discipline, powers and duties of the police force, repeals the previous Police Act (CAP 110) and provides for connected or incidental matters. In particular, the Police Act 2013 provides a mandate for the Solomon Islands Police to undertake the following responsibilities in relation to the oceans:

- conduct surveillance of the Solomon Islands maritime borders;
- conduct maritime search and rescue operations;
- enforce maritime and fisheries laws;
- conduct medical evacuations;
- conduct security and transportation for local and foreign dignitaries: and
- such other activities that may be prescribed in times of emergency.

Relevance to development of an oceans policy and plan

The Police Act is **highly relevant** to development of an oceans management policy and/or plan as the Police Maritime Division has the legal mandate to carry out monitoring and enforcement of waters within the 200-nm exclusive economic zone (EEZ) of the Solomon Islands.

Lands Survey Act 1996

The Lands Survey Act provides for the survey of lands in the Solomon Islands including;

- registration of land surveyors;
- rules and directions issued by the Surveyor General;
- provision for recognition of surveys by courts and government;
- provision of plans for filing by the Surveyor General's office; and
- fees and penalties.

The Commissioner of Lands owns foreshore areas in front of cities/government-owned areas and therefore has the authority to administer activities on the foreshore and potential landing sites for any marine activities.

Advice from the Ministry of Lands, Housing and Survey (MLHS) at the Ocean Summit meeting (June 2015) is that under the Land Survey Act the ministry is responsible for charting the EEZ coordinates and boundaries.

Relevance to development of an oceans policy and plan

This Act is **highly relevant** to an oceans management policy and plan as it is the basis for defining ocean boundaries. It is also relevant as it provides the legal basis for defining boundaries of areas determined under management strategies, plans or zoning plans.

The Delimitation of Marine Waters Act, 1978 Act No. 32 of 21 December 1978

The purpose of this Act is to provide definitions relevant to the marine waters of the Solomon Islands, in particular:

- internal waters
- territorial waters
- exclusive economic zone
- continental shelf
- legal character of marine waters
- right of passage
- ability to make regulations.

Relevance to development of an oceans policy and plan

This legislation is **highly relevant** to an oceans policy and/or plan as it provides the boundary definitions on which an oceans policy and/or plan will rely on for implementation.

Maritime Safety Administration Act 2009

The Maritime Safety Administration Act establishes the Solomon Islands Maritime Safety Administration (SIMSA) and provides its functions and powers to regulate franchise shipping schemes, management of maritime infrastructure and implementation of maritime conventions and agreements, and for related matters.

The functions of SIMSA include all aspects of maritime administration under the Shipping Act 1998 and other relevant laws, including:

- a. the registration of vessels and the maintenance of the register of ships;
- b. the inspection and survey of vessels;
- c. the regulation of small craft;
- d. the certification of seamen, and of marine pilots;
- e. the employment and welfare of seamen;
- f. the regulation and operation of marine navigation aids;
- g. the inspection and regulation of other maritime infrastructure;
- h. the imposition of requirements related to maritime safety and maritime security;
- i. authority over wrecks and salvage in accordance with Part X of the Shipping Act 1998;
- j. 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;
- k. all aspects of port state control inspection of vessels;
- l. regulation of search and rescue services and operations;
- m. marine pollution prevention and response, and related matters;
- n. regulation of the construction, use and inspection of maritime infrastructure;
- o. setting and enforcing standards of construction of vessels within Solomon Islands, and standards applying to the repair or salvage of vessels;
- p. functions involving hydrography, including the preparation and approval of charts and surveys for maritime purposes;
- q. the provision of technical support for the administration of approved franchise schemes for the provision of shipping services within Solomon Islands, and the exercise of lawful regulatory authority over such services;
- r. the regulation of vessels undertaking any research in any marine area, subject to section 3 of the Research Act Cap. 152; and
- s. other maritime functions under applicable laws or as approved by Cabinet.

SIMSA is also responsible for:

- monitoring discharge of harmful substances released from a ship;
- responding to pollution of the sea and related interests; and
- administering compliance with international conventions to which Solomon Islands is signatory, or which are incorporated into Solomon Island legislation and have the force of law.

Relevance to development of an oceans policy and plan

As this Act regulates shipping, maritime safety, marine pollution, salvage and functions to do with hydrography (see functions f, g, h, i, j, m, n, o and p listed above) in the Solomon Islands, it is **highly relevant** to development of an oceans management policy or plan.

Mines and Minerals Act (Cap 42) 1996, Mines and Minerals (amendment) Act 1998 and Mines and Minerals (amendment) Act 2014

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, for the establishment of a Minerals Board to regulate and control mining, and to repeal the Mining Act.

Under s2 of the Act:

2.- (1) All minerals of every description in or under all lands of whatsoever ownership or tenure or in whatsoever possession or enjoyment they may be, are and shall be deemed always to have been, vested in the people and the Government of Solomon Islands.

The main activities controlled under the Act are:

- development of mining which is controlled through the grant of licenses, permits or leases;
- regulation of mining; and
- establishment of protected areas.

Under s4 (1) of the Act (Reserved and protected areas) the Minister “*may from time to time, by notice published in the Gazette, designate any area as a reserved area and prohibit the carrying out of reconnaissance, prospecting or mining thereon*”.

Relevance to development of an oceans policy and plan

The Mines and Minerals Act is **highly relevant** to the development and implementation of an oceans management policy and/or plan, as it seeks to manage all forms of mining including mining within catchment areas, supports establishment of protected areas and potentially (subject to reviewing the Act) the management of deep-sea mining. A Mines and Minerals policy is also currently being developed.

Wildlife Protection and Management Act (No. 10 of 1998)

The Wildlife Protection and Management Act (currently under review) provides for the protection, conservation and management of wildlife in the Solomon Islands by regulating the export and import of certain animals and plants to comply with the obligations imposed on the Solomon Islands under the Convention on International Trade in Endangered Species (CITES) of wild flora and fauna (and for other matters incidental). This includes:

- regulating import and export of species;
- providing for permits and authorisations; and
- providing for administration of the system including appointment of inspectors, enforcement arrangements and other powers.

Relevance to development of an oceans policy and plan

Management of marine wildlife will be an issue for the development of an oceans management policy and/or plan, therefore this Act is **highly relevant**.

National Parks Act 1996

The purpose of the National Parks Act is to provide the legal basis to declare an area of land as a national park, including the following functions:

- formation of national parks and appointment of park rangers;
- acquisition of land in national park;
- permit to reside in national parks;
- banning of hunting in national parks; and
- destruction of dangerous animals.

Where there is conflict the Protected Areas Act supersedes the National Parks Act and in instances where the National Parks Act provides more clarity and detail on a certain issue then it prevails over the Protected Areas Act.

The Act states that an 'area of land' may be declared a national park but does not define the term 'land' which can therefore be interpreted to include land under water in marine/oceanic areas.

Relevance to development of an oceans policy and plan

The National Parks Act is potentially **highly relevant** to development of an oceans management policy and/or plan assuming that the Act applies to marine/oceanic areas.

Environment Act (No. 8 of 1998)

The purpose of the Environment Act (currently under review) is to make provision for the protection and conservation of the environment, the establishment of the Environment and Conservation Division and the Environment Advisory Committee, development control (including environmental impact assessment review and monitoring) and pollution control.

The Act ensures that any prescribed development undertaken does not cause detrimental and negative impacts to the environment. The Act:

- requires a State of the Environment Report every 3 years from the Director;
- develops control, environmental impact assessment, review and monitoring systems to deal with development applications;
- establishes requirements for a Public Environmental Report (PER) for a development;
- establishes requirements for an Environmental Impact Statement (EIS) for a development;
- provides for development in accordance with a Development Consent; and
- provides for the control of pollution including the issue of pollution abatement notices.

Relevance to development of an oceans policy and plan

Because of the ability of this Act to manage development activities through various instruments (e.g., PER, EIS) the Act is **highly relevant** to oceans policy and planning.

Closed Districts Act 1937 (1996 edition)

The purpose of the Closed Districts Act is to give the Prime Minister power to declare any islands or island or part of an island or any defined area in the Solomon Islands to be a closed district.

Section 4 of the Act states that "*the seaward boundary of any closed district shall be deemed to be a line running parallel with the coast at a distance of three nautical miles to seaward of low-water mark*".

The objective of the Act appears to be the control of entry into certain areas by persons or vessels.

Relevance to development of an oceans policy and plan

In 1954 Bokara Island in the Treasury Group was declared to be a closed district. It is unclear whether other areas have been declared since 1996 (when this version of the Act was issued) and whether the Bokara Island closure still exists.

In its present form, the Closed District Act has some relevance to oceans management in the Solomon Islands as it provides for the closure of areas for a (undefined) purpose of preventing access. This could be a tool to establish a protected area, particularly to protect habitat, endangered species, breeding species, or cultural sites at the local level.

However, given the age of the Act there may be some legal tension between the Closed District Act and the Protected Areas Act since they appear to have a similar objective – to manage access into certain areas under certain circumstances.

On this basis, the Closed Districts Act is **moderately relevant** to the development of an oceans management policy or plan.

Customary Lands Records Act 1996

The Act provides for the recording of customary land holdings, allows land holding groups to appoint representatives to deal with recorded customary land holdings and establishes the Office of National Recorder of Customary Land and record offices in the provinces.

The main management tool is a map record of customary land, under s12 of the Act, which states that:

“The Surveyor General shall prepare a map of the land which is a subject to the claim, from data collected by the survey staff and recorded in accordance with the provisions of section 11(4) and any other data which may have been deposited in the office of the Surveyor General in the past.”

Relevance to development of an oceans policy and plan

This Act is **moderately relevant** (although this could change depending on emerging issues) to the development of an oceans management policy and plan as it provides for the development of customary land maps, which may need to be used in coastal and marine areas to identify any issues with other competing uses of areas.

Forest Resources and Timber Utilisation Act (Cap 40)

The Forest Resources and Timber Utilisation Act consolidates and amends laws relating to forest resources and timber use, control and regulation of the timber industry and incidental connected matters by managing:

- felling of trees for sale;
- approved timber agreements affecting customary land;
- licensing of mills;
- timber levy;
- state forest;
- forest reserves; and
- procedures and penalties.

Relevance to development of an oceans policy and plan

This Act is **moderately relevant** to an oceans management policy and/or plan because of the potential impacts on mangrove forests from activities such as mangrove removal for log storage ponds, for example, and the potential for impacts of sedimentation from forestry activities in catchment areas on inshore areas. However, the Act provides some mechanisms for dealing with these issues as it mandates for:

- the Commissioner of Forest Resources to specify measures for the conservation of catchment areas of rivers and prevention of soil erosion and preservation of environment;
- the right of the Commissioner of Forest Resources to harvest trees in customary land, to construct and maintain any works (harbours, port areas, wharves, jetties, bridges, dams, pipelines, aerodromes, yards and camps) and to quarry, extract, move and use any stone, earth or other road-marking or building material; and
- the Minister to make regulations for the disposal of waste products and the protection of the environment.

Provincial Government Act 2002

The Provincial Government Act provides for arrangements for the establishment and operation of provincial governments.

This Act has the potential to support oceans management policy and planning as it provides the legal basis for defining areas within provincial jurisdictions and marine areas of high economic and biological importance. The seaward boundary of the provinces is important when considering marine tenure in Solomon Islands.

Relevance to development of an oceans policy and plan

The main relevance of this legislation to oceans management policy and planning is that the Act extends the seaward boundary of provinces to 3 nm seaward of the low-water mark of reefs and atolls thereby including these waters within the jurisdiction of provincial governments. Consequently, the Act is **moderately relevant** to oceans management policy and planning at the national level but likely to be **highly relevant** at the provincial level.

Research Act 1996

The purpose of the Research Act is to control and administer the conduct of research in the Solomon Islands (and connected matters).

Relevance to development of an oceans policy and plan

The Act imposes an obligation on researchers to apply for a permit to conduct research. This is likely to apply in ocean/marine areas. Other legislation has similar obligations (e.g. the Protected Areas, Fisheries and Maritime Safety Administration Acts) which could create some conflict with this Act; whether this conflict is real or potential should be determined.

The Research Act is **moderately relevant** to development of an oceans management policy and/or plan.

2.2 POLICIES, STRATEGIES AND PLANS

2.2.1 National

Democratic Coalition for Change Government Policy Statement

The DCC Government Policy Statement integrates the manifestoes of the United Democratic Party for Social Reform and Economic Advancement, the Kadere Party of Solomon Islands and the People's Alliance Party.

The DCC Government Policy Statement has a defined objective to ensure sustainable use and conservation of natural resources as well as environmental protection and combatting the adverse effects of climate change. The policy commits to the Millennium Development Goals (MDGs) and Sustainable Development Goals (SDGs) which include, for example, ensuring environmentally sustainable development, and conservation and sustainable use of oceans, seas and marine resources for sustainable development, respectively.

The introduction to the DCC policy states an intent to fulfil international commitments. An integrated and holistic approach to ocean management can contribute to agreements such as the United Nations Convention on Biological Diversity (CBD), United Nations Framework Convention on Climate Change (UNFCCC), World Heritage Convention, the Pacific Oceanscape, Pacific Islands Regional Oceans Policy (PIROP), Apia Policy and millennium sustainability goals commitments. Furthermore, under the United Nations Convention on the Law of the Sea (UNCLOS), ocean management and planning also helps demonstrate sovereignty and ownership over Solomon Island's boundaries. The policy demonstrates the country's interest in harnessing the full benefits of the resources within the ocean boundaries while ensuring their sustainable use.

Relevance to development of an oceans policy and plan

This policy statement is **highly relevant** to development of an oceans policy and plan.

Consistent with the 2003 Rome Declaration on Harmonisation, this policy will be translated and mainstreamed into procedures and action plans of all government ministries. The DCC Policy Statement has identified the need for a whole-of-government approach and is building ministerial cluster groups to enable holistic, coordinated and integrated approaches to cross-sectoral issues such as ocean management.

National Development Strategy 2016–2035

In 2010 the Ministry of Development Planning and Aid Coordination (MDPAC) developed the National Development Strategy (2011–2020) to replace the Medium-Term Development Strategy 2008–2010. The formulation of the revised 2016–2035 NDS is one of the key outputs of the ministry in 2016.

The NDS 2016–2035 maps out a strategic direction for the future development of Solomon Islands. It presents a visionary strategy for the next twenty years, setting out a long-term vision, mission and objectives. The NDS is intended to set out a *“framework for development of policies, priorities and programmes, providing a single reference point and common direction over the next twenty years that all stakeholders can follow. Government institutions and development partners can use it as a base for their support programmes. Other stakeholders including non-government organisations, churches and faith-based organisations, community leaders and individuals can adopt this common direction and find their own role within the Strategy.”*

The NDS specifies five key long-term objectives on which development should focus:

- sustained and inclusive economic growth;
- alleviation of poverty across the whole of the Solomon Islands, basic needs addressed and food security improved; benefits of development more equitably distributed;
- access to quality health and education for all Solomon Islanders;
- resilient and environmentally sustainable development with effective disaster risk management, response and recovery; and a
- unified nation with stable and effective governance and public order.

Relevance to development of an oceans policy and plan

Objectives 5 and 7 of the previous NDS were particularly relevant to development of an oceans management policy and plan:

Objective 5 Increase economic growth and equitably distribute employment and income benefits

Objective 5 established policies and strategies for developing natural resource sectors, including agriculture, fishing, tourism and mining, all potential and/or existing uses of the ocean and marine environment.

Objective 7 To effectively manage and protect the environment and ecosystems and protect Solomon Islanders from natural disasters

Objective 7 in the previous NDS recognised the challenges of climate change, waste and pollution management, pressures on coastal and marine resources and threats to biodiversity. Under Objective 7 the NDS established policies and strategies to respond to these challenges.

The current NDS has modified these objectives. Objective 4 is:

Resilient and environmentally sustainable development with effective disaster risk management, response and recovery.

The current NDS states that *“there is a need to promote resilient and environmentally sustainable development by ensuring effective climate, disaster and environmental disaster risk management is central to all development decision making. Solomon Islands needs to respond effectively to climate change and the increasing frequency of storm surges and floods. It needs to effectively manage the environment and the risks of natural disasters. Greater emphasis is needed on disaster preparedness and mitigation to reduce the scale of necessary response to a disaster.”* Environmental sustainability and improved disaster risk management cut across other objectives.

The following medium-term strategies will be adopted to achieve Objective 4:

- **Medium-Term Strategy 10:** Improve disaster and climate risk management, including prevention, risk reduction, preparedness, response and recovery as well as adaptation as part of resilient development; and
- **Medium-Term Strategy 11:** Manage the environment in a sustainable resilient way and contribute to climate change mitigation.

Relevance to development of an oceans policy and plan

The NDS 2016–2035 is **highly relevant** to the development of oceans use and management, particularly in terms of the level of strategic coordination it provides within the Solomon Islands Government, between government entities/ departments and with other organisations. The NDS provides the links between the longer-term strategic framework of the NDS, medium-term strategies included in sector plans, provincial development plans, community plans, ministry corporate plans and more immediate programs and projects included in the MTDP and the annual development budget. Unfortunately, the current NDS does not recognise the government’s intention to develop an oceans management plan (previously agreed at the Oceans Summit in June 2015), which would have supported the ocean policy development process.

Medium-Term Development Plan 2015–2019

The MTDP 2015–2019 (currently under review) follows the MTDP 2014–2018; its purpose is to update development programs supporting the government’s NDS objectives. The NDS objectives were established in a participatory process including every province, levels of government, development partners, the private sector and civil society. This resulted in the identification of eight long-term national objectives.

The medium-term priorities for the MTDP were initially set by the Task Force for Implementation of the National Development Strategy. The government policy emphasis on fundamental and sector reform programs has laid a clear platform for the government to transform these priorities into relevant development programs with the overarching theme of “*protecting our economy, our investments, and the wellbeing of our people*”. Consistent with the government medium-term priorities, these programs are allocated resources to achieve the national development objectives. The most relevant priorities to oceans use and management are shown in bold below.

1. Sustainable economic and rural development

- Impacts on the rural people: increasing economic and livelihood opportunities and improving rural education and health services for all Solomon Islanders;
- **Productive sectors: through diversification, increased value added in environmentally sustainable productive activities providing a fair share of benefits for government;**
- Institutional development: facilitating private sector activities, promoting public–private partnerships in utilities and infrastructure, **and establishing capacity and processes to mainstream environmental issues, especially climate change;**
- Infrastructure development: facilitating development in rural and remote communities, maintaining infrastructure in a fully usable condition, and demonstrating that public–private partnership works well in the Solomon Islands.

2. Governance

- **Pursuing and implementing the fundamental reform programmes of the government, with the aim to review existing legislation. It would also involve establishing and expanding relevant laws to support vibrant, prudent and accountable government;**
- **Improving quality of policies, programmes and activities and capacity of public institutions and public servants to administer and implement them, including provinces and local government agencies;**
- Increasing the efficiency and effectiveness in providing services to the people, including retaining experienced public servants, ensuring succession to senior positions and meeting training needs; and
- Promoting political integrity and stability.

Relevance to development of an oceans policy and plan

The MTDP 2015–2019 does not focus on ocean management explicitly nor does it contemplate the development of a national oceans management policy or plan. However, it does identify funding priorities for ministries potentially involved in the development of the policy, e.g. ministries of fisheries, environment, lands. This is to be expected until ocean management generally, and the oceans policy process specifically, is included in the new National Development Strategy.

The MTDP is **highly relevant** to development of an oceans management policy and/or plan as it reflects government priorities for a defined period. However, the NDS has not explicitly incorporated ocean management or oceans policy process into the defined priorities of the Solomon Islands Government; the oceans process will not be reflected in the MTDP until it is specifically mentioned in the NDS.

National Adaptation Programmes of Action 2008

The Solomon Islands is a party to the UNFCCC and has ratified the Kyoto Protocol. As a party to the UNFCCC, the country is required to take full account of its specific needs and capitalise on its 'special situation' to entice donor funding and encourage transfer of appropriate technology.

This NAPA is an attempt by the Solomon Islands Government to identify the specific issues and needs of the country. The NAPA prioritises 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.

The NAPA project profiles have been designed to reflect the need for urgent and immediate adaptation actions in agriculture and food security, water supply and sanitation, education, awareness and information, human settlements, human health, waste management, fisheries and marine resources, infrastructure, coastal protection, and tourism.

Relevance to development of an oceans policy and plan

The NAPA provides a blueprint to address issues identified during its consultative development process. Consequently, it is **highly relevant** to development of an oceans management policy and/or plan as it covers many of the issues that an oceans management policy is likely to address.

However, there does need to be an assessment of implementation of the NAPA to determine how successful the NAPA process has been. This should be carried out as part of the preparatory activities for the development of an oceans management policy, if not already done.

Ministry of Fisheries and Marine Resources Corporate Plan 2014–2018

The overall objective of modern fisheries policy, as defined in the United Nations Food and Agriculture Organisation Code of Conduct for Responsible Fisheries (1995) is that a:

“Responsible fisheries policy has to ensure effective conservation, management and development of living aquatic resources with due respect for the ecosystem and biodiversity in order to provide, both for present and future generations, a vital source of food, employment, recreation, trade and economic well-being for people.”

It is the intention of the MFMR Corporate Plan that Solomon Islands' fishery policy will embrace and apply this international standard.

The policy drivers articulated in the 2014–2018 Corporate Plan are derived from both the new Fisheries Management Bill (awaiting enactment), which will replace the existing Fisheries Act 1998, and the fisheries section in the Solomon Islands MTDP 2014–2018.

The sectoral goals and objectives to achieve these goals are expressed under four main focal areas in the Corporate Plan:

1. Fisheries resource and ecosystem management;
2. Private sector development and investment;
3. Fisheries compliance (the operational arm of fisheries management); and
4. Governance and institutional development.

The goals are:

Goal 1 – Sustainable fisheries resource management and promotion of livelihood opportunities through the conservation and management of oceanic and coastal ecosystems

Goal 2 – Promotion of private sector development, investment and secure market access to achieve higher economic returns and social benefits from the use of marine resources

Goal 3 – The effective management of national and shared fish stocks through a strengthening of fisheries compliance and enforcement

Goal 4 – Improved fisheries governance supported by a strengthening of the institutional framework of the sector

The MFMR is in the process of developing a new policy framework for the sector.

Relevance to development of an oceans policy and plan

The MFMR Corporate Plan 2014–2018 is **highly relevant** to 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. The Corporate Plan provides the medium-term strategic commitment to do this.

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 towards sustainable management and use of inshore fisheries and marine resources. The document is a living document to be implemented over a two-year cycle and is currently under review.

The strategy focuses on:

- i. securing the productivity of inshore fisheries and where necessary restoring the productivity of degraded or collapsed fisheries (e.g. *bêche-de-mer* and trochus);
- ii. increasing the benefits (monetary and/or food) from catch through reduced wastage and improved product quality and markets; and
- iii. increasing the capacity of communities to adapt to change, including external forces such as climate change.

Relevance to development of an oceans policy and plan

The current strategy is out of date. However, the strategy remains valid in the absence of an alternative. Consequently, it is **highly relevant** to the development of an oceans management policy and plan.

The MFMR has advised that the current draft is being revised. The draft is not yet circulated since the ministry is currently working on separating the strategy into two documents – an inshore fisheries strategy and a provincial fisheries strategy – to align with the DCC Policy Statement.

Tuna Management and Development Plan (Undated)

The Tuna Management and Development Plan (TMDP) is designed to guide management and development of tuna fisheries to achieve the overall goal of the Solomon Islands Government, which is that “*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.

The purpose of the TMDP is to provide clear policy guidance and consistent direction at all levels of tuna fishery management and fishing, from strategic to operational, to help ensure coordination of different specific policies within overall government policy directions. The plan establishes direction for licensing guidelines which will be applied to reduce scope for ad hoc decisions and reduce vulnerability to legal challenges. The TMDP also helps to identify, evaluate and manage development opportunities and allow for regular ongoing engagement with stakeholders.

There are three, largely distinct, commercial tuna fisheries in the Solomon Islands, in addition to the small-scale net and line fisheries used to supply local markets. They are the purse seine fishery, the longline fishery, and the pole-and-line fishery.

The purse seine fishery predominantly catches skipjack tuna with significant bycatch of yellowfin and bigeye tuna. The fishery currently comprises: (i) a small domestic fleet of purse seiners owned by National Fisheries Developments (NFD); (ii) a larger fleet of foreign purse seiners operating under arrangements between the Solomon Islands Government and the governments of bilateral partners or under charter arrangements with Solomon Islands companies; and (iii) vessels operating under the Federated States of Micronesia (FSM) Arrangement and the US Multilateral Treaty. New bilateral agreements, based on the Parties to the Nauru Agreement (PNA), agreed to a minimum fee of US\$6,000 per VDS (Vessel Day Scheme) Fishing Day from 2014.

The longline fishery comprises two overlapping fisheries: a large-vessel fleet (from Japan and Korea) targeting yellowfin and bigeye tuna (with a bycatch of albacore) and small-vessel fleet (mostly from Taiwan and China) targeting albacore tuna (with a bycatch of yellowfin and bigeye tuna). There are no locally registered longline vessels.

From 1980 to 1999 the Solomon Islands supported one of the largest pole-and-line fleets in the Western Central Pacific Ocean with the fleet dominated by local vessels. The fishery declined in the 2000s due to low fish prices and ethnic tensions and most effort was transferred to the purse seine fishery. NFD has re-established a small pole-and-line fleet and is working with the Forum Fisheries Agency (FFA) to investigate different methods for catching baitfish to support the fishery.

The TMDP covers all waters from 3 nm from baseline out to the 200 nm EEZ including archipelagic waters. The TMDP does not apply directly to waters inside 3 nm as these are managed by villages (through customary ownership rights) and provincial governments. The TMDP does, however, address the need to manage stocks outside 3 nm to help ensure adequate catch rates within 3 nm.

Relevance to development of an oceans policy and plan

The TMDP is **highly relevant** to development of an oceans management policy and plan as it provides the blueprint for managing tuna fishing within the 200 nm EEZ of the Solomon Islands.

National Plan of Action: Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security 2010

The governments of six countries – Indonesia, Malaysia, Papua New Guinea, the Philippines, Solomon Islands and Timor-Leste – committed to an ambitious regional program to safeguard the region’s marine and coastal biological resources, the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF). As part of this initiative the Solomon Islands, under the auspices of a National Coordinating Committee chaired by the Permanent Secretaries of the Ministry of Environment, Climate Change, Disaster Management and Meteorology (MECDM) and MFMR, has drafted a National Plan of Action (NPoA) detailing a collaborative and integrated approach for government and non-government stakeholders to achieve a common goal that:

“Solomon Islands sustainably manages marine and coastal resources to ensure food security, sustainable economic development, biodiversity conservation and adaptation to emerging threats through community-based resource management approaches supported by government agencies and other partners.”

The NPoA details 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.

The main activities identified in the NPoA are:

Phase 1 (years 1-3):

- Engage in full implementation of community-based resource management in Malaita Province through
 - community plans
 - provincial planning (MECM/MFMR/others jointly) – plans, ordinances and integrated coastal management (ICM)
- Western Province or Western Bloc (including Choiseul/Isabel)
 - provincial planning (MECM/MFMR/others jointly) – plans, ordinances and ICM); and
 - “Passive” support of Guadalcanal, and possibly Central Province e.g. provincial networking, opportunistic site support.

Phase 2: (years 3-5):

- Focus full implementation on 2–3 provinces selected from Choiseul, Isabel, Makira, and Temotu.

Relevance to development of an oceans policy

The CTI-CFF NPoA is **highly relevant** to development of an oceans management policy and/or plan as it provides significant progress towards biodiversity conservation outcomes including on-ground progress already and access to funding for delivery of future projects.

National Biodiversity Strategic Action Plan 2009

The Solomon Islands NBSAP has been developed in response to the government's commitment in ratifying the UN 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 describes actions to mitigate potential risks.

The NBSAP sets out an action implementation framework for achieving risk mitigation.

The NBSAP provides for:

- mainstreaming biodiversity into the planning process
- species conservation
- establishment of a system of protected areas
- management of invasive species and genetically modified organisms
- benefit-sharing and access to genetic resources
- sustainable financing to support biodiversity conservation
- human resource development and capacity building
- research monitoring and information sharing
- agro-biodiversity investigation
- climate change response and adaptation
- waste management
- alternative energy use.

Relevance to development of an oceans policy and plan

The NBSAP is **highly relevant** to development of an oceans management policy and/or plan as it provides a framework for action which should be linked to any policy and supported under any plan. Some of the information has been updated in the Solomon Island Fifth National Report on the Implementation of the Convention of the Biological Diversity and this should be referenced in conjunction with the NBSAP report.

It is recommended that a review of the NBSAP be undertaken if it has not been done already, as this was a commitment in the NBSAP.

It is also recommended that some clarification be sought about how protected areas (in particular, marine protected areas) were to be incorporated into the actions and projects as there is no specific project to support identification and establishment of protected areas.²

Solomon Islands National Tourism Development Strategy 2015-2019

The National Tourism Strategy (SINTDS) is designed to identify and address sector-related impediments, and 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 can play in growing the economy of the Solomon Islands and in achieving the broader goals of the new government. The strategy focuses on a short- to medium-term timeframe, and aims to ensure practical and systematic measures are taken to build the tourism sector. The SINTDS outlines a sequenced and prioritised program of development.

National tourism legislation is currently being developed.

Relevance to development of an oceans policy and plan

While the strategy acknowledges the role of other ministries, it does not provide any specifics about how tourism might impact on their mandates. Nor does the strategy talk about specifics for dealing with sustainability issues such as environmental impacts of tourism development, water quality, and marine pollution.

The strategy recognises the value of healthy environments and identifies one of the major benefits as "*providing a sustainable alternative which contributes to the management and retention of the country's outstanding natural resources*".

² The community-based resource management mapping project under the CTI-CFF did actually map all marine managed areas and identified proposed areas. The intent was to use the map of all marine managed areas to see how and what support can be provided to them.

The sustainable development of tourism requires a balanced approach which integrates and manages the three pillars of sustainable development: economic, social/cultural and environmental outcomes. The sustainable approach adopted in the SINTDS is to be incorporated through the vision, objectives and actions outlined in the document but stops short of providing detail.

The National Tourism Strategy is **highly relevant** to the development of a national oceans management policy and/or plan as it provides the basis for early shaping of marine and coastal tourism in a sustainable way that is more likely to be complementary to an oceans management policy rather than in conflict with it.

National Climate Change Policy 2012–2017

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

The objective of the Climate Change Policy is to provide a guiding framework to:

- i. integrate climate considerations and support the implementation and achievement of the Solomon Islands NDS and other regional and international policies and frameworks
- ii. guide the government and partner efforts in ensuring that:
 - the people, natural environment and economy of the country are resilient and able to adapt to the predicted impacts of climate change; and
 - the country benefits from clean and renewable energy, energy efficiency and mitigation technologies that improve people's livelihoods and the national economy, are environmentally sustainable and contribute to global efforts to reduce greenhouse gas emissions and global warming.

The policy is guided by and linked to a framework of national, regional and international policies and strategies. It aligns with the NDS (for 2011–2020), complements other national policies and strategies and is an expression of the country's commitment to international and regional multilateral environment agreements to which the country is formally committed. For example, the NDS includes a range of focus areas and objectives, policies and strategies that together can contribute to enhance adaptation, disaster risk management and mitigation capacity in Solomon Islands. Among the NDS's various themes and objectives, Theme 7 is targeted at creating and maintaining the enabling environment. Under this theme are two objectives including

Objective 7: Effectively respond to climate change and manage the environment and risks of natural disasters.

Objective 8: Improve governance and order at national, provincial and community levels and strengthen links at all levels.

The Solomon Islands is party to the NFCCC and the Kyoto Protocol which together make up the core of the international policy response to climate change. The Solomon Islands is also a signatory to the Hyogo Framework on Disaster Risk Management and has been involved in the European Union Global Climate Change Alliance programs. The country continues to benefit from funding by the Global Environment Facility, which is the financing mechanism for the UNFCCC made available through implementing agencies such as the United Nations Development Program, United Nations Environment Program, Food and Agricultural Organisation and World Bank.

The Solomon Islands is a signatory to the Pacific Plan, Pacific Islands Framework for Action on Climate Change and the Regional Framework on Disaster Risk Reduction and Disaster Management that have established climate change and disaster risk management objectives and actions. Partnerships continue to be developed with international and regional intergovernmental organisations, some of which have specific mandates to assist their member countries address climate change, disaster risk management and related development issues.

Relevance to development of an oceans policy and plan

The National Climate Change Policy is **moderately relevant** to the development of an oceans management policy and/or plan as it provides the national approach to managing and adapting to climate change. Climate change responses, particularly national adaptation strategies, can be significant drivers of programs and plans for natural resource management including responses to coastal erosion and impacts on fish stocks and harvesting patterns for inshore species.

National Fish Aggregating Device Management Plan

The purpose of the National Fish Aggregating Device (FAD) Management Plan is to manage the use of fish aggregating devices 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.);
- obligates owners of FADs to monitor their deployment;
- obligates owners of FADs 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.

Relevance to development of an oceans policy and plan

This management plan is **moderately relevant** to an oceans management strategy as it defines the rules and guidance around the design and deployment of FADs, which can have implications for the volume and nature of bycatch. It should be viewed in the context of fisheries legislation and strategies/plans.

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 one aspect of the CBD through identifying the current situation on protected areas and providing a blueprint for work towards establishing a protected areas system.

The PoWPA:

- establishes a national vision and targets for protected areas in the Solomon Islands;
- identifies threats to biodiversity;
- identifies barriers to effective implementation of the PoWPA;
- provides an ecological gap analysis to identify potential new protected areas. This is essentially a terrestrial analysis (with some coastal information) and does not cover oceanic, marine or coastal inshore areas;
- provides an overview of the status of key actions under the PoWPA;
- identifies priority actions and plans to implement the PoWPA (to be completed by 2018) but does not identify incorporation of MPAs; and
- summarises key assessment results, including ecological gap assessment (which includes results of marine surveys), sustainable finance assessment, capacity needs assessment, assessment of the policy environment, valuation of protected areas assessment and a climate change resilience and adaptation assessment.

The PoWPA focuses almost exclusively on terrestrial protected areas and ignores marine protected areas. Under an assessment of ecological gaps in the document there is a discussion about the results of a 2004 marine survey by The Nature Conservancy which identified some of the marine resource values. However, this has not translated into specific actions under the PoWPA.

Relevance to development of an oceans policy and plan

In its current form the PoWPA is only **moderately relevant** to an oceans management policy and/or plan. To increase relevance of the document it will need to incorporate consideration of marine protected areas for both oceanic and inshore coastal areas.

Code of Logging Practice 2002

The purpose of the code is to manage and use forest resources in a manner that meets the needs and aspirations of the Solomon Islands people both now and into the future.

The Code of Logging Practice states two areas where logging may not occur: (i) protected areas and (ii) excluded areas. The former includes areas declared as Conservation Areas under legislation, areas with ecological or scientific importance including reef and lagoon islands, swamps, wetlands and mangroves and areas the landowners do not wish to log for any reason. Excluded areas are areas within a concession that are excluded from logging including: (i) cultural (tambu) areas, (ii) ocean/lakes/lagoons, (iii) landslip areas, (iv) streams (flows for more than 6 months of the year), and (v) gully (follows for less than 6 months of the year).

Thirteen key standards have been developed. These include protected and exclusion areas (including watercourses), location of roads and landings (including drainage standards) and weather restrictions on logging. These standards are the type that will facilitate reducing/minimising/preventing sediment inflows to coastal and inshore areas.

Relevance to development of an oceans policy and plan

The Code of Logging Practice is **moderately relevant** to an oceans management policy and/or plan because of its application to catchment areas that feed into coastal and inshore areas of the Solomon Islands, and the potential for catchment impacts on coastal and inshore areas (through sedimentation, for example).

It is recommended that a review of the level of compliance with the code by logging companies/operations be undertaken and that some thought be given to updating the code to better reflect contemporary best practice in forestry operations management.

2.2.2 Regional

Framework for a Pacific Oceanscape: a catalyst for implementation of ocean policy (2010)

The framework document 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 and, in particular, the PIROP, identified as a key priority initiative under the Pacific Plan in 2005, as well as key issues that need to be addressed; and
- presenting a framework for a Pacific Oceanscape, drawing on the PIROP, its principles and aspirations, identifying critical and emerging priority issues and opportunities of strategic significance for ocean management and conservation.

The three components envisaged under the Pacific Oceanscape are:

- **Pacific Ocean Arcs:** this component aims to foster development of terrestrial and marine protected areas (MPAs), based on the natural archipelagic nature of some Pacific Island Countries and Territories (PICTs), including consideration of territorial domains associated with EEZs, and opportunities for protected areas beyond these EEZs, in the surrounding high seas. For many such archipelagos, the implementation of Ocean Arcs will necessitate a transboundary approach and associated collaboration between PICTs.
- **Climate change and ocean security:** this component recognises the emerging issues of impact in the ocean, including ocean acidification and increasing ocean temperatures. This component also aims to investigate governance issues including the security of EEZs and associated management and monitoring of high seas areas.
- **Leadership and learning:** this component cuts across the other two components in that it seeks to support learning across initiatives such as protected areas and to support targeted research, learning and leadership in key areas in both components.

Relevance to development of an oceans policy and plan

The Pacific Plan was adopted by Pacific Island Forum Leaders in 2005 as the principal regional policy instrument for strengthening and deepening regional cooperation, regional integration and the regional provision of public goods and services, under three pillars of sustainable development; economic growth, governance and security. The framework was developed as part of the implementation of the Pacific Plan and relates significantly to the PIROP.

This framework is therefore **highly relevant** to the development of an oceans policy and plan. It provides a significant amount of information on oceans policy at the regional level to underpin national efforts in a coordinated and harmonised way.

Pacific Island Regional Ocean Policy 2005

At their 1999 meeting in Tonga, Pacific Islands Forum Leaders endorsed a list of recommendations emerging from the Pacific Regional Follow-up Workshop on the Implementation of the Law of the Sea. Although most of the recommendations could only be implemented by national governments, one of the recommendations – that a regional ocean policy be produced – was adopted as a regional initiative. The Marine Sector Working Group (MSWG) of the Council of Regional Organisations in the Pacific (CROP) was tasked with developing the policy.

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 UNCLOS and other international and regional agreements.

These guiding principles are:

- improving our 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.

Relevance to development of an oceans policy and plan

This is a **highly relevant** and useful reference document for developing a national oceans policy and plan and should be reviewed by any oceans planning or policy drafting group to determine whether there should be any links with, or adoption of, the contents in the PIROP.

The level of endorsement by Pacific Island Forum countries could have some bearing on how effective the PIROP is. If it is not endorsed and adopted, its effectiveness could be low.

REGIONAL AGREEMENTS, ARRANGEMENTS, CONVENTIONS AND TREATIES

Niue Treaty 1992

Solomon Islands is a party to the Niue Treaty. This Treaty calls for cooperation by Pacific states to ensure monitoring/ surveillance and protection of the seas and marine resources, mainly tuna. The MFMR is the Solomon Islands Government's technical focal point for the Niue Treaty. The Treaty could potentially be used to help address monitoring/ surveillance of any zoning or spatial planning within oceans, but it has not yet been given effect in the Solomon Islands.

Niue Treaty Subsidiary Agreement 2012

Solomon Islands has yet to ratify the Niue Treaty Subsidiary Agreement so it is **not relevant** at this stage. The subsidiary agreement will affect implementation of the Niue Treaty.

The Tokelau Arrangement 2014

Solomon Islands is a signatory to the Tokelau Arrangement. The arrangement was established to conserve and sustainably harvest Southern Pacific albacore tuna. Currently parties are requested to adapt a "target reference point" for the species, which is yet to be confirmed. Some parties are calling for a 70% target reference point.

The Palau Arrangement 1995

The Palau Arrangement regulates the VDS imposed by PNA including vessel sizes, definition of fishing days, calculation and rates of fishing days/catches etc.

South Pacific Forum Fisheries Agency Convention 10 July 1979

This Convention sets the basis for the FFA and for the work carried out by FFA. Solomon Islands is the depository of this Convention.

Parties to Nauru Agreement 2008

Solomon Islands is a Party to the Nauru Agreement. The PNA hold the largest depository of tuna species in the Pacific region (more than 58% of world skipjack tuna, and the other tuna species, northern Pacific blue fin, yellowfin, albacore, bigeye). PNA currently regulates its waters for tuna catch with its VDS.

The Federated States of Micronesia Arrangement 1995

Solomon Islands is a signatory to this arrangement, which facilitates domestic fleets of PNA members to have access to fishing in other parties' waters.

United States Multilateral Fisheries Treaty 1988

Solomon Islands is a party to this Treaty, which regulates the conditions for fishing by the U.S.A. in the Pacific Islands parties' waters.

Western and Central Pacific Fisheries Commission 2004

Solomon Islands is a state party to the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean that establishes the WCPFC. The WCPFC regulates fishing activities in international waters/high seas outside of coastal state EEZs. WCPFC is the mediating body for Distant Water Fishing Nations and Coastal States in the Pacific region.

Relevance to development of an oceans policy and plan

Each of these instruments is at least potentially **moderately relevant** to an oceans management policy and/or plan as they define arrangements for managing/sharing regional fish stocks, an important issue for any oceans policy process.

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

The goal of the FAME Division, in line with the priorities of member countries and territories is that:

“the fisheries resources of the Pacific Islands region are sustainably managed for economic growth, food security and environmental conservation.”

The FAME Division focuses on fishery-induced threats to resources, while taking account of broader ecosystem management principles.

The FAME Strategic Plan relates to broad global and regional goals, but also incorporates many of the priorities identified by individual member countries and territories in the South Pacific Commission (now Secretariat of the Pacific Community, SPC) Joint Country Strategy process over recent years. It has also responded to changes in the work program requested by Heads of Fisheries and regional organisations. The strategic plan goes through a process of review and revision every two years.

SPC's Corporate Plan responds to the aspirations of its members to see key development outcomes in three areas:

- sustainable economic development;
- sustainable human and social development; and
- sustainable natural resources and environmental management and development.

A fourth outcome calls for *‘an efficient and effective organisation with the capability and partnerships required to provide optimum services to members’*.

The contribution of FAME relates mainly to the third key development outcome – sustainable natural resource management – but work by the Division addresses all four outcomes.

Relevance to development of an oceans policy and plan

The FAME Strategic Plan has already been in effect for several years and is due for review and replacement in 2016. It would be useful to understand the outcomes of a review and revision into the next plan.

This plan is **moderately relevant** to oceans management. Fishery resource management is a high priority issue within oceans management and use. While the strategy is regional, it should be compatible and aligned with national strategies, which are the more relevant for a Solomon Islands oceans policy or plan.

Pacific Regional Environment Program Strategic Plan, 2011–2015

This strategic plan is, as member countries and territories requested at the 2009 South Pacific Regional Environmental Programme (SPREP) meeting, a single integrated plan that identifies the priorities, strategies and actions for addressing challenges over 2011–2015. It was formally adopted at the 21st SPREP meeting in Papua New Guinea in September 2010.

The plan guides SPREP's annual work plans for five years.

The 2011–2015 Strategic Plan replaces the separate planning documents SPREP previously used: its action plan and its strategic programmes document. It is based on four strategic priorities identified and agreed to by members in the 2010 planning process:

- Climate change;
- Biodiversity and ecosystem management;
- Waste management and pollution control; and
- Environmental monitoring and governance.

Strategies to deliver the plan include:

- Pacific Islands Framework for Action on Climate Change;
- Action Strategy for Nature Conservation;
- Solid Waste Management Strategy for the Pacific Region;
- Regional Wetlands Action Plan;
- Review of Regional Meteorological Services; and
- Guidelines for Invasive Species Management in the Pacific.

Relevance to development of an oceans policy and plan

This version of the SPREP Strategic Plan is at the end of its useful life. However, the broad focus of the plan (thematic areas and approaches) is useful for developing a Solomon Islands oceans management policy.

The SPREP Strategic Plan is therefore **moderately relevant** in its current form and it is recommended that a revised plan for the next planning period be used as a preferred reference in the development of a national oceans management policy or plan.

SPC Applied Geoscience and Technology Division Strategic Plan 2011–2015

The goal of the SPC Applied Geoscience and Technology Division (SOPAC, now the Geoscience Division) is to apply geoscience and technology to realise new opportunities for improving the livelihoods of Pacific communities.

The purpose of the strategic plan is to ensure that PICTs are better able to:

- monitor and assess natural resources, systems and processes;
- develop, manage and govern their natural resources; and
- manage vulnerability and risks in their countries.

SOPAC has identified key issues facing its members as:

- coastal development, urbanisation and vulnerability;
- maritime boundaries;
- climate change and adaptation;
- natural resource development; and
- information management and analysis.

Relevance to development of an oceans policy and plan

The SOPAC Strategic Plan is **moderately relevant** in its current form and it is recommended that the revised plan for the next planning period be used as a preferred reference.

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”*.

The Pacific Plan aims to promote economic growth and sustainable development with the objectives of reducing poverty and improving natural resource and environmental management. The Apia Policy document also considers the situation and needs of PICTs as stated in the ‘Strategic plan for fisheries management and sustainable coastal fisheries in Pacific Islands’, which was endorsed by Heads of Fisheries in 2003.

The Apia Policy is the first regional mechanism developed to harmonise 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.

Relevance to development of an oceans policy and plan

Strategic actions identified under the Apia Policy include the provision of technical assistance to PICTs to translate international instruments and guidelines into harmonised policy directions that can be incorporated in national plans, national legislation, national economic development strategies, fisheries sector plans, and environment management plans, among others, for implementation at a local or national level. This technical assistance takes into consideration changes that may have occurred over time within coastal fisheries management. It also identifies and addresses external and internal factors such as type of government structure, political history, national laws and regulations, influence of traditional authorities, and institutions such as customary and traditional rights within PICTs, that affect the policy formulation process.

However, the policy is currently out of date and there is no evidence that it has been reviewed and revised.

Consequently, it is **moderately relevant** to an oceans management policy and plan for Solomon Islands. It provides an (outdated) regional policy framework for inshore fisheries. Its main value lies in its endorsement by Heads of Fisheries Departments. Therefore, it is still likely to be a guideline for how fisheries might be incorporated into an oceans management policy.

SPREP Regional Strategy to Address Marine Pollution from World War II Wrecks (2002)/The Nairobi International Convention on the Removal of Wrecks (2015)

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

Among several provisions, the Convention will place financial responsibility for the removal of certain hazardous wrecks on ship owners, making insurance, or some other form of financial security, compulsory.

The Convention will fill 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.

The Convention will provide a sound legal basis for States to remove, or have removed, shipwrecks that may have

the potential to adversely affect the safety of lives, goods and property at sea, as well as the marine and coastal environment. It will make ship owners financially liable and require them to take out insurance or provide other financial security to cover the costs of wreck removal. It will also provide States with a right of direct action against insurers. This will raise a series of legal and policy questions on removal of World War II wrecks in the Solomon Islands, or for mitigating the potential impacts of pollution from fuels and oils still contained within these wrecks.

Relevance to development of an oceans policy and plan

Both the Nairobi International Convention on the Removal of Wrecks and the SPREP Regional Strategy to Address Marine Pollution from World War II Wrecks are **moderately relevant** to the development of an oceans management policy and/or plan because they relate to the potential for marine pollution from wrecks, particularly from the large number of World War II wrecks throughout the Solomon Islands and other areas of the Pacific.

2.2.3 Provincial

Ridges to Reefs Conservation Plan (Isabel Province) 2012

The R2R Plan is designed to guide future conservation and development activities in Isabel Province.

The criteria used to develop the management plan were:

1. A minimum of 17% of terrestrial and inland water and 10% of coastal and marine areas are conserved through ecologically representative and well-connected systems of protected area networks.
2. Local stakeholders determine the level of protection necessary for each locally identified conservation feature.
3. Protected areas should be replicated across the geographic range of the ecosystem to decrease the likelihood that chance events such as disease or coral bleaching will cause the ecosystem to decline.
4. The protected area network should seek to maximise the area of high quality habitat for all known elements of biodiversity wherever practicable, but with particular reference to areas of high species diversity, natural refugia for flora and fauna and centres of endemism.
5. Conservation targets should be higher than CBD targets for highly vulnerable life stages of important food species (e.g. reef fish spawning aggregations).
6. Conservation targets should be higher CBD targets for conservation features most vulnerable to the impacts of climate change (e.g. turtle nesting beaches).
7. Adopt a ridges-to-reefs approach that protects connected terrestrial and marine areas. Such an approach recognises that what we do on the land has a profound effect on our rivers and nearshore areas and seeks to minimise these impacts.

Relevance to development of an oceans policy and plan

This plan is **highly relevant** to development of an oceans management policy and/or plan as it provides a perspective on conservation and development priorities for Isabel Province, as well as providing a potential template/example for other provinces to develop their own conservation/resource management plans.

3 ASSESSMENT

A range of legislative and policy instruments are relevant to the development and implementation of an oceans management policy and plan for the Solomon Islands. The analysis included reviewing international, regional, national and provincial legislation, policies, strategies and plans. This section provides results of the assessment, and Attachment 2 provides an assessment table showing which legislation, policies, strategies and plans support development and implementation of a national oceans policy and plan.

While the analysis did not identify any legislation or policy that provided 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 DCC Policy Statement, to support collaboration and cooperation to achieve an integrated approach to ocean use and management, the government has committed to:

- l) 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.

The Constitution of the Solomon Islands is particularly important to underpin any legislative or policy efforts to develop and implement a national oceans management policy or plan. The Constitution was ratified in 1978 and is considered the supreme Law of the Solomon Islands. The (marine) environment is recognised 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 recognises traditional systems of governance and Article 75 provides that Parliament shall make provisions for the application of laws, which include customary laws.

3.1 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 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 such as 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.

The following is an extract from Section 2 of the Act and provides interpretations and definitions of boundaries and other aspects relevant to oceans policy, planning and management:

Interpretation

2. (1) In this Act, unless the context otherwise requires:

- “archipelago” means a group of islands, including parts of islands, inter-connecting waters and other natural features which are so closely inter-related that such islands, waters and other natural features form an intrinsic geographical entity, and which has been declared by the Minister by Order published in the Gazette to be an archipelago;
- “archipelagic baselines” means the baselines drawn under the provisions of subsection (2) of section 4;
- “island” means a naturally formed area of land which is surrounded by and above water at mean high-water spring tides;
- “low-water line” means the line of low-water at mean low-water spring tides as depicted on the largest-scale nautical chart of the area produced by any authority and for the time being held and used by the Minister responsible for Marine Affairs;
- “median line” means a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial seas of Solomon Islands and of any opposite or adjacent state or territory are measured;
- “mile” means the international nautical mile;
- “Minister” means the Minister responsible for Foreign Affairs;
- “territorial seas” means the territorial seas of Solomon Islands as defined in section 5.

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be treated as forming part of the coast.

Internal waters

3. (1) Except where closing lines are drawn under the provisions of subsection (2), all waters on the landward side of the baselines of the territorial seas of Solomon Islands are the internal waters of Solomon Islands.

(2) When making an order under the provisions of section 4, the Minister may also declare, by reference to physical features marked on official charts or to lists of geographical coordinates specifying the geodetic datum, the points between which closing lines are to be drawn for the purpose of determining the outer limits of the internal waters of any archipelago in Solomon Islands.

(3) Where closing lines are drawn under the provisions of subsection (2) the internal waters of any archipelago in Solomon Islands shall include all waters on the landward side of those closing lines.

4. (1) The archipelagic waters of each archipelago in Solomon Islands shall comprise all areas of sea contained within the baselines established under the provisions of this section.

(2) The Minister in accordance with the rules of international law may by order published in the Gazette, by reference to physical features marked on official charts or to lists of geographical coordinates specifying the geodetic datum, the points between which straight baselines are to be drawn for the purpose of determining the outermost limits of the archipelagic waters of any archipelago in Solomon Islands and the innermost limits of the territorial sea of any archipelago in Solomon Islands.

Territorial waters

5. (1) The territorial seas of Solomon Islands comprise all areas of sea having as their innermost limits the baselines established under the provisions of this section and as their outermost limits a line measured seaward from those baselines every point of which is at a distance of twelve miles from the nearest point of the baselines:

Provided that where the median line between Solomon Islands and the sovereign State of Papua New Guinea is less than twelve miles from the baselines from which the breadth of the territorial seas of Solomon Islands and Papua New Guinea are respectively measured, the outermost limits of the territorial waters of Solomon Islands shall be those declared by the Minister by order published in the Gazette.

(2) Where archipelagic baselines are drawn..., those baselines shall be the baselines from which the breadth of the territorial sea of any archipelago in Solomon Islands shall be measured.

(3) In all other cases the baselines from which the breadth of the territorial sea is measured is the low-water line along the coast of each island except that in the case of islands situated on atolls or islands having fringing reefs the baseline is the seaward low-water line of the reef.

Exclusive economic zone

6. (1) *Subject to the following provisions of this section, the exclusive economic zone of Solomon Islands comprises all areas of sea having, as their innermost limits, the outermost limits of the territorial seas, and, as their outermost limits, a line drawn seaward from the baselines every point of which is at a distance of 200 miles from the nearest point of the appropriate baselines.*

(2) The Minister may by order published in the Gazette, for the purpose of implementing any international agreement or the award of any international body, or otherwise, declare that the outer limits of the exclusive economic zone of Solomon Islands extend to such line, any point of which may be at a distance of less than 200 miles from the nearest point of the appropriate baseline, as may be specified in such order.

(3) Where the median line is less than 200 miles from the nearest baselines, and no other line is for the time being specified under the provisions of subsection (2), the outer limits of the exclusive economic zone of Solomon Islands extend to the median line.

Continental shelf

7. *All areas of seabed and the subsoil thereof contained within the exclusive economic zone of Solomon Islands are deemed to form part of the continental shelf of Solomon Islands for the purposes of the Continental Shelf Act 1970, and to be subject to the provisions of that Act as if they were areas designated under the provisions of subsection (3) of section 3 of that Act.*

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

The Fisheries Management Act 2015 provides for the conservation, management, development and sustainable use of fisheries and marine resources of Solomon Islands, the ability to monitor and control 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 nm from the baselines from which the territorial sea adjacent to Solomon Islands is measured. Both these Acts provide the necessary operational support under an oceans management policy or plan to manage fishery resources within the 200 nm EEZ.

Mines and Minerals Act 1996

The Mines and Minerals Act 1996 provides for the development of mining in the Solomon Islands by prescribing appropriate procedures for the grant of licences, permits or leases but 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.

Protected Areas Act 2010

The Protected Areas Act 2010 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 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 also applies to marine/oceanic areas. In the absence of evidence to the contrary it is assumed that it 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; they also complement 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 1937 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 3 nm seaward of the low-water mark.

Police Act 2013

The Police Act 2013 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 1998 provides for the protection, conservation and management of wildlife in the Solomon Islands by regulating the export and import of certain animals and plants and provides compliance with the obligations imposed on the Solomon Islands under CITES.

Environment Act 1998

The Environment Act 1998 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 2009 establishes SIMSA and provides its functions and powers to regulate franchise shipping schemes, management of maritime infrastructure and implementation of 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 1996 consolidates and amends laws relating to forest resources and timber use and controls and regulates the timber industry. This Act supports a potential oceans management policy as it deals with potential impacts if approvals were given which could lead to the removal of mangrove forests and activities such as clear felling in catchment areas which could cause coastal erosion and increased sedimentation in inshore areas.

3.2 POLICIES, STRATEGIES AND PLANS THAT SUPPORT AN OCEANS MANAGEMENT POLICY AND PLAN – THE FRAMEWORK FOR IMPLEMENTATION

3.2.1 National

While the Constitution provides what appears to be a national obligation for the ‘people and the government’ to work together to manage the natural resources of the Solomon Islands the primary instruments that are more likely to achieve integration and coordination are the DCC Policy Statement, NDS 2016–2035 and the MTDP 2015–2019. These instruments 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. It was agreed at the recent Oceans Summit in Honiara (in June 2015) that the task of developing an oceans management policy would be incorporated into the national financial planning system (the NDS and the MTDP) so that it would be recognised officially as an instrument of government policy. This action would have established the basis for all relevant ministries to collaborate and cooperate to achieve integrated programming and planning in support for an oceans management policy. However, the new NDS does not explicitly mention developing an oceans management policy although the broad framework easily encompasses an integrated approach to ocean governance.

DCC Government Policy Statement

The DCC Government Policy Statement provides the means for coordinating government departments and organisations 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 so the objectives and priorities for funding allocation are derived from the NDS process. 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. Unfortunately, the NDS 2016–2035 does not do this explicitly although it is easily encompassed within its broad framework.

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 (Fisheries, Environment, Lands).

MFMR Corporate Plan 2014–2018

The 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 Climate Change Policy 2012–2017

The policy provides for better 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 organisations and experts.

National Adaptation Programmes of Action

The Solomon Islands is a party to the 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 capitalise on its special situations to entice donor funding and encourage transfer of appropriate technology. This NAPA assembles the specific needs and addresses the special situations of the country. The NAPA prioritises 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 NPoA details a people-centred 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 strategy and action plan will provide potential strong community and program support for the development of 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.

National Biodiversity Strategic Action Plan 2009

The Solomon Islands NBSAP has been developed in response to the commitment in ratifying the UN 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.

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 inshore resources. The strategy is currently out of date (its operational period was 2010–2012). MFMR has advised that the current draft will not be circulated since they are 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 TMDP is designed to guide future management and development of tuna fisheries to achieve the overall goal of the Solomon Islands Government, which is that “*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 FAD Management Plan 2008

The purpose of the plan is to manage the use of 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

This 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 can play in growing the economy of the Solomon Islands and in achieving the broader goals of the new government.

The strategy's focus is the short to medium term to ensure practical and systematic measures are taken to build the tourism sector. The SINTDS outlines a sequenced and prioritised 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 R2R 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 (themes 2 and 3). 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 MFR and logging companies use to manage 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, including forests and mangroves, that feed/lead into coastal and inshore areas.

3.2.2 Regional

Pacific Regional Environment Program Strategic Plan 2011-2015

This strategic plan is, as member countries and territories requested at the 2009 SPREP meeting, a single, integrated plan that identifies the priorities, strategies and actions for addressing environmental challenges over the five years from 2011. This plan is the framework that guided SPREP's annual work plans focused its vision for that period. The strategic plan is now at the end of its useful life. However, the broad thematic areas and approaches of the plan are useful for developing the Solomon Islands oceans management policy.

Framework for a Pacific Oceanscape (2010)

The framework document 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 the ocean-related policy, in particular, the Pacific Islands Regional Ocean Policy (PIROP), identified as a key priority initiative under the Pacific Plan in 2005, as well as key issues that need to be addressed; and
- presenting a framework for a Pacific Oceanscape drawing on the PIROP, its principles and aspirations, 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 UNCLOS and other international and regional agreements.

These guiding principles are:

- improving our 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.

SPC SOPAC Strategic Plan 2011–2015

The Ocean and Islands Programme 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 PICTs are better able to:

- monitor and assess natural resources, systems and processes;
- develop, manage and govern their natural resources; and
- manage vulnerability and risks in their countries.

SOPAC has developed its 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 several other initiatives, the fact that this plan was due for review and evaluation in 2015 means that theoretically it is at the end of its useful life. A revised strategic plan for the next period (2016–2020) is likely to be more relevant.

SPC Division of Fisheries, Aquaculture and Marine Ecosystems Strategic Plan, 2013–2016

The goal of the FAME Division, in line with the priorities of member countries and territories is that: the fisheries resources of the Pacific Islands region are 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.

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

Pacific Islands Regional Coastal Fisheries Management Policy and Strategic Actions, 2008–2013

This policy is the first regional mechanism developed to harmonise 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. Strategic actions identified under this policy will include the provision of technical assistance to PICTs to translate the international instruments and guidelines into harmonised policy directions that can be incorporated in national plans, national legislation, national economic development strategies, fisheries sector plans, environment management plans, etc. for implementation at a local or national level. However, the policy is currently out of date and there is no evidence that it has been reviewed and revised.

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 harmonise 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 and revised.

SPREP 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 Organisation (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.

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 Federated States of Micronesia 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 supports a potential oceans management policy and/or plan as they define arrangements for sharing fish stocks within the region.

3.3 ACTUAL OR POTENTIAL CONFLICTS

3.3.1 Legislation

Forest Resources and Timber Utilisation Act 1996

There is potential conflict between this Act and conservation legislation if approvals were to be given under the Forestry Act which allow the removal of mangrove forests and establishing log ponds for example, and activities such as clear felling in catchment areas, which could cause coastal erosion and increased sedimentation in inshore areas.

Maritime Safety Administration Act 2009

The Local Government Act also provides for regulating shipping and infrastructure (wharves, piers etc.) which could lead to some conflict without coordination and communication mechanisms.

Mines and Minerals Act 1996

Mining in the ocean(s) of the Solomon Islands (deep-sea mining) has significant potential to conflict with a range of other uses such as fishing and tourism, and to also impact on the ecological values of the ocean if not managed sustainably. The Mines and Minerals Act does not contemplate deep-sea mining as an activity. Therefore, if the government were to consider approving deep-sea mining, the legislation would need to be changed to provide the means for regulating it.

National Parks Act 1996

Where there is conflict, the Protected Areas Act supersedes the National Parks Act. In instances where the National Parks Act provides more clarity and detail on a certain issue, it prevails over the Protected Areas Act.

Protected Areas Act 2010 and Protected Areas Regulations 2012

Some potential conflict could occur if a protected area were to be declared under one Act which may have been more appropriately declared under other legislation e.g., the Fisheries or Mining Act.

Research Act 1996

There is potential conflict with the Maritime, Mining, Fisheries and Protected Area Acts as they also provide for the issue of permits for research (although there does appear to be some arrangement which may make permit obligations under this Act redundant – there is a need to find out if this arrangement works in practice).

Wildlife Protection and Management Act 1998

The Wildlife Protection and Management Act provisions on the import/export of specimens are not integrated with the Agricultural Quarantine Act,

3.3.2 Policies, strategies and plans

National Development Strategy 2016–2035

The revised NDS was completed in 2016. The previous NDS did not recognise integrated oceans management generally and the oceans management policy process specifically. At the recent Oceans Summit (June 2015) there was a commitment by the government to incorporate the oceans policy process into the next NDS (the current version). However, this has not happened and consequently the oceans management process is not supported explicitly in the long-term planning of the government through the NDS process.

Nevertheless, the new NDS framework does have the following objective and medium-term strategies (MTS):

- **NDS Objective 4** – Resilient and environmentally sustainable development with effective disaster risk management
 - **MTS 10** – Improve disaster risk management, mitigation and preparedness
 - **MTS 11** – Manage the environment in a sustainable resilient way and effectively respond to climate change.

Medium-Term Development Plan 2015–2019

The MTDP 2015–2019 does not contemplate an integrated approach to ocean development and management, nor the development of a national oceans management policy, although it does identify funding priorities for ministries potentially involved in the development of the policy.

It would be expected that the oceans management policy process would be reflected in the next iteration of the MTDP.

Ministry of Fisheries and Marine Resources Corporate Plan 2014–2018

The following potential conflicts and risks to the effective delivery of this Corporate Plan have been identified from previous institutional development work undertaken within the MFMR:

1. **Line management:** the Fisheries Director has too many organisational, personnel, and technical responsibilities for a Ministry the size of the MFMR.
2. **Policy analysis:** the deputy directors are responsible for strategic and operational policy in their respective sectors (offshore, inshore and provincial). None of them have dedicated policy analysts to assist them.
3. **Staffing:** the MFMR is under-staffed in relation to its function and needs to recruit more staff, as per the staffing plan proposed by the MFMR to the Public Service Commission (PSC) for 2014. There is also currently no staff development plan for MFMR staff (this issue was proposed to be addressed in 2014–15 with support from a development partner).
4. **MFMR appointments and structure:** two senior posts remain contracted in acting roles; appointments to full positions need to be undertaken. The position of the Permanent Secretary is not permanent and the structure of the MFMR is currently not approved by the PSC.

A more detailed risk assessment and management plan was to be prepared as part of an update of the MFMR Performance Framework (monitoring and evaluation plan) scheduled to be completed during 2014, however we have not been able to get confirmation that this occurred.

Solomon Islands Coral Triangle Initiative National Plan of Action on Coral Reefs, Fisheries and Food Security (2010)

There is some potential for conflict with other similar projects (e.g. NAPA) in seeking funding for projects, duplication of projects and demand for the limited human resources in each province for delivering on-ground outcomes. However, these issues can be overcome with good communication, collaboration and cooperation with other projects through coordination by project managers and the relevant ministries.

National Adaptation Programmes of Action 2008

There is some potential for conflict with other similar projects (e.g. CTI NPA) in seeking funding for projects, duplication of projects and demand for the limited human resources in each province for delivering on-ground outcomes. However, these issues can be overcome with good communication, collaboration and cooperation with other projects through coordination by project managers and the relevant ministries.

National Biodiversity Strategic Action Plan 2009

The NBSAP has been used in conjunction with other projects and government work programs to develop a comprehensive approach to biodiversity conservation. However, it is possible that seeking donor funding under NBSAP could also conflict with other initiatives such as the NAPA and the Isabel Province Ridge to Reef Project. The suggested solution to this potential conflict is coordination and communication between each project and development of synergies between projects.

Action Plan for Implementing the Convention on Biological Diversity's Programme of Work on Protected Areas

The PoWPA has been used in conjunction with other projects and government work programs to develop a comprehensive approach to biodiversity conservation. However, it is possible that seeking donor funding under the PoWPA could also conflict with other initiatives such as the NAPA, NBSAP and the Isabel Province Ridge to Reef Project. The suggested solution to this potential conflict is coordination and communication between each project and development of synergies between projects.

Ridge to Reefs Conservation Plan for Isabel Province 2012

The plan has the potential to conflict with conservation priorities under other legislation e.g. Fisheries Act, Protected Areas Act, but this should be dealt with through normal consultation processes.

National Fish Aggregating Device Management Plan 2008

Potential conflict would need to be avoided by ensuring any spatial planning decisions allow fishing where FADs are deployed.

Code of Logging Practice 2002

A mechanism to enhance effective monitoring of compliance with this code is absent but its development is extremely important. Currently, the logging prohibition in protected and excluded areas is vulnerable to legal challenges.

The Code of Logging practice does not adequately address some issues that affect the marine environment which might lead to conflicts if moving towards integrated ocean governance. For example, construction of log ponds, fuel depot/storage areas and campsites all require clearance or cut and fill of top soil/debris and pushing them into the mangrove forests, which are important habitats for marine species.

Upstream harvesting operations by contracted logging companies causes loose soils which are prone to erosion during wet weather. The soil may end up in streams/rivers and finally enter marine ecosystems (mangrove and seagrass areas), causing siltation in shallow waters that blocks sunlight that coral reefs need to survive.

Spills of fuel (diesel, petrol) during resupply by fuel ship/tanker and refuelling of vehicles and machineries may impact on marine ecosystems when drained into the sea.

3.4 EXISTING OR POTENTIAL SYNERGIES

3.4.1 National legislation

Closed Districts Act 1937 (1996 Edition)

The Closed Districts Act has the potential to work in synergy with other legislation that provides for establishing protected areas, including the National Parks Act and the Protected Areas Act, to establish a protected area as a contribution to a national system of protected areas.

Environment Act 1998

Potential synergies with a range of legislation likely to give approvals for activities and require EIA of development proposals e.g. Mines, Fisheries and Protected Area legislation.

Fisheries Management Act 2015 (also incorporating provisions of the Fisheries Limit Act)

There is significant potential synergy with all organisations and their relevant legislation, strategies and plans that relate to oceans use and management. This is demonstrated by the principles in Section 5 in the Fisheries Management Act.

Lands Survey Act 1996

The mandate to survey marine areas under the Lands Acts means that boundaries within any planning/zoning arrangement would be surveyed by the MLHS.

National Parks Act 1996

There is strong synergy with the Protected Areas Act – both Acts provide the legislative basis to declare an area to be a protected area. The National Parks Act complements other legislation with protected area establishment provisions such as the Fisheries Act, the Closed Districts Act and the Forestry Act.

Police Act 2013

There is significant synergy with other legislation including fisheries and environment legislation, under which the police exercise enforcement powers.

The Ministry of Police, National Security and Correctional Service (MPNSCS) is in the process of developing a National Security Policy. The project is supported by the Pacific Islands Forum and the Asia Pacific Center for Security Studies and a first consultative workshop was held in September 2015 in Honiara. The National Security Policy will provide an overarching governance framework for the leadership, management and implementation of national security activities in the Solomon Islands.

Protected Areas Act 2010 and Protected Areas Regulations 2012

Potential synergies with a range of legislation with provisions to establish protected areas and/or reserves including:

- Closed Districts Act;
- Fisheries Management Act 2015;
- Forest Resources and Timber Utilisation Act 1996;
- Mines and Minerals Act 1996; and
- National Parks Act 1996.

Research Act 1996

Potential synergies with Mines, Fishing and Protected Areas legislation due to overlap in requirements for permits to conduct research.

Wildlife Protection and Management Act 1998

Synergy with the Agriculture and Quarantine Act as they both have mandates to manage wildlife.

3.4.2 National policies, strategies and plans

Democratic Coalition for Change Government Policy Statement

The DCC Government Policy Statement provides the national basis for coordinating and integrating other government policies and programs to achieve a unified ‘whole-of-government’ outcome so the Statement provides a strong synergistic influence on the operations of government.

National Development Strategy 2016–2035

The NDS is the basis for funding government programs, so the objectives and priorities for funding allocation are derived from the NDS process. 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.

In developing the NDS 2016–2035, the development objectives of the NDS 2011–2020 have been retained where possible, re-numbered and re-worded as appropriate. A major reason for this is that many programs and projects are ongoing or have only just started and are based on the NDS 2011–2020 objectives which largely remain valid. In addition, many programs and projects are part of the strategic programs of donor partners, and retaining the wording of NDS 2011–2020 objectives where possible minimises changes to donor support programs and documents.

The NDS identifies links and alignment of individual objectives, medium-term strategies and sector goals with the new SDGs. The SDGs are structured differently to the MDGs that they replaced in that the proposed goals and associated targets are linked and explicitly refer to multiple goals. This requires better integration and policy coherence across sectors and sector policies. Achievement of some goals are critical to achievement of others such as education which is essential for capacity building and integral to achieving health goals, gender equality and climate change adaptation where raising awareness is key. Several SDG goals overlap and some targets reflect multiple goals. There are 17 SDGs and 169 related targets and indicators.

However, a major opportunity to establish a clear and strong basis for coordinating oceans use and management has been missed with the updated NDS not recognising the government’s intention to develop an oceans management plan (previously agreed at the Oceans Summit in June 2015), which would have supported the ocean policy development process.

Ministry of Fisheries and Marine Resources Corporate Plan 2014–2018

Implementation of the MFMR Corporate Plan is supported by various development partner project design documents and annual work plans; in particular, those of the New Zealand Aid Program Mekem Strong Solomon Islands Fisheries Programme. The MFMR is in the process of preparing an operational manual that will support implementation of the annual work plans (derived from the Corporate Plan). A higher-level policy framework for the sector is also being developed that will be consistent with the goals as stated in the Corporate Plan.

The current Service Level Agreement that the MFMR has with the FFA and the SPC's Joint Country Strategy may both need to be revisited to ensure that they are consistent with the priorities and strategic objectives of this plan.

In addition to the lead taken by the MFMR key government institutions that have a stake in the management and administration of the fisheries sector are:

- Ministry of Health and Medical Services (MHMS)
- Ministry of Environment, Climate Change, Disaster Management and Meteorology (MECDM)
- Ministry of Finance and Treasury (MOFT)
- Ministry of Police, National Security and Correctional Services

Other ministries with line responsibility impacting on the fisheries sector include:

- Ministry of Lands – land issues related to investment planning
- Ministry of Infrastructure Development (MID) – vessel registration and inspection and Ports Authority (statutory authority)
- Ministry of Provincial Government and Institutional Strengthening – fisheries management in the provinces
- Ministry of Public Service (MPS) – public service human resource management and development
- Ministry of Development Planning and Aid Coordination (MDPAC) – development planning responsibilities
- Ministry of Justice and Legal Affairs – Attorney General's Office

Medium-Term Development Plan 2015–2019

The NDS has not yet incorporated the oceans policy process into its priorities although the framework it provides supports an integrated approach to ocean governance. The current MTDP is largely silent on integrated ocean governance but a new strategy will provide a significant opportunity for harmonising efforts relating to oceans use and management in a range of legislation, policies, strategies and plans.

Tuna Management and Development Plan (undated)

This plan provides a mechanism for implementing elements of the Fisheries Act. The plan also contributes to region-wide tuna management efforts.

Code of Logging Practice 2002

There is an opportunity to share information concerning high conservation value mangrove forests/ecosystems between the Environmental and Conservation Division of the MECDM and the Forest Industries and Utilisation Division (operations section) of the MFR to prevent establishment of log ponds, camp sites and fuel depot at or next to protected areas (advice from Oceans Summit brief).

Solomon Islands Coral Triangle Initiative (National Plan of Action) On Coral Reefs, Fisheries and Food Security (2010)/ National Adaptation Programmes of Action 2008/ National Biodiversity Strategic Action Plan 2009/Action Plan for Implementing the Convention on Biological Diversity's Programme of Work on Protected Areas/Ridge to Reefs Conservation Plan for Isabel Province 2012

There are significant synergistic opportunities to deliver good value-added conservation outcomes with other projects and government programs providing good communication and coordination are used.

National Climate Change Policy 2012-2017

The Solomon Islands National Climate Change Policy is guided by and linked to a framework of national, regional and international policies and strategies. It aligns with the NDS, complements with other national policies and strategies and is an expression of the country's commitment to international and regional multilateral environment agreements (MEA) to which the country is formally committed.

National Fish Aggregating Device Management Plan 2008

This plan has potential synergy with other fisheries legislation to provide more detailed guidance on fishing activities.

The Solomon Islands National Tourism Development Strategy 2015-2019

There are potential synergies between the strategy and other projects that are looking at sustainable use of marine environments, e.g. NAPA, CTI NPA, and Isabel Province R2R.

3.5 ANALYSIS OF GAPS

3.5.1 Legislation

Fisheries Management Act 2015 (incorporating provisions of the Fisheries Limit Act)

The only identifiable gap so far is the lack of any information on the membership of the Fisheries Advisory Council. MFMR should ensure that there is cross-government representation with departments and organisations with ocean-related responsibilities to ensure cooperation and coordination across all relevant ministries (in particular with the Ministry of Environment, Climate Change, Disaster Management and Meteorology).

Forest Resources and Timber Utilisation Act 1996

There is potential conflict with conservation legislation if approvals were given which could lead to the removal of mangrove forests and activities, such as clear felling in catchment areas, which could cause coastal erosion and increased sedimentation in inshore areas. The Act needs to be updated to include provisions on the conservation of forests (particularly mangrove forests in the oceans management policy development context) and improved management of forest resources to control 'downstream impacts' on coastal and inshore environments.

The licensing process (procedure for obtaining a felling licence) currently ignores the provisions of the Environment Act, which requires developer to obtain development consent from the Director of Environment. There is need to harmonise links between the Acts to ensure compliance with the Environment Act and to promote sustainable development.

Closed Districts Act 1937 (1996 edition)

The Closed Districts Act does not define the purpose for which an area may be declared as a "closed district". This has both benefits and drawbacks as any declaration of a closed district as a protected area could be challenged because the intent of the Act's application is unclear, other than to close an area off to access by people other than local people. For this reason it is not recommended to use this Act to create protected areas.

Customary Lands Records Act 1996

The Act does not define customary marine tenure i.e., it focusses primarily on 'land'.

Environment Act 1998

While the Environment Act is comprehensive in the areas of pollution and development controls (including provision for environmental impact assessments), it lacks any proactive planning provisions for strategic land-use or ocean planning and development guidelines.

Implementation of the EIA process is crucial but the guidelines remain unclear and require attention for a fully operational and functional EIA process.

The licensing process in the Forest Resources and Timber Utilisation Act 1996 currently ignores the provisions of the Environment Act, which requires a developer to obtain development consent from MECDM. The links between the two Acts to ensure compliance with the Environment Act and to promote sustainable development.

Maritime Safety Administration Act 2009

Existing legislation does not provide the ability to respond quickly to oil spill incidents.

There is no Automatic Identification System (AIS) (mandatory under the Safety of Life at Sea Convention) in place in the Solomon Islands for monitoring international ship movements in Solomon Islands waters.

Mines and Minerals Act 1996

The Mines and Minerals Act fails to adequately address issues relating to the impacts on the environment from mining activities or in regards to the ownership of mineral resources as governed by common and customary law. The Act needs reviewing to address these issues.

There is a need to harmonise this Act with the Environment Act in terms of granting of development consent.

There are no legal provisions in place to control deep-sea mining.

National Parks Act 1996

The 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 also applies to marine/oceanic areas. In the absence of evidence to the contrary it is assumed that the Act does apply to these areas.

Protected Areas Act 2010 and Protected Areas Regulations 2012

The Protected Areas Act provides for the establishment of marine protected areas but it does not contemplate the basis on which sites might be selected (e.g., based on biogeographic or other similar analysis). Additionally, the Regulations, in particular, imply that MPAs are likely to be smaller areas than might be contemplated in developing any system of oceans management. These issues will need to be considered and addressed (if valid) in the development of an oceans management policy and/or plan.

SUMMARY COMMENT

The lack of harmonisation across legislation is an impediment to effective ocean resource management. For example, the Wildlife Protection Act provisions on the import/export of specimens are not integrated with the Agricultural Quarantine Act, and the Mining Act is inconsistent with the Environment Act in terms of granting development consent. Without integration of key provisions within the Acts, confusion in terms of implementation and enforcement will occur. The DCC Policy Statement will contribute significantly to addressing this issue.

3.5.2 Policies, strategies and plans

National Development Strategy 2016–2035

As the current version of the NDS was introduced only in 2016, it is difficult to assess whether there are gaps. However, given the potential conflicts identified in section 3.3.2, establishing monitoring and evaluation of NDS objectives may prove difficult and will need to be addressed.

The current NDS does not recognise the oceans management policy process, despite the recent commitment by the government at the Oceans Summit (June 2015) to incorporate the oceans policy process into the current NDS.

Medium-Term Development Plan 2015–2019

The MTDP 2015–2019 does not 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.

The Solomon Islands National Tourism Development Strategy 2015–2019

While the strategy acknowledges the roles of other ministries it does not provide any specifics about how tourism might impact on their mandates. Nor does the strategy talk about specifics for dealing with sustainability issues such as water quality or marine pollution.

National Biodiversity Strategic Action Plan 2009

There is no project in the NBSAP to identify and/or establish marine or terrestrial protected areas despite it being a theme in the NBSAP (theme 3).

Action Plan for Implementing the Convention on Biological Diversity's Programme of Work on Protected Areas

The PoWPA focuses almost exclusively on terrestrial protected areas and ignores marine protected areas. Under an assessment of ecological gaps there is a discussion about the results of a 2004 marine survey by The Nature Conservancy which identified some of the marine resource values. However, this has not translated into specific actions under the PoWPA.

Code of Logging Practice 2002

This Code of Practice is over ten years old and its implementation success and level of compliance is unclear. It would be useful to have some assessment of compliance by all logging companies/operations as the basis for considering whether a review of the code needs to be undertaken and a revised code developed. Effective performance monitoring of logging activities against the code is not available and therefore makes any challenges of non-compliance vulnerable to legal dispute.

SUMMARY COMMENT

The economic and productive sector ministries such as fisheries, agriculture, forestry, tourism, mines and energy, commerce and rural development, all have a common target – sustainable management and use of resources which are owned by the people, hence the need for a people-centred and community-based focus.

A major gap in the sectoral policy goals is that they do not provide for any clear inter-ministerial coordination or joint implementation of cross-cutting issues such as land tenure and environment. The DCC Policy Statement contributes significantly to addressing this issue.

3.6 SUPPORT FOR MARINE SPATIAL PLANNING

The Government of the Solomon Islands has, in different documents and at different forums, made a variety of commitments that relate to the management and protection of the Solomon Islands oceans. To help deliver on these commitments the government has developed and implemented a broad range of legislation, policies, management strategies and plans.

Using these documents, a range of mechanisms have been identified that are relevant to marine spatial planning that can contribute to strategic management of the Solomon Islands ocean. These mechanisms have been summarised in section 3.6.4 and in a more detailed overview provided in Attachment 4.

The following Solomon Islands legislation, policies and strategies could support, or contribute to developing, an integrated spatial ocean resource management plan or the establishment of protected areas under any potential ocean management policy. Discussion on the development of the Solomon Island Locally Marine Managed Area network (SILMMA) is also included (see 3.6.3).

3.6.1 Legislation

Closed Districts Act

This Act appears to be about excluding vessels from certain areas. A permit is required from the Prime Minister to allow a vessel to enter a closed district and persons living within a declared closed district can obtain a permit to operate a vessel within the closed district.

Fisheries Management Act 2015

This is an Act to make provisions for the conservation, management, development and sustainable use of fisheries and marine resources of Solomon Islands. Under this Act “conservation” means the multiple use and actions to protect fish stocks, habitat and ecosystem functions to provide for a healthy, sustainable fishery for the future. The Act also provides for the establishment of marine managed areas and marine protected areas.

The term “fisheries waters” means the inland waters, the territorial sea, the archipelagic waters, the exclusive economic zone and any other waters over which Solomon Islands exercises or claims.

A “Marine Managed Area” means an area, within the fisheries waters, regulated to preserve its natural state, as far as possible, to protect marine life but allow for harvesting of marine resources. The Fisheries Management Act also provides an opportunity for provincial government and communities to register their Locally Marine Managed Area (LMMAs – see 3.6.3 below) as a national Marine Managed Area. Also, this Act gives clarity on the roles of provincial governments, communities and the national government over marine resource management.

A “Marine Protected Area” means any area within the fisheries waters for which protective, conservation, restorative or precautionary measures, consistent with international law, have been instituted to protect and conserve species, habitats, ecosystems or ecological processes of the marine environment and any area that does not form a “protected area” under the Protected Areas Act 2010.

Mines and Minerals Act 1996

The Act provides for the designation of any area as a reserved area and to prohibit the carrying out of reconnaissance, prospecting or mining thereon.

National Parks Act 1996

The Act provides for the proclamation of any area of land to be a national park (note that the term ‘land’ is not defined in the National Parks Act so that the question of whether the Act can be applied in marine or oceanic environments needs to be addressed). There is no provision for any form of spatial planning involving zoning or separation of use in the Act.

Protected Areas Act 2010 and Protected Areas Regulations 2012

The Act provides for the establishment of marine protected areas however it does not contemplate the basis on which sites might be selected (e.g. based on biogeographic or other similar analysis). Additionally, the Regulations, in particular, imply that MPAs are likely to be smaller areas than might be contemplated in developing any system of oceans management. The Regulations also provide for the application of zoning.

These issues will need to be considered and addressed (if valid) in the development of an oceans management policy and/or plan.

Lands Survey Act

The Lands Survey Act provides the means for defining ocean boundaries e.g. EEZ. It is also relevant if an oceans management plan is developed as it will provide the legal basis for defining boundaries of protected areas determined under management strategies, plans or zoning plans.

3.6.2 Policies, strategies and plans

National Adaptation Programmes of Action (2008)

Under s5.5 (Fisheries and Marine Resources) Objective 2 of the NAPA calls for the protection of fisheries and marine resources, including the use of marine protected areas to protect sensitive habitats.

Solomon Islands National Plan of Action: Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (2010)

The CTI NPoA supports the development of marine protected areas. The NPoA states that *“experience in Solomon Islands and throughout the Pacific suggests that communities usually choose no-take zones amongst other tools to achieve food security. It is expected that implementation of community based management across all interested communities in Solomon Islands will be the single largest contribution to achieving national goals in terms of sustainable Marine Protected Areas (MPAs) especially if it is considered that a well-managed customary area may qualify under international definitions of MPAs as well as the smaller no-take zones”* (p18). The NAPA links to the Action Plan for Implementing the CBD Program of Work on Protected Areas.

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

The Action Plan supports Target 11 of the Aichi Biodiversity Targets. In particular, it provides the following national targets (including a target of 60% of marine areas):

1. Identify key threats in existing protected areas and address these threats by 2015 in terms of their coverage and ecological representation and that by 2018 at least 50% of the existing protected areas are covered.
2. By 2015 50% of all existing protected areas are enhanced and effectively managed.
3. By 2018 all existing protected areas have in place practicable and effective management plans that incorporated traditional and effective conservation and management measures undertaken by the communities at the Site-level.
4. By 2015 the trust fund provided for under the Protected Areas Act 2010 is fully established and up and running.
5. By 2018, at least 40% of the existing protected areas are integrated into wider sectors (land and sea sectors).

National Biodiversity Strategic Action Plan 2009

Theme 3 of the NBSAP (Protected Area System) *inter alia* supports the establishment of a framework for marine and terrestrial protected areas and calls for legislation supporting protected areas to be developed. Some of this has been achieved.

Ridges to Reefs Conservation Plan (Isabel Province)

The R2R Plan provides an important step towards establishing an Isabel Ridges to Reefs Protected Area Network, which would support future food and freshwater security, preserve the islands' remarkable biodiversity and reduce the stress on terrestrial and marine environments, thereby increasing the resilience of natural systems to external shocks such as climate change. Conservation targets (how much of each feature should be protected across Isabel) were set at a minimum of 17% for all terrestrial and 10% for all marine conservation features that were identified from national scale data.

3.6.3 Solomon Island Locally Marine Managed Area network

The SILMMA network is a group of projects and practitioners including NGOs, government and communities in Solomon Islands who are working to improve the success of their conservation and fisheries management efforts through sharing and networking.

SILMMA's mission is to help communities manage and conserve marine resources to maximise benefits and ensure food security by sourcing funds, facilitating, coordinating and providing information, building capacity and empowering partners through traditional and scientific approaches.

The SILMMA network was established in Solomon Islands in 2003, during a LMMA networking and training needs workshop in Honiara. Since that time SILMMA has gone through a building and learning phase until it is now the longest-practising network of marine resource management and conservation management groups in the country.

SILMMA is aligned with the inshore fisheries division within the Solomon Islands MFMR but remains an independent organisation. SILMMA is coordinated by a secretariat of staff from MFMR (co-ordinator, administrator, two part-time technical extension officers) and advised by a volunteer SILMMA Advisory Council.

3.6.4 Marine managed areas in the Solomon Islands

Solomon Islands legislation provides for a range of types of marine managed/protected areas. Some of these areas have strong application and relevance for oceans planning and management while some have marginal relevance. Table 1 summarises these types of MMA/MPA, identifies their legal basis and the implementing/management agency responsible, provides an assessment of potential IUCN categorisation and gives an example(s) where the type of MMA/MPA have been applied (where known). A more comprehensive overview is contained in Attachment 4. An explanation of the IUCN categories and their objectives is provided in Attachment 5.

TABLE 1 Summary of MMA/MPA typology

Type of protected or managed area	Objective (s)	Legal instrument(s)	Management agency	IUCN category (see Attachment 5)	Examples
Marine Managed Areas – LMMA* (area-based tool)	To preserve natural state, as far as possible, to protect marine life but allow harvesting of marine resources	<i>Fisheries Management Act 2015</i>	Ministry of Fisheries and Marine Resources	Unknown	Naro
Marine Protected Areas	To protect and conserve species, habitats, ecosystems or ecological processes of the marine environment	<i>Fisheries Management Act 2015</i>	Ministry of Fisheries and Marine Resources	Unknown	Hatare
Nature Reserve	Scientific research, environmental monitoring and education and maintaining habitat conditions necessary for wildlife management, including protecting and meeting the natural requirements of significant species and biotic communities	<i>Protected Areas Act 2010</i> <i>Protected Areas Regulations 2012</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	1A	
National Park	Not defined (except by proclamation)	<i>National Parks Act 1996</i> <i>By Proclamation</i>	Ministry of Forest and research	Unknown	Queen Elizabeth Park by Proclamation No.1 of 1973, LN 29/1973
Protected Area	Protect areas of biological significance	<i>Protected Areas Act 2010</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	Dependent on application of legislation	See World Heritage Sites
National Park	Protect a major natural region and its biological and environmental features, protect the habitat and aesthetic qualities of an otherwise large area of natural and unique scenery and promote education, research and tourism opportunities	<i>Protected Areas Regulations 2012</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	II	Unknown
National Monument	a. A specific monument of outstanding natural features and its associate biodiversity and habitat and; b. An important landscape or seascape created by the interaction (through traditional practices) between humans and nature over time	<i>Protected Areas Regulations 2012</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	III	Unknown
Resource Management Areas (Some LLMAs may qualify under this category)	To promote ecological sustainable uses of natural ecosystems and resources for the benefit of customary owners and dependent local communities	<i>Protected Areas Regulations 2012</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	IV	Unknown

Type of protected or managed area	Objective (s)	Legal instrument(s)	Management agency	IUCN category (see Attachment 5)	Examples
Nature Reserve	Scientific research, environmental monitoring and education Wildlife management Habitat protection	<i>Protected Areas Regulations 2012</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	Unknown	Unknown
Closed Areas	For long-term regeneration and rehabilitation of lost or devastated biodiversity	<i>Protected Areas Regulations 2012</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	Unknown	Unknown
Closed District The seaward boundary is a line running parallel with the coast three nautical miles to seaward of low-water mark.	Not defined in the Act but appears to be about excluding fishing pressure from community areas by excluding vessel entry except by permit	<i>Closed Districts Act Declared by Prime Ministerial Proclamation Permits</i>	Office of the Prime Minister and Cabinet	Unknown	Unknown
Reserved and Protected Area	To prohibit reconnaissance, prospecting or mining	<i>Mines and Minerals Act 1996</i>	Ministry of Mines, Energy, Rural Electrification	Unknown	Unknown
Community/ Conservation Areas	Unknown	<i>Unknown</i>	Unknown	Unknown	Haavo Khulano Leatherback Tetepare
Tabu Areas	Unknown	<i>Customary</i>	Unknown	Unknown	Biche (Marine)
Forest Reserve (Potential to protect mangrove areas)	Conservation of water resources	<i>Forest Resources and Timber Utilisation Act 1970 By Notice/ Use of permits</i>	Ministry of Forestry and Research	Unknown	Unknown
State Forest (Potential to protect mangrove areas)	Unknown	<i>Forest Resources and Timber Utilisation Act 1970</i>	Ministry of Forestry and Research	Unknown	Unknown
Lagoon Reserve	Unknown	<i>Unknown</i>	Unknown	Unknown	Langa
World Heritage Sites	Protection of areas of significant biodiversity	<i>Protected Areas Act 2010</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	Unknown	Lake Tegano, East Rennell

3.7 OCEANS MANAGEMENT IMPLEMENTATION ISSUES

During the Oceans Summit in June 2015 each ministry provided a background brief on issues affecting each of these ministries. These issues were described and expanded on at the Summit and are summarised at Attachment 2.

The highest-priority issues appear to be related to resourcing (both human resources and program resources), communication and coordination (among ministries and between ministries and provincial governments) to ensure efficient and effective sustainable use of the ocean and defining boundaries (including customary boundaries in the inshore areas).

The Oceans Summit also summarised the following key issues and gaps relating to legislation, planning and compliance³:

- Some legislation needs to be reviewed while new legislation needs to be enacted to clarify grey areas in the law which relate to ocean use and management. An example is the law on tenure relating to land below the high-water mark.
- Improved monitoring, compliance, enforcement and evaluation regimes are needed.
- Some ministries lack guiding frameworks and management plans for cohesive implementation of activities.
- Some legislation has outdated regulations undermining the ability to prosecute.
- There is sometimes inconsistency between definitions in national laws and those in regional or international frameworks.
- There is no overarching management framework for oceans across all ministries.

The participants in the Oceans Summit agreed to form a working committee (with the proposed name of Ocean 12+) to further discuss and address ocean issues and work towards a national integrated framework that mainstreams ocean issues into development planning. Cross-ministerial coordination, including consideration of and focus on compliance and enforcement in ocean use and management, must be improved. This process will contribute to addressing some of the issues and gaps raised in this report.

Unfortunately, the revised NDS (2016–2035) did not recognise the government’s intention to develop an oceans management plan (previously agreed at the Oceans Summit), which would have provided an opportunity to incorporate more integrated ocean resource management into government programs and policies and supported the ocean policy development process. It does, however, provide a broad framework within with an integrated approach to ocean governance fits well.

3 Solomon Islands Government Inaugural Ocean Summit Report (Draft) 9th June 2015

4 FINAL COMMENTS AND RECOMMENDATIONS

The review of national legislation and regional and national policies and strategies (listed at Attachment 1) 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 was a commitment to incorporate this into the revision of the NDS, which was introduced in 2016, but this did not occur). There are, however, 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.

Attachment 2 provides a summary of the scope of issues that an oceans management policy and plan are likely to address, and whether the legislation, policies and strategies analysed and reviewed in this report are relevant in the context of an oceans management policy or plan for the Solomon Islands. Attachment 5 provides an overview of ministry responsibilities, roles and issues as they relate to oceans use and management (based on issues raised at the Oceans Summit in June 2015).

An improvement of the legislative system will enable better harmonisation 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, harmonisation 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 recognised 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.

The need for clear policies is fundamental to supporting 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; therefore, 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 an oceans policy statement, including using the widest approach to ensure understanding, commitment and coordination occurs.

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. Strengthening the legislative mandates of relevant organisations (such as MFMR) and capacity building of relevant ministries are key elements necessary for promoting management effectiveness in ocean 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. Unfortunately, the current NDS does not recognise the government's intention to develop an oceans management plan (previously agreed at the Oceans Summit in June 2015). Such recognition would have provided an opportunity to incorporate more integrated ocean resource management into the NDS to support the ocean policy development process. There will also be a need to strengthen the MFMR Corporate Plan/mandate should there be support for MFMR to provide the focal/coordination point for oceans management in the Solomon Islands.

These improvements are necessary to ensure that 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.

ATTACHMENTS

1. List of legislation, policies, strategies, plans and documents reviewed
2. Issues-based assessment
3. Ministry roles and issues
4. Typology of marine managed areas/marine protected areas
5. IUCN categories and objectives

ATTACHMENT 1 LEGISLATION, POLICIES, STRATEGIES, PLANS AND DOCUMENTS REVIEWED

NATIONAL LEGISLATION	PAGE # IN REPORT
1. Constitution of Solomon Islands 1978 and sub legislation and 2009 Amendment	5
2. Fisheries Management Act 2015 (No 2 of 2015)	5-6, 31, 40, 43, 46
3. Protected Areas Act 2010 and Regulations 2012	6-8, 31, 38, 41, 44, 47
4. Police Act 2013	8, 32, 40
5. Lands Survey Act	8, 29, 40, 47
6. Maritime Safety Administration Act 2009	9-10, 32, 37, 44
7. The Delimitation of Marine Waters Act, 1978	9, 29-31
8. Mines and Minerals Act (Cap 42) 1996 and Mine and Minerals (amd) Act 1998 and Mine and Minerals (amd) Act 2014	10, 31, 38, 44, 48
9. Closed Districts Act	11-12, 32, 40, 43, 46
10. National Park Act 1996	11, 31, 38, 40, 44, 46
11. Wildlife Protection and Management Act (No. 10 of 1998)	10, 32, 38, 41
12. Customary Lands Records Act 1996	12, 44
13. Environment Act (No. 8 of 1998)	11, 32, 40, 44
14. Forestry Resources and Timber Utilisation Act (Cap 40)	12, 32, 37, 43
15. Provincial Government Act 2002	13
16. Research Act 1996	13, 38, 41
NATIONAL POLICIES, STRATEGIES AND PLANS	
17. Democratic Coalition for Change Government Policy Statement	13, 33, 41
18. National Development Strategy 2011–2020	14-15, 38, 41
19. Medium-Term Development Plan 2015–2019	15, 33, 38, 42, 45
20. National Climate Change Policy 2012–2017	20, 34, 43
21. National Adaptation Programmes of Action	16, 34, 39, 43, 47
22. National Strategy for the Management of Inshore Fisheries and Marine Resources	17-18, 34
23. Tuna Management and Development Plan	34, 42

24. National FAD Management Plan	21, 35, 39, 43
25. Solomon Islands National Plan of Action: Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security	18,34, 39, 43, 47
26. Action Plan for Implementing the CBD Program of Work on Protected Areas, (2011)	21, 34, 39, 43, 45, 47
27. National Biodiversity Strategic Action Plan, 2009	19, 34, 43, 45, 47
28. National Tourism Strategy	19-20, 35, 43, 45
29. Ministry of Environment, Climate Change, Disaster Management and Meteorology Strategic and Corporate Plan	
30. Ridges to Reefs Conservation Plan (Isabel Province)	27, 35, 39, 43, 48
31. Code of Logging Practice	22, 35, 40, 42, 45
32. MFMR Corporate Plan 2014–2018	16-17, 33, 38-39, 42
33. National Development Strategy 2016–2035	33, 45,
Regional policies, strategies, plans, agreements, treaties, declarations etc.	
34. Pacific Regional Environment Program Strategic Plan, 2011–2015	25, 35
35. Framework for a Pacific Oceanscape (2010)	22-23, 35
36. Pacific Island Regional Ocean Policy 2005	23, 36
37. SPC SOPAC Strategic Plan 2011–2015	25-26, 36
38. SPC Division of Fisheries, Aquaculture and Marine Ecosystems Strategic Plan, 2013–2016	24-25, 36
39. Pacific Islands Regional Coastal Fisheries Management Policy and Strategic Actions, 2008–2013	26, 37
40. A new song for coastal fisheries Pathways to change	
41. Future of Coastal/Inshore Fisheries Management Workshop Melanesian Spearhead Group Roadmap	
42. Regional Coastal Fisheries Policy	
43. SPREP Regional Strategy to Address Marine Pollution from World War II Wrecks	26-27, 37
44. The Nairobi International Convention on the Removal of Wrecks	37
45. The Vava'u declaration	37
46. Niue Treaty	23, 37
47. Niue Treaty Subsidiary Agreement	23, 37
48. The Tokelau Arrangement	23, 37
49. South Pacific Forum Fisheries Agency Convention 10 July 1979	24, 37
50. Parties to Nauru Agreement	24, 37
51. The Federated States of Micronesia Arrangement	24, 37
52. United States Multilateral Fisheries Treaty	24, 27
53. Western and Central Pacific Fisheries Commission	24, 37
54. The Palau Arrangement	23, 37
Other – For background information only	
55. State of Environment Report (2008)	
56. MFMR Coastal, Community, Commercial and Conservation and Fisheries Management Strategies	
57. Towards Integrated National Ocean Policy in the South Pacific - Competing and Conflicting Issues in Ocean Policy: Solomon Islands by Mr. Rudolfo Dorah 2007-2008 UN-Nippon Fellow Solomon Islands	
58. RETA 6471: Strengthening Coastal and Marine Resource Management in the Coral Triangle of the Pacific Phase 1 Final Report May 2010	

ATTACHMENT 2 ISSUES-BASED ASSESSMENT

Issue	National legislation	National policies, strategies and plans	Regional policies, strategies and plans and other instruments
Legislative and policy basis for developing a national oceans management policy	<ul style="list-style-type: none"> Constitution of Solomon Islands 1978 and sub legislation and 2009 Amendment 	<ul style="list-style-type: none"> Democratic Coalition for Change Government Policy Statement National Development Strategy 2016–2035 Medium-Term Development Plan 2015–2019 	<ul style="list-style-type: none"> Pacific Island Regional Oceans Policy Framework for a Pacific Oceanscape (2010) Pacific Regional Environment Program Strategic Plan, 2011–2015 Forty-Fifth Pacific Islands Forum Communiqué (Koror, Republic of Palau 29–31 July 2014) and the Pacific Plan
Conservation of biodiversity	<ul style="list-style-type: none"> Fisheries Management Act 2015 (No 2 of 2015) Fisheries Limits Act Protected Areas Act 2010 and Regulations 2012 Closed Districts Act National Park Act 1996 Wildlife Protection and Management Act (No. 10 of 1998) Environment Act (No. 8 of 1998) Forestry Resources and Timber Utilisation Act (Cap 40) Mines and Minerals Act 2014 	<ul style="list-style-type: none"> MFMR Corporate Plan 2014–2018 Ridges to Reefs Conservation Plan (Isabel Province) Code of Logging Practice National FAD Management Plan Solomon Islands National Plan of Action: Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security Action Plan for Implementing the CBD Program of Work on Protected Areas (2011) National Biodiversity Strategic Action Plan, 2009 National Climate Change Policy 2012–2017 National Adaptation Programmes of Action National Environment Capacity Development Action Plan National Strategy for the Management of Inshore Fisheries and Marine Resources Tuna Management and Development Plan 	<ul style="list-style-type: none"> Pacific Regional Environment Program Strategic Plan, 2011–2015 SPC SOPAC Strategic Plan 2011–2015 SPC Division of Fisheries, Aquaculture and Marine Ecosystems Strategic Plan, 2013–2016 Pacific Islands Regional Coastal Fisheries Management Policy and Strategic Actions, 2008–2013
Sustainable development/natural resource management	<ul style="list-style-type: none"> Fisheries Management Act 2015 (No 2 of 2015) Mines and Minerals Act (Cap 42) 1996 and Mine and Minerals (amd) Act 1998 and Mine and Minerals (amd) Act 2014 Forestry Resources and Timber Utilisation Act (Cap 40) Police Act 2013 	<ul style="list-style-type: none"> Democratic Coalition for Change Government Policy Statement National Development Strategy 2016–2035 Medium-Term Development Plan 2015–2019 National Biodiversity Strategy and Action Plan National Adaptation Programme for Action MFMR Corporate Plan 2014–2018 National Strategy for the Management of Inshore Fisheries and Marine Resources Tuna Management and Development Plan National FAD Management Plan Solomon Islands National Plan of Action: Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security Action Plan for Implementing the CBD Program of Work on Protected Areas, (2011) National Biodiversity Strategic Action Plan, 2009 National Tourism Strategy Ridges to Reefs Conservation Plan (Isabel Province) Code of Logging Practice 	<ul style="list-style-type: none"> Pacific Regional Environment Program Strategic Plan, 2011–2015 SPC SOPAC Strategic Plan 2011–2015 SPC Division of Fisheries, Aquaculture and Marine Ecosystems Strategic Plan, 2013–2016 Pacific Islands Regional Coastal Fisheries Management Policy and Strategic Actions, 2008–2013

Issue	National legislation	National policies, strategies and plans	Regional policies, strategies and plans and other instruments
Marine spatial planning including MPAs and other PAs	<ul style="list-style-type: none"> ▪ Fisheries Management Act 2015 (No 2 of 2015) ▪ Protected Areas Act 2010 and Regulations 2012 ▪ Lands Survey Act ▪ The Delimitation of Marine Waters Act, 1978 ▪ Mines and Minerals Act (Cap 42) 1996 and Mine and Minerals (amd) Act 1998 and Mine and Minerals (amd) Act 2014 ▪ Closed Districts Act ▪ National Park Act 1996 ▪ Forestry Resources and Timber Utilisation Act (Cap 40) 	<ul style="list-style-type: none"> ▪ National Adaptation Programmes of Action ▪ National Strategy for the Management of Inshore Fisheries and Marine Resources ▪ Tuna Management and Development Plan ▪ Solomon Islands National Plan of Action: Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security ▪ Action Plan for Implementing the CBD Program of Work on Protected Areas, (2011) ▪ National Biodiversity Strategic Action Plan, 2009 ▪ Ridges to Reefs Conservation Plan (Isabel Province) 	<ul style="list-style-type: none"> ▪ Pacific Regional Environment Program Strategic Plan, 2011–2015
Offshore petroleum and mineral prospecting and production	<ul style="list-style-type: none"> ▪ Mines and Minerals Act (Cap 42) 1996 and Mine and Minerals (amd) Act 1998 and Mine and Minerals (amd) Act 2014 	<ul style="list-style-type: none"> ▪ National Development Strategy 2016–2035 ▪ Medium-Term Development Plan 2015–2019 	
Shipping including discharge of ballast water	<ul style="list-style-type: none"> ▪ Fisheries Management Act 2015 (No 2 of 2015) ▪ Maritime Safety Administration Act 2009 	<ul style="list-style-type: none"> ▪ Solomon Islands National Plan of Action: Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security ▪ Action Plan for Implementing the CBD Program of Work on Protected Areas, (2011) ▪ National Biodiversity Strategic Action Plan, 2009 ▪ National Tourism Strategy 	<ul style="list-style-type: none"> ▪ SPREP Regional Strategy to Address Marine Pollution from World War II Wrecks ▪ The Nairobi International Convention on the Removal of Wrecks
Depletion of marine resources, e.g. overfishing, destructive fishing practices, illegal foreign fishing vessels	<ul style="list-style-type: none"> ▪ Protected Areas Act 2010 and Regulations 2012 ▪ Police Act 2013 ▪ Maritime Safety Administration Act 2009 ▪ Wildlife Protection and Management Act (No. 10 of 1998) ▪ Environment Act (No. 8 of 1998) ▪ Forestry Resources and Timber Utilisation Act (Cap 40) 	<ul style="list-style-type: none"> ▪ National Strategy for the Management of Inshore Fisheries and Marine Resources ▪ MFMR Corporate Plan 2014–2018 ▪ Tuna Management and Development Plan ▪ National FAD Management Plan ▪ Solomon Islands National Plan of Action: Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security ▪ Action Plan for Implementing the CBD Program of Work on Protected Areas, (2011) ▪ National Biodiversity Strategic Action Plan, 2009 ▪ Ridges to Reefs Conservation Plan (Isabel Province) 	<ul style="list-style-type: none"> ▪ Pacific Regional Environment Program Strategic Plan, 2011–2015 ▪ SPC Division of Fisheries, Aquaculture and Marine Ecosystems Strategic Plan, 2013–2016 ▪ SPC SOPAC Strategic Plan 2011–2015 ▪ Pacific Islands Regional Coastal Fisheries Management Policy and Strategic Actions, 2008–2013 ▪ Palau Declaration on 'The Ocean: Life and Future' Charting a course to sustainability ▪ A new song for coastal fisheries: pathways to change (SPC workshop report 2015) ▪ Roadmap for inshore fisheries management and sustainable development 2014–2023 (draft 1 January 2015) ▪ The Vava'u Declaration on Pacific Fisheries 'Our Fish, our Future'. Forum Communiqué, Thirty-eighth Pacific Islands Forum, Nuku'alofa, Tonga, 16–17 October 2007.
Coastal erosion and increased Sedimentation from development	<ul style="list-style-type: none"> ▪ Protected Areas Act 2010 and Regulations 2012 ▪ Mines and Minerals Act (Cap 42) 1996 and Mine and Minerals (amd) Act 1998 and Mine and Minerals (amd) Act 2014 ▪ Closed Districts Act ▪ National Park Act 1996 ▪ Environment Act (No. 8 of 1998) ▪ Forestry Resources and Timber Utilisation Act (Cap 40) 	<ul style="list-style-type: none"> ▪ National Climate Change Policy 2012–2017 ▪ National Adaptation Programmes of Action ▪ Solomon Islands National Plan of Action: Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security ▪ Action Plan for Implementing the CBD Program of Work on Protected Areas, (2011) ▪ National Biodiversity Strategic Action Plan, 2009 ▪ Code of Logging Practice 	

Issue	National legislation	National policies, strategies and plans	Regional policies, strategies and plans and other instruments
Climate change	<ul style="list-style-type: none"> ▪ Fisheries Management Act 2015 (No 2 of 2015) ▪ Protected Areas Act 2010 and Regulations 2012 ▪ Mines and Minerals Act (Cap 42) 1996 and Mine and Minerals (amd) Act 1998 and Mine and Minerals (amd) Act 2014 ▪ Closed Districts Act ▪ National Park Act 1996 ▪ Wildlife Protection and Management Act (No. 10 of 1998) ▪ Forestry Resources and Timber Utilisation Act (Cap 40) ▪ Provincial Government Act 2002 ▪ Research Act 1996 	<ul style="list-style-type: none"> ▪ National Development Strategy 2016–2035 ▪ Medium-Term Development Plan 2015–2019 ▪ National Climate Change Policy 2012–2017 ▪ National Adaptation Programmes of Action ▪ National Biodiversity Strategy and Action Plan, 1999 ▪ MFMR Corporate Plan 2014–2018 	<ul style="list-style-type: none"> ▪ Framework for a Pacific Oceanscape (2010) ▪ Pacific Island Regional Ocean Policy 2009 ▪ Pacific Regional Environment Program Strategic Plan, 2011–2015 ▪ Action Plan for Implementing the CBD Program of Work on Protected Areas, (2011) ▪ Ridges to Reefs Conservation Plan (Isabel Province)
Marine pollution, e.g. oil spills, hazardous waste	<ul style="list-style-type: none"> ▪ Police Act 2013 ▪ Maritime Safety Administration Act 2009 ▪ Environment Act (No. 8 of 1998) 	?	<ul style="list-style-type: none"> ▪ SPREP Regional Strategy to Address Marine Pollution from World War II Wrecks ▪ The Nairobi International Convention on the Removal of Wrecks
Introduced marine pests and invasive species	<ul style="list-style-type: none"> ▪ Fisheries Management Act 2015 (No 2 of 2015) ▪ Wildlife Protection and Management Act (No. 10 of 1998) ▪ Environment Act (No. 8 of 1998) 	<ul style="list-style-type: none"> ▪ Solomon Islands National Plan of Action: Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security 	
Transboundary issues, e.g. overfishing, pollution	<ul style="list-style-type: none"> ▪ Fisheries Management Act 2015 (No 2 of 2015) ▪ Police Act 2013 ▪ Maritime Safety Administration Act 2009 ▪ Mines and Minerals Act (Cap 42) 1996 and Mine and Minerals (amd) Act 1998 and Mine and Minerals (amd) Act 2014 ▪ Wildlife Protection and Management Act (No. 10 of 1998) ▪ Environment Act (No. 8 of 1998) 	<ul style="list-style-type: none"> ▪ National Adaptation Programmes of Action ▪ National Strategy for the Management of Inshore Fisheries and Marine Resources ▪ MFMR Corporate Plan 2014–2018 ▪ Tuna Management and Development Plan ▪ National FAD Management Plan ▪ Solomon Islands National Plan of Action: Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security 	<ul style="list-style-type: none"> ▪ Framework for a Pacific Oceanscape (2010) ▪ Pacific Island Regional Ocean Policy 2009 ▪ Pacific Regional Environment Program Strategic Plan, 2011–2015 ▪ SPC SOPAC Strategic Plan 2011–2015 ▪ SPC Division of Fisheries, Aquaculture and Marine Ecosystems Strategic Plan, 2013–2016 ▪ Pacific Islands Regional Coastal Fisheries Management Policy and Strategic Actions, 2008–2013 ▪ 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 ▪ The Palau Arrangement

ATTACHMENT 3 MINISTERIAL ROLES AND RESPONSIBILITIES



OFFICE OF THE PRIME MINISTER AND CABINET

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POLICY IMPLEMENTATION, MONITORING AND EVALUATION UNIT OFFICE OF THE CHIEF OF STAFF

MINISTRY BRIEF – OCEAN SUMMIT, 9 June 2015

Completion of this brief was requested to be returned to Policy Secretary Resource Cluster, Dr Chris Vehe, by 21 May 2015.

A. MINISTRY OF ENVIRONMENT, CLIMATE CHANGE, DISASTER MANAGEMENT & METEOROLOGY

1. NAME OF MINISTRY

Ministry of Environment, Climate Change, Disaster Management & Meteorology (MECDM)

2. OCEAN BRIEFING (What is your mandated role in relation to the oceans? Please specify Acts/Policies or Acts that support your work)

Our key roles are identified in the three Acts:

- Protected Areas Act – mandates Director ECD to identify marine and coastal areas of significant biodiversity values to protect and manage. Bioresearch on marine environment, ecosystems and species are regulated to ensure information is retained for community and national scale policy and technical purposes.
- Environment Act – ensures that any prescribed developments undertaken does not cause detrimental and negative impacts to the marine environment
- Wildlife Protection and Management Act – regulates the international trade of native plant and animal species (marine).

Other policies and strategies are the Coral Triangle Initiative National Plan of Action (CTI NPOA) and the National Biodiversity Strategy and Action Plan (NBSAP).

Other multilateral environmental agreements include with the South Pacific Regional Environment Program (SPREP) – this relates to Pacific efforts to curb marine pollution, protection of endangered marine species, e.g. marine turtles, dugongs, whales and dolphins. The Department of Environment is the Government's Focal Point for SPREP.

3. MAIN ACTIVITIES (What are some key ocean-related activities your Ministry has implemented (led or in partnership) in the past 5 years or currently implementing?)

	Activities	Lead Division	Site location and Province	Support (Donor or implementing partner)
Social	Awareness and education for schools, communities and provincial governments on marine & coastal biodiversity, threats, values etc. Community-based disaster risk management (e.g. setting up emergency centres, plans, etc)	NDMO, ECD and CCD NDMO	All Provinces All provinces	ADB, WorldBank, Australia WorldBank, etc
Economic	-	-	-	-
Environment	Coral Triangle Initiative on coral reefs, fisheries and food security Community based resource management activities Turtle tagging, nesting monitoring Permitting for wildlife trade EIAs Climate Change Vulnerability & Adaptation Planning & Action Ocean observations	ECD ECD ECD ECD CCD Met. Division	Western, Isabel, Guadalcanal, Malaita, Choiseul Western, Isabel, Guadalcanal, Malaita, Choiseul Anavons, East Malaita, Tetepare, Rendova National – marine mammals, coral, threatened spp., aquarium fish, marine pdts, giant clams Goldridge (tailings), Honiara wharf & port, other ports, bridges, coastal roads, East Rennell WHA – mining, Choiseul & Temotu – DSM, log ponds, anchorage sites for logging ships, MPAs National – Malaita, Temoutu, Choiseul, Isabel, Guadacanal, Central, Western (Gizo, Munda, Roviena, Tetepare, Marovo) Nation-wide	USAID, AusAID, ADB, GEF TNC, AusAid, MFMR, SILMMA, LMMA TNC, TDA, MFMR, CEPF, SPREP NZ, SPREP, MFMR, Customs/ Quarantine Worldbank, ADB, SPREP, UNDP, SPC UQ, UNDP, GEF, SPREP, SPC

4. POTENTIAL SYNERGIES/CONFLICTS

a. State potential issues faced when implementing your ocean related activities

- Logistics for working with/outreach to vulnerable and remote communities
- Land-based impacts e.g. logging upstream impacting on marine protected areas management

b. State potential opportunities for improving/enhancing your ocean related activities

Joint collaboration with MFMR provincial based provinces to reach remote communities – joint budgets, joint planning etc

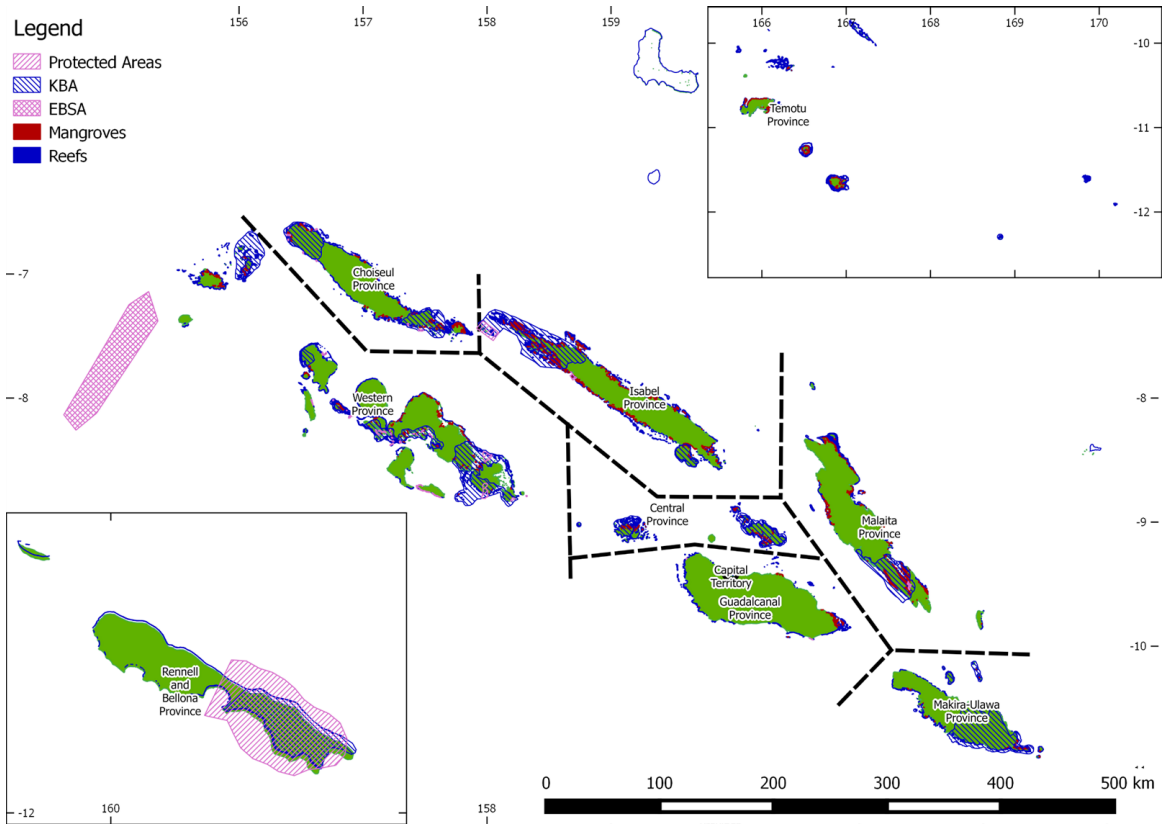
5. GEOGRAPHIC HOTSPOTS (List areas in the coast/ocean that are of high importance to your Ministry. NOTE: Please use map attached to pinpoint your areas of high importance)

Marine and coastal ecosystems, eg. mangroves, seagrass beds, coral reefs, lagoons (refer to MAP)

Marine protected areas (refer to MAP)

Key biodiversity sites (KBAs), ecologically biodiverse significant areas (EBSAs) (MAP)

Marine endangered species e.g. hump-head parrot fish (topa), giant clams, marine turtles.



B. MINISTRY OF DEVELOPMENT PLANNING AND AID COORDINATION

1. NAME OF MINISTRY

Ministry of Development Planning and Aid Coordination (MDPAC)

2. OCEAN BRIEFING (What is your mandated role in relation to the oceans? Please specify Acts/Policies or Acts that support your work)

MDPAC has the followings mandates that are related to the oceans:

- Economic and Development Planning
- Aid Coordination and Management
- Policy Monitoring and Evaluation

MDPAC is in the process of developing a 20 Year National Development Strategy (NDS) 2015-35. This will succeed NDS 2011-20. MDPAC also produces rolling Medium Term Development Plans (MTDP), the current being MTDP 2015-19 as well as prepare the annual Development Budgets. These are vehicles to drive the implementation of the NDS.

MDPAC will also prepare a National Planning Bill and associated Regulations to increase participation of ministries and the community in matters pertaining to development planning and to provide greater scrutiny of planning decisions.

MDPAC also has as one of its core functions- coordination of development of programmes and projects for funding as well as their implementation, monitoring and evaluation.

By these MDPAC mandates and roles, it is envisaged MDPAC would play some roles in proposed oceans policies, programmes and projects.

3. MAIN ACTIVITIES (What are some key ocean-related activities your Ministry has implemented (led or in partnership) in the past 5 years or currently implementing?)

Unclear/ Not directly involved in implementation of ocean related programmes and projects

4. POTENTIAL SYNERGIES/CONFLICTS

a. State potential issues faced when implementing your ocean related activities

- Limited financial and capital resources.
- Inadequate knowledge and technology of subject matter.

b. State potential opportunities for improving/enhancing your ocean related activities

- Improved knowledge and technology for sustainable extraction and management of ocean resources for economic development.
- Broadened economic base for economic development.

5. GEOGRAPHIC HOTSPOTS (List areas in the coast/ocean that are of high importance to your Ministry. NOTE: Please use map attached to pinpoint your areas of high importance).

N/A

C. MINISTRY OF FORESTS AND RESEARCH

1. NAME OF MINISTRY

Ministry of Forestry and Research (MFR)

2. OCEAN BRIEFING (What is your mandated role in relation to the oceans? Please specify Acts/Policies or Acts that support your work)

Our key roles are identified under the Forest Resources and Timber Utilisation Act:

- Ensure that any prescribed felling of trees for sale must be licensed where the Commissioner of Forest Resources accepts the application.
- Mandates the Commissioner of Forest Resources to take such measures for the conservation of catchment areas of rivers and prevention of soil erosion and preservation of environment
- Give the right to the Commissioner of Forest Resources to harvest trees in the Customary Land and allows any works (harbours, port areas, wharves, jetties, bridges, dams, pipelines, aerodromes, yards and camps) and to quarry, extract, move and use any stone, earth or other road-marking or building material
- Mandate the Minister to make regulations for the disposal of waste products and the protection of the environment
- Mandates the Commissioner of Forest Resources to issue a licence to install and operate a mill subjects to such terms and conditions as he may therein specify and may, at any time, with the agreement of the licensee, alter or amend the licence
- Mandates the Minister to declare forest reserves in any rainfall catchment areas for the purpose of conserving water resources within Solomon Islands

The Solomon Islands Code of Logging Practice is part of the policy and regulative systems that the MFR and Logging Companies used to manage harvesting operations in the country.

3. MAIN ACTIVITIES (What are some key ocean-related activities your Ministry has implemented (led or in partnership) in the past 5 years or currently implementing?)

	Activities	Lead Division	Site location and Province	Support (Donor or implementing partner)
Social	Educating communities on negative and positive impacts brought about by the logging activities with regards to mangrove forest destruction and loss of marine lives/food	Forest Industries and Utilization Division, especially the Operations Section	All Provinces	Solomon Islands Government
Economic	Educating the licensees, landowners and the logging companies on the importance of compliance to Solomon Islands Code of Logging Practice especially on the activities surrounding the establishment of roads and landings near streams and rivers and log pond near shoreline on the mangrove ecosystems. Important for prevention of oil and fuel spills into the rivers and the sea	Forest Industries and Utilization Division, especially the Operations Section	All Provinces	Solomon Islands Government
Environment	Assessment of carbon sequestration REDD+ initiative /activities to reduce GHG emissions from the forest sector	Collaboration between ACIAR Project and Forest Development and Reforestation Division (FDRD) of the MFR Collaboration initiative between SIG (MFR – FDRD/MECDM) and UNFCCC/FAO	Western Province All provinces	ACIAR Project UNFCCC

4. POTENTIAL SYNERGIES/CONFLICTS

a. State potential issues faced when implementing your ocean related activities

- Construction of log ponds, location of fuel depo/storage and establishment of campsites requires clearance or cut and fill of top soil/debris and pushing them into the mangrove forests, important habitats for marine lives
- Harvesting operation upstream by contracted logging companies causes loose soils which are prone to erosion during wet weather which ends up in the streams/rivers and finally into the marine ecosystems (mangrove, seagrass), cause of siltation in shallow waters that blocks sunlight that coral reefs need to thrive
- Spills of fuel (diesel, petrol) during filling up of the depo by fuel ship/tanker and refilling of vehicles and machineries have impacts on marine ecosystems when drained into the sea.
- Fuel spill upstream at the log landing and road have high chances to reach the shoreline during wet weather through surface flow
- Harvesting of wetland/swamps/estuaries may make way for the surface flow of sediments into rivers and seas

b. State potential opportunities for improving/enhancing your ocean related activities

- There is a need for sharing of information concerning high conservation value mangrove forests/ecosystems between the Environmental and Conservation Division of the MECDM and the Forest Industries and Utilization Division (operation section) of the MFR to prevent establishment of log ponds, camp sites and fuel depo at or next to protected areas.
- Ensure strict compliance to the Solomon Islands Code of Logging Practice in the field by the Logging Companies especially in road network and bridge construction. This means, not only the Forestry Officers of the Forestry Operations but a combine or random spot check by the Officers from the MECDM must also be conducted. This is when the operation is already operating. Ensure log pond, log landings and road network turn outs are constructed in a way that surface runoffs are directed to the forest and not directly into the rivers, streams and mangrove forest. Fuel spills can end up in the mangrove ecosystem which affects the marine lives.
- When the operation is about to begin or when the Commissioner of Forests approve a logging operation in a certain area but new, there is a need of a combine effort by the Officers of the MFR and MECDM to check and give advice to the logging companies of where the best areas for establishment of the camp site and log pond. Usually the log ponds are established at the harbor safe from wind which marine lives usually breed, as they too need to hide or be safe from wind/rough seas/waves.
- Indirectly, impact of logging activities causes higher levels of atmospheric carbon dioxide, caused by burning of debris at the log pond, in the logging concession areas and rotting of felled trees and sub canopy plants. Carbon dioxide are absorbed by the oceans.

5. GEOGRAPHIC HOTSPOTS (List areas in the coast/ocean that are of high importance to your Ministry. NOTE: Please use map attached to pinpoint your areas of high importance)

Generally, across all Provinces, Marine and coastal ecosystems, e.g. mangroves, sea grass beds, coral reefs, lagoons:

For construction of log ponds – the logging companies export point

Construction of bridges to link islands in the harbor and lagoons for hauling operations (this is becoming the main scenario as loggers are accessing smaller islands e.g. North Kolombangara Is)

D. MINISTRY OF FISHERIES AND MARINE RESOURCES

1. NAME OF MINISTRY

Ministry of Fisheries and Marine Resources

2. OCEAN BRIEFING (What is your mandated role in relation to the oceans? Please specify Acts/Policies or Acts that support your work)

Our key roles are identified in:

- Fisheries Management Act 2015;
- Other policies and strategies are the Coral Triangle Initiative National Plan of Action (CTI NPOA), National Biodiversity Strategy and Action Plan (NBSAP) and Inshore Fisheries Strategy.
- Other multilateral environmental agreements include with the South Pacific Regional Environment Program (SPREP) – this relates to protection of endangered marine species, e.g. marine turtles, dugongs, whales and dolphins.
- Work with FFA and with the Western and Central Pacific Management Commission – MFMR tries to bring those obligations into national laws, policies, etc., Tuna Management and Development Plan 2014 (yet to go through Cabinet).

3. MAIN ACTIVITIES (What are some key ocean-related activities your Ministry has implemented (led or in partnership) in the past 5 years or currently implementing?)

	Activities	Lead Division	Site location and Province	Support (Donor or implementing partner)
Social	Implement fisheries regulations to ensure fish stocks sustained for food security Promote tilapia farming Protected areas being implemented by communities Education and awareness: fisheries regulations	Inshore Fisheries Inshore Fisheries	CBRM Unit – two sites = Naro, Marau (Guadacanal Province) Malaita, Guadalcanal All over Radio program	Provincial Fisheries Officers, CTI-CFF (CBRM outreach program) Worldfish SILMMA, MECDM, Regional LMMA used to help
Economic	Inshore commercial fishing Create livelihood options e.g. implement FADs Seaweed farming Post-harvest training (value-adding) Business training Offshore fishing areas Industrial FADs regulation (e.g. closure 1/7 – 30/10)	Coastal Fisheries Offshore Fisheries	All provinces (16 in 2014) Choiseul, Malaita, Isabel, Central Targeted market vendors in provincial centres Fishermen – from All Provincial Fisheries Centers Need to consult with MFMR statistics unit Commercial-in-confidence	WWF, WorldFish, in future – WorldVision? MISSIF USP Private sector
Environment	Permitting threatened spp	Inshore Fisheries	Clams and corals from Marau, Gela, Shortlands	Training: SPC

4. POTENTIAL SYNERGIES/CONFLICTS

Some basic information regarding tuna fisheries

- Access to the fisheries can be in three ways: as a local company (SI flag); a foreign boat chartered by local companies; and bi-lateral arrangements with foreign fleets (e.g. Japan, Korea, Taiwan, NZ).
- Other fleets access SI tuna fish stocks under multi-lateral arrangements e.g. US Treaty (administered by FFA); Parties to the Nauru Agreement – FSM arrangement.
- MFMR is relying on VMS for surveillance and have, in addition, some surveillance trips on boats. There are 3/4 trips per year which are targeted where fishing activity occurs.

a. State potential issues faced when implementing your ocean related activities

- Resources to work with remote communities esp with awareness training about why there are fisheries regulations (the biological basis for the regulations).
- Sometimes communities have issues with each other.
- Communities can have issues with activities happening in catchments esp logging
- Sometimes issues between inshore fisheries and tourism – sometimes resort owner doesn't want fishers to come into where the tourists go but this is where people fish
- Issues with people relocated from Kiribati using hookah gear to fish.
- Dynamite fishers from Langa Langa coming into other areas e.g. Central
- Enforcement of existing regulations
- Local fishers sometimes go fishing at industrial FADs – this could cause potential problems but doesn't seem to be an issue yet.
- There are cases of local fishers destroying industrial FADs to access the materials they are built from.
- Is there an issue with deploying inshore FADs? Will it pull in the industrial tuna stocks?
- Plans for new canneries in SI may lead to increases in potential conflicts between local and industrial tuna fishers AND as people come in for jobs, the pressure on the inshore fisheries will increase too.
- Need to see if inshore FADs are decreasing fishing pressure on reefs – this is their purpose. We don't know.
- Some of the offshore fisheries data is commercial-in-confidence which may be a challenge in addressing management issues.
- Some companies don't share tuna catch information at all or not completely so stock data are comprised.
- More resources for better tuna fishery management – to ensure better compliance. There are ~300 fisheries boats and ~7 compliance officers.
- Need to access new technology to support compliance to the Tuna Fisheries Management Plan. There was a trial with E-monitoring on two boats last year with cameras. There was relatively good consistency between the electronic monitoring and the observers. It will deter illegal activities.
- Need higher percentage of observers on long liners (currently 5%). 100% observers on purse seine boats.

b. State potential opportunities for improving/enhancing your ocean related activities

- More integrated management across different departments e.g. with forestry, mines, environment, tourism.

5. GEOGRAPHIC HOTSPOTS (List areas in the coast/ocean that are of high importance to your Ministry. NOTE: Please use map attached to pinpoint your areas of high importance)

- Need to protect main areas for Albacore and Skipjack fisheries.
- Off Malaita – dugong areas need to be protected. Consultations have been occurring with WorldFish about this.
- Turtle areas that TNC is working in. (Dept of Env has these data)
- Dolphin areas (Dept Env has these data)
- BdM compliance issue around Rennel (Indispensable Reef)

E. MINISTRY OF PROVINCIAL GOVERNMENT AND INSTITUTIONAL STRENGTHENING

1. NAME OF MINISTRY

Ministry of Provincial Government and Institutional Strengthening (MPGIS)

2. OCEAN BRIEFING (What is your mandated role in relation to the oceans? Please specify Acts/Policies or Acts that support your work)

Provincial Government Act – administer Act, supervise Provinces and Elections, Premiers conferences and essential functions, resettlement policy for climate change affected communities.

3. MAIN ACTIVITIES (What are some key ocean-related activities your Ministry has implemented (led or in partnership) in the past 5 years or currently implementing?)

	Activities	Lead Division	Site location and Province	Support (Donor or implementing partner)
Social	Resettlement Policy	MPGIS	Communities affected by Climate Change	
Economic				
Environment	Consultation on Petroleum exploration discussions , sea boundaries and deepsea mining to engage with Provinces Mangrove management Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security Climate Change	MPGIS	National level discussion	Ministry of Mines, Energy and Rural Electrification Ministry of Environment, Climate Change, Disaster Management and Meteorology

4. POTENTIAL SYNERGIES/CONFLICTS

a. State potential issues faced when implementing your ocean related activities

- Ocean management is new concept to such Ministry as MPGIS
- Need to Review Provincial Government Act to clarify areas/boundaries under Provinces and align with legislations by Mines or Fisheries.
- Provinces must be engaged in discussions to verify boundaries and be included in consultations for ocean planning, since most ocean areas are under Province jurisdiction

b. State potential opportunities for improving/enhancing your ocean related activities

Ministries to utilise existing linkage between MPGIS and Provincial Government to ensure Provinces contribute and discuss ocean resource use and management.

5. GEOGRAPHIC HOTSPOTS (List areas in the coast/ocean that are of high importance to your Ministry. NOTE: Please use map attached to pinpoint your areas of high importance)

NA

F. MINISTRY OF CULTURE AND TOURISM

1. NAME OF MINISTRY

Ministry of Culture and Tourism

2. OCEAN BRIEFING (What is your mandated role in relation to the oceans? Please specify Acts/Policies or Acts that support your work)

Ministry of Tourism and Culture does not have any Act but works under the Solomon Islands Visitors Bureaus Act. The Act regulates marketing and promotion of SI resources.

MCT is mandated to

- develop and introduce and National Tourism legislation
- Review and amend the national Tourism policy
- Invest in Provincial Centres with standard facilities
- Promote tourism throughout Solomon Islands

3. MAIN ACTIVITIES (What are some key ocean-related activities your Ministry has implemented (led or in partnership) in the past 5 years or currently implementing?)

	Activities	Lead Division	Site location and Province	Support (Donor or implementing partner)
Social	National awareness on beach and ocean stewardship	Culture Division	National	
Economic	Small grants for tourism activities (restaurants, bird watching)			
Environment				

4. POTENTIAL SYNERGIES/CONFLICTS

a. State potential issues faced when implementing your ocean related activities

Logging and mining activities

b. State potential opportunities for improving/enhancing your ocean related activities

Ocean management is crucial to our work, it brings a lot of money so we need to develop and plan our ocean resources.

5. GEOGRAPHIC HOTSPOTS (List areas in the coast/ocean that are of high importance to your Ministry. NOTE: Please use map attached to pinpoint your areas of high importance)

- Coral reefs
- World heritage sites
- Tourisms hotspots per Province

G. MINISTRY OF INFRASTRUCTURE DEVELOPMENT

1. NAME OF MINISTRY

Ministry of Infrastructure Development – Solomon Islands Maritime Safety Administration (SIMSA)

2. OCEAN BRIEFING (What is your mandated role in relation to the oceans? Please specify Acts/Policies or Acts that support your work)

Our key responsibilities are identified under the Shipping Act (No. 5 of 1998) and our role is defined in the Maritime Safety Administration Act (No. 8 of 2009):

Under the Maritime Safety Administration Act (2009), Section 7 Functions:

The functions of the Administration include all aspects of maritime administration under the Shipping Act 1998 and other relevant laws, including –

- a. the registration of vessels and the maintenance of the register of ships;
- b. the inspection and survey of vessels;
- c. the regulation of small craft;
- d. the certification of seamen, and of marine pilots;
- e. the employment and welfare of seamen;
- f. the regulation and operation of marine navigation aids;
- g. the inspection and regulation of other maritime infrastructure;
- h. the imposition of requirements related to maritime safety and maritime security;
- i. authority over wrecks and salvage in accordance with Part X of the Shipping Act 1998; and
- j. 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.
- k. all aspects of port state control inspection of vessels;
- l. regulation of search and rescue services and operations;
- m. marine pollution prevention and response, and related matters;
- n. regulation of the construction, use and inspection of maritime infrastructure;
- o. setting and enforcing standards of construction of vessels within Solomon Islands, and standards applying to the repair or salvage of vessels;
- p. functions involving hydrography, including the preparation and approval of charts and surveys for maritime purposes;
- q. the provision of technical support for the administration of approved franchise schemes for the provision of shipping services within Solomon Islands, and the exercise of lawful regulatory authority over such services;
- r. the regulation of vessels undertaking any research in any marine area, subject to section 3 of the Research Act (Cap. 152);
- s. other maritime functions under applicable laws or as approved by Cabinet.

Monitor discharge of harmful substances released from a ship, however caused, and includes escape, disposal, spilling, leaking, pumping, emitting or emptying; but does not include “dumping” as defined in the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, or the release of harmful substances directly resulting from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources; or the release of harmful substances for purposes of legitimate research into pollution abatement or control;

Respond to pollution of the sea and related interests. This means interests directly affected or threatened including (but not limited to) – fishing; maritime, coastal, port or estuarine activities; tourist attractions; public health and welfare; and conservation of living marine resources and wildlife.

Administer compliance with **International Conventions** to which Solomon Islands is signatory, or which are incorporated into SI legislation and have the force of law:

United Nations Convention on Law of the Sea, 1982;

Convention on the International Regulations for Preventing Collisions at Sea, 1972,

Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972;

- Convention on the Limitation of Liability for Maritime Claims, 1976
- Convention on Load Lines, 1966, Supplement of 1981 and Protocol of 1988
- Convention on Maritime Liens and Mortgages, 1993
- Convention for Prevention of Pollution from Ships, 1973, as modified by Protocol of 1978
- Convention for the Safety of Life at Sea, 1974, and the Protocols of 1978 (Port State Control) and 1988, and including the International Safety Management (ISM) Code and the International Ship and Port Facility Security (ISPS) Code,
- Convention on Salvage, (SALVAGE)1989
- Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978
- Convention on Tonnage Measurement of Ships, 1969
- Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC 92);
- Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunker Convention);
- Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS Convention)
- Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (HNS Protocol);
- Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC Convention);
- Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (FUND 92);
- Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969) and the Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances Other than Oil, 1973 (INTERVENTION);
- Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (AFS);
- Convention on Ballast Water Management, 2004 (BWM).

Regional Conventions which are incorporated into Solomon Island legislation and have the force of law:

- Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, 1990 (SPREP Convention);
- Protocol for the Prevention of Pollution of the South Pacific by Dumping (SPREP Dumping Protocol);
- Protocol concerning Cooperation in Combating Pollution Emergencies in the South Pacific Region (SPREP Pollution Emergencies Protocol);
- Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Trans-boundary Movement and Management of Hazardous Wastes within the South Pacific Region, 1995 (WAIGANI Convention).

Solomon Islands Maritime Legislation

- Shipping Act 1998;
- Maritime Safety Administration Act 2009;
- Maritime Safety Administration (Marine Pollution) Regulation 2010;
- Maritime Safety Administration (Research Vessels) Regulation 2010;
- Maritime Safety Administration (Ship and Port Security) Regulation 2011;
- Shipping (Marine Navigational Aids) Regulation 2010;
- Shipping (Non Convention Vessel Safety) Regulation 2006;
- Shipping (Pilotage Certification) Regulation 2010
- Shipping (Registration) Regulation 2010
- Shipping (STCW Convention) Regulation 2010
- Draft Shipping (Small Craft Safety) Regulations are at the Legislative Drafting Office of the AG, waiting to go through the system and be brought into law.

3. MAIN ACTIVITIES (What are some key ocean-related activities your Ministry has implemented (led or in partnership) in the past 5 years or currently implementing?)

	Activities	Lead Division	Site location and Province	Support (Donor or implementing partner)
Social	<ol style="list-style-type: none"> 1. Educating communities on small boat safety. 2. Education on protecting aids to navigation for safety and security in remote locations. 3. Hydrographic charting of approaches to small wharves and jetties to improve village access. 4. Implementation of Draft Small Craft Legislation 5. Improvement of Domestic Shipping Safety 	SIMSA Search & Rescue Section. SIMSA Navigational Aids Section SIMSA Hydrographic Unit SIMSA Compliance Division	All Provinces	Solomon Islands Government
Economic	Franchise Shipping Scheme Navigational Aids Project	Domestic Maritime Services Project Constructing and refurbishing Lighthouses. Charging Navigation Aid Levy	All Provinces	Solomon Islands Government ADB, AusAID NZ Aid (earlier EU) Solomon Islands Government ADB, (earlier EU)
Environment	SPREP NATPLAN in place MSA (Marine Pollution) Regulation 2010 Wreck Removal	SIMSA Operations Division ADB Reform Project Private sector funding monitored by SIMSA Operations Division	All Provinces All provinces 1) "World Discoverer" Central (oil removed) 2) "Southern Seas No. 8" Guadalcanal (Scuttled)	Solomon Islands Government Government SPREP SIG ADB P & I Club Insurers

4. POTENTIAL SYNERGIES/CONFLICTS

a. State potential issues faced when implementing your ocean related activities

- Lack of Provincial representation, offices and accommodation;
- Lack of human resources;
- Lack of logistics equipment;
- No flexibility or financial resources from Government;
- Inability to respond quickly to oil spill incidents;
- No Automatic Identification System (AIS) (mandatory under SOLAS Convention) in place for monitoring international ship movements in SI seas;
- Insufficient training of officers (especially Port State Control and International Ship and Port Facility Security (ISPS), mandatory under SOLAS Convention), danger of non-compliance has negative economic impact;
- Lack of comprehension of SIMSA's role by general public;
- International Maritime Organization mandatory IMO Member State Audit Scheme (commences 1st January 2016).

b. State potential opportunities for improving/enhancing your ocean related activities

- SIMSA Development Plan includes offices in Noro, Auki and Lata in addition to upgrading current offices in Gizo and Tulagi;
- Proposed autonomy of SIMSA through its own Act of Parliament as the Maritime Safety AUTHORITY with its own Board and self-funded from Navigational Aid, commercial shipping and ship survey levies;
- SIMSA is seeking a donor funded project to include Technical Assistance; funding of AIS and other Electronic Navigational Aids and possible refurbishment of SIMSA offices.
- Media campaign to educate the General public about SIMSA's new role.
- SIMSA liaises with:
 - Ministry of Fisheries and Marine Resources;
 - Ministry of Environment, Climate Change, Disaster Management, & Meteorology
 - Ministry of Aviation and Communication;
 - Marine Police;
 - RSIPF.

5. GEOGRAPHIC HOTSPOTS (List areas in the coast/ocean that are of high importance to your Ministry. NOTE: Please use map attached to pinpoint your areas of high importance)

All ports, small ports, wharves, jetties and anchorages. All Log Ponds, mining activities.

Search and rescue hotspots are between:

- Gizo to Shortland Islands and Gizo to Choiseul using “banana boats”;
- Lata to Reefs Islands, Vanikoro and Utupua using “banana boats”;
- Indispensable Reef is not marked and is a danger to shipping.

H. MINISTRY OF LANDS, HOUSING AND SURVEY

1. NAME OF MINISTRY

Ministry of Lands, Housing and Survey

2. OCEAN BRIEFING (What is your mandated role in relation to the oceans? Please specify Acts/Policies or Acts that support your work)

The MLHS has administrative jurisdiction over high and low water mark in front of Government owned areas.

Under the Land Survey Act, MLHS is responsible to chart EEZ coordinates and boundaries.

3. MAIN ACTIVITIES (What are some key ocean-related activities your Ministry has implemented (led or in partnership) in the past 5 years or currently implementing?)

THEMATIC AREA	ACTIVITIES	LEAD DIVISION	SITE LOCATION/PROVINCE	SUPPORT (Implementing Partner/ Donor)
ENVIRONMENTAL	EEZ Boundaries consultations/ discussions (International)			Ministry of Foreign Affairs and External Trade

4. POTENTIAL SYNERGIES/CONFLICTS

a. State potential issues faced when implementing your ocean related activities

- Grey areas – confusion ownership of shorelines – customary law conflicts with Lands and Titles Act need AG clarification.
- Logistics to properly demarcate ocean boundaries

b. State potential opportunities for improving/enhancing your ocean related activities

- MLHS has the Legal mandate to map and survey ocean area boundaries.
- The Commissioner of Lands own foreshore areas in front of cities therefore has the authority to administer activities occurring on the foreshores and potential landing sites for any marine activities.

5. GEOGRAPHIC HOTSPOTS (List areas in the coast/ocean that are of high importance to your Ministry. NOTE: Please use map attached to pinpoint your areas of high importance).

N/A

I. MINISTRY OF POLICE, CORRECTIONAL SERVICES AND NATIONAL SECURITY

1. NAME OF MINISTRY

Ministry of Police, National Security and Correctional Service (MPNSCS)

2. OCEAN BRIEFING (What is your mandated role in relation to the oceans? Please specify Acts/Policies or Acts that support your work)

The MPNSCS is mandated by the Police Act 2013 on the following in relation to the Oceans:

- Conduct Surveillance of the Solomon Islands Maritime Borders
- Conduct Maritime Search and Rescue operations
- Enforcement of Maritime and Fisheries laws
- Conduct medical evacuations
- Conduct security and transportation for local and foreign dignitaries: and such other activities that may be prescribed in times of emergency.

3. MAIN ACTIVITIES (What are some key ocean-related activities your Ministry has implemented (led or in partnership) in the past 5 years or currently implementing?)

	Activities	Lead Division	Site location and Province	Support (Donor or implementing partner)
Social	Providing support to NDMO in times of natural disasters such as cyclones, flooding, earthquake, maritime search and rescue and transport for VIP	Royal Solomon Islands Police Force Maritime Unit	All Provinces	Solomon Islands Government
Economic	Conduct Fisheries surveillance for the Solomon Islands EEZ Conduct Border Surveillance	Royal Solomon Islands Police Force Maritime Unit MPNSCS; Royal Solomon Islands Police Force Maritime Unit	All Provinces All Provinces	Solomon Islands Government; Australian Defence Cooperation; FFA Solomon Islands Government
Environment	Working with relevant Ministries in the protection of Marine resources	Royal Solomon Islands Police Force Maritime Unit	All Provinces	Solomon Islands Government

4. POTENTIAL SYNERGIES/CONFLICTS

a. State potential issues faced when implementing your ocean related activities

The absence of a governance framework for the proper coordination of activities between MPNSCS and other stakeholders always impact on the ability of the Ministry to achieve better outcomes. Responses to emergencies and incidences are always reactive.

The capacity of the RSIPF Maritime Unit is not adequate to properly attend to security activities in relation to oceans. Solomon Islands have two Pacific Class Patrol Boats which rely on the support of the Australian Defense Cooperation Program to effectively conduct fisheries surveillance.

With the increasing demand for security in implementing ocean related activities, the MPNSCS is faced with resourcing issues such as qualified manpower, budgets and infrastructure.

b. State potential opportunities for improving/enhancing your ocean related activities

The MPNSCS is in the process of developing a National Security Policy. The project will be support by the Pacific Islands Forum and the Asia Pacific Center for Security Studies and a first consultative workshop will be held on September 2015 in Honiara. The National Security Policy will provide an overarching governance framework for the leadership, management and implementation of national security activities in Solomon Islands.

5. GEOGRAPHIC HOTSPOTS (List areas in the coast/ocean that are of high importance to your Ministry. NOTE: Please use map attached to pinpoint your areas of high importance)

Generally, national security and policing cover all parts of Solomon Islands and to some extent beyond our shores. However, the areas on high importance for the MPNSCS are as follows:

- Border Security in particular Solomon Islands/Papua New Guinea Border.
- Fisheries Surveillance
- Maritime Search and Rescue
- Support to Natural Disaster Activities.

J. MINISTRY OF FOREIGN AFFAIRS AND EXTERNAL TRADE

1. NAME OF MINISTRY

Ministry of Foreign Affairs and External Trade.

2. OCEAN BRIEFING (Please specify Acts/Policies or Acts that support your work).

Our support roles (we facilitate and support, implementation Ministries do the implementation) are identified under the:

1. UNCLOS- Ensure our Maritime Boundaries are drawn according to UNCLOS, registered and declared at the United Nations. Ensure our national interests are secured within sovereign rights established under UNCLOS for instance, EEZs, Extended Continental Shelves, and High Seas etc.
2. All other UN International Instruments- Any International Instruments relating to oceans that Solomon Islands is a Party to. The Ministry of Foreign Affairs and External Trade will ensure that Solomon Islands domesticate these instruments through its implementing Ministries and ensure SIG oblige with its reporting.
3. The Niue Treaty- Solomon Islands is a party to the Niue Treaty. This Treaty calls for cooperation by Pacific states to ensure monitoring/surveillance and protection of our Seas and Marine resources, mainly Tuna, is forthcoming. Our Ministry of Fisheries and Marine Resources is SIG's technical focal point for the Niue Treaty.
4. The Niue Treaty Subsidiary Agreement- Solomon Islands is yet to ratify this. This subsidiary agreement will effect the Niue Treaty so as to ensure its purposes can be fulfilled. This is with regards to its implementation.
5. South Pacific Forum Fisheries Agency Convention 10 July 1979 – This Convention set basis for the Forum Fisheries Agency and also for the work carried out by FFA. Solomon Islands is the Depository of this Convention.
6. The Tokelau Arrangement- Solomon Islands is a signatory to the Tokelau Arrangement. This Arrangement is purposely established to conserve and sustainably harvest the Southern Pacific Albacore Tuna species. Currently parties are requested to adapt a "Target Reference Point" for this species, which is yet to be confirmed (some parties are calling for a 70 %).
7. The Palau Arrangement- The Palau Arrangements regulated the Vessel day Scheme (VDS) imposed by PNA members from Vessel Sizes, definition of fishing days, calculation and rates of fishing days/catches etc.
8. Parties to Nauru Agreement- Solomon Islands is a party to the Nauru Agreement. PNA parties holds the largest depository of Tuna species in the Pacific region (more than 58% of world skip jack Tuna, and the other Tuna species, Northern pacific Blue Fin, Yellow fin, Albacore, Big eye etc). PNA is currently regulating its waters for Tuna Catch with its Vessel day Scheme (VDS). For the VDS, Industries pay for fishing days to fish.
9. The FSM Arrangement –Solomon Islands is a signatory to this Arrangement. This Arrangement facilitates domestic fleets of PNA members to have access to fishing in other parties waters.
10. United States Multilateral Fisheries Treaty- Solomon Islands is a party to this Treaty. This Treaty regulates the conditions for fishing by the US in the Pacific Islands Parties' waters (National Laws and the Access and Fees agreements).
11. Western and Central Pacific Fisheries Commission (WCPFC) – Solomon Islands is a state party to the convention that establishes the WCPFC (Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean). The WCPFC regulates fishing activities in the International waters/high seas outside of coastal states EEZs. WCPFC becomes the mediating avenue for Distant Water Fishing Nations and Coastal States in the Pacific region.
12. Coral Triangle Initiative – Solomon Islands is one of the six parties to the coral Triangle Initiative (Malaysia, PNG, Indonesia, Philippines, Timor Lester and Solomon Islands). The Ministry of Environment is the technical focal point for the CTI. The Coral region is home to the highest coral diversity in the world with 600 corals or 76% of the world's known coral species. It contains the highest reef fish diversity on the planet with 2,500 or 37% of the world's reef fish species concentrated in the area.

3. What is your mandated role in relation to oceans? Key Roles by MFAET with regards to the above.

1. MFAET facilitates correspondences with Implementing Ministries and the Convention/arrangements depositories. MFAET acts as facilitators between line Ministries and WCPFC, PNA and FFA (regional fisheries organizations).
2. MFAET (Legal Branch) provided advices on Treaties and other International Instruments to our Line implementation Ministries.
3. MFAET assisted Line Ministries (Fisheries, Environment etc) in all reporting process.
4. MFAET assisted Line Ministries in the negotiation process for these agreements.
5. MFAET through our Mission to the UN will deposit all declared maritime boundaries with the United Nations. MFAET works with Ministry of Mines on SI's maritime boundaries.
6. MFAET request assistance from Regional and International Organizations (SPC, Com Sect, UN etc) to assist with technical assistance in Delimitation of Maritime Boundaries etc.
7. MFAET is part of the Deep Sea Mineral Policy working Group. SIG is yet to have a DSM Policy however we understand a good number of exploration licence were already been issued (ministry of Mines will confirm this).

4. Potential Conflicts

- Clashes of ideas/decisions between technical focal points and political focal points remain a situation we don't want to foresee.

5. Recommendations

- Cooperation and collaboration is needed with all SIG Ministries.
- Find solutions in the name of national interest rather than on individual or ministerial interests.

K MINISTRY OF MINES, ENERGY AND RURAL ELECTRIFICATION

1. NAME OF MINISTRY

Ministry of Mines, Energy and Rural Electrification (MMERE)

2. OCEAN BRIEFING (What is your mandated role in relation to the oceans? Please specify Acts/Policies or Acts that support your work)

- There are no Acts or policies in place for Deep Sea Mining.
- The Geology division has the mandate to develop Acts and policies in relation to deep sea resources.
- Petroleum Division supports and updates maritime boundaries. SI is signatory to UNCLOS and obligated to declare its territorial zones but SI has not declared its boundaries yet. The Division supports Foreign Affairs, Attorney General Office and Ministry of Lands, Housing and Survey to fulfil UNCLOS requirements.
- So far SI has submitted claim for the following areas;
- Ontong Java Plate – full joint submission with PNG, FSM and SI
- Charlotte Banks – partial joint submission with Fiji
- North Fiji Basin – partial submission with Fiji, Vanuatu and SI
- Rennell Ridge
- Mines Division manages mining tenement, conduct inspection to ensure mines meet international standards and promotes mining potential, identify prospecting areas and compiles and share information to public.

3. MAIN ACTIVITIES (What are some key ocean-related activities your Ministry has implemented (led or in partnership) in the past 5 years or currently implementing?)

No work done in offshore

THEMATIC AREA	ACTIVITIES	LEAD DIVISION	SITE LOCATION/PROVINCE	SUPPORT (Implementing Partner/Donor)
SOCIAL	Awareness to public – e.g. seabed mining Youth debate	Mines Division	Honiara	SPC
ECONOMIC	Facilitate Prospecting in deep sea areas by investors/researchers Support laying of underwater cable	Mines	Temotu (between Vanuatu and SI – SE), Western Province – SW Ngatokae and Vangunu – New Georgia Groups) Iron Bottom Sound	Investors GEO Dynamics
ENVIRONMENTAL				

4. POTENTIAL SYNERGIES/CONFLICTS

a. State potential issues faced when implementing your ocean related activities

- No funding equipment to support work (continental shelf) e.g. software
- No Political will to gazette baseline maritime boundaries
- Need to update Delimitation of Marine waters Act 1978
- Case laws on Provincial waters – 3nm around the islands – landowners asking for anchorage fees.
- There is a great need to define Provincial boundaries – so Provinces can be able to negotiate benefits from tenement areas

- No legislation to engage interest from potential investors
- Review of Mining Act and Environment Act must be done together to ensure they complement each other.
- If mines move forward with reviewing act it may not be ideal for Environmental Act

b. State potential opportunities for improving/enhancing your ocean related activities

- Formalized maritime boundaries will improve Governance – clear zones and responsibility to manage
- No Land disputes in deep sea mining areas because area belongs to State.

5. GEOGRAPHIC HOTSPOTS (List areas in the coast/ocean that are of high importance to your Ministry. NOTE: Please use map attached to pinpoint your areas of high importance).

- Deep Sea Minerals Targets
- Hydrocarbon/petroleum areas
- Deep sea massive sulphides
- Mining prospecting tenements

L. MINISTRY OF JUSTICE AND LEGAL AFFAIRS

A. The MJLA role

The Ministry of Justice and Legal Affairs was established in 2007, with the mandate to oversee the constitutional and statutory agencies. The agencies are the National Judiciary (NJ), the Attorney General Chambers (AGC), the Law Reform Commission (LRC), the Registrar General Office (RGO), the Office of the Director of Public Prosecution (ODPP) and the Public Solicitors Office (PSO). The Ministry is headed by the Minister of Justice and Legal Affairs appointed politically by the Prime minister. It has a Permanent Secretary and a under-secretary. The National Judiciary is semi-autonomous because it has a separate budget and administratively run by a Chief Executive Officer (CEO) and headed by the Chief Justice although the Permanent Secretary is still the accountable officer in terms of finance.

The Ministry looks after 31 Acts of Parliament. Refer to the attachment for the acts it looks after through its various agencies. However it has nothing directly related to do with neither the Maritime nor the Ocean summit matters.

B. Ocean Briefing. What is your mandate role in relation to the oceans? Please specify acts/policies that support your work?

The Ministry of Justice and Legal Affairs has no mandate role in relation to the oceans. It has no acts or policies directly responsible to the fisheries or oceanic nor maritime for that matter. However, the Ministry of Justice and Legal Affairs through its Attorney General Chambers provides for legal inputs on core functions of the Ministry of Fisheries and Marine Resources. This is especially with legal advices on International and Regional Fisheries meetings and summits. The legal assistance is through accompanying officers from the AGC.

The other assistance is also from AGC with the legal drafting unit. The legal drafters provide for drafting instructions and vetting of Fisheries Legislations and Regulations before they are submitted to the cabinet and to parliament to become an act.

The other assistance is with Maritime with the Ministry of Foreign Affairs and External Trade and the Ministry of Police, National Security and Correctional Services. When the MFA&ET and MPNSC held meetings on boarder issues, they can request for legal officers at AGC to accompany them to provide legal advices on their boarder or maritime issues.

The LRC recommendation on Land below the High Water Mark is an area which will require our Legal policy Unit to draft new legislations on. This is a new recommendation to be legalised as customary land especially along the coastal areas of Honiara.

Since the last 4 years, this Ocean Summit will be the first for the Minister and PS of Justice and Legal Affairs to attend. We are grateful that we are invited to this Ocean Summit.

Thank you.

APPENDIX 1

The Ministry and its Agencies are also responsible for the administration of legislations namely;

1. *Adoption Act 2004*
2. *Affiliation, Separation and Maintenance Act (Cap 1)*
3. *Arbitration Act (Cap 2)*
4. *Bankruptcy Act (Cap 3)*
5. *Court of Appeal Act (Cap 6)*
6. *Criminal Procedure Code (Cap 7)*
7. *Crown Proceedings Act (Cap 8)*
8. *Death and Fire Enquiries Act (Cap 9)*
9. *Documentary Evidence Act (cap 10)*
10. *Extradition Act (Cap 59)*
11. *Foreign Judgements (Reciprocal Enforcement) Act (Cap 13)*
12. *High Court (Civil Procedure) Rules 2008*
13. *Islanders Divorce Act (Cap 170)*
14. *Islanders Marriage Act (Cap 171)*
15. *Juvenile Offenders Act (Cap 14)*
16. *Law Reform Commission Act (Cap 15)*
17. *Legal Practitioners Act (Cap 16)*
18. *Limitation Act (Cap 18)*
19. *Local Courts Act (Cap 19)*
20. *Magistrates Court Act (Cap 20)*
21. *Maintenance Orders (Facilitation for Enforcement) Act (Cap 21)*
22. *Notaries Public Act (Cap 22)*
23. *Oaths Act (Cap 23)*
24. *Official Oaths Act (Cap 24)*
25. *Penal Code (Cap 26) - also administered by Ministry of Police*
26. *Prescription of Judges (Court of Appeal) Act (Cap 89)*
27. *Prescription of Judges (High Court) Act (Cap 90)*
28. *Probation of Offenders Act (Cap 28)*
29. *Public Solicitor's Act (Cap 30)*
30. *The Money Laundering and Proceeds of Crime Act 2005*
31. *The Family Protection Act 2014*

ATTACHMENT 4 TYPOLOGY OF MARINE MANAGED AREAS/MARINE PROTECTED AREAS

Type of managed or protected area	Objective (s)	Legal instrument(s)	Management agency	Permitted activities	Prohibited activities	Criteria (example)	IUCN category	Challenges	Examples
Marine Managed Areas – LMMA* (area-based tool)	To preserve natural state, as far as possible, to protect marine life but allow harvesting of marine resources	<i>Fisheries Management Act 2015</i>	Ministry of Fisheries and Marine Resources	To be done in management plans in accordance to the principles and objectives of this Act	Any activities that conflict with the objectives	Areas under customary/ community fisheries management plan must be no greater than extent of customary rights relevant to community and will not extend beyond outer reef edge or fringing reef and provincial waters.	Unknown	Absence of enforcement. Fisheries Regulations not yet completed. Most LMMA communities do not finalise, review or update Management Plans	Naro
Marine Protected Areas	To protect and conserve species, habitats, ecosystems or ecological processes of the marine environment.	<i>Fisheries Management Act 2015</i>	Ministry of Fisheries and Marine Resources	Management plans to provide details	Any activities that conflict with the objectives	Unknown	Unknown	Awareness of the Act/ Enforcement and compliance at provincial level. Fisheries Regulations / fisheries management plan with specifics on permitted activities not yet completed	Hatare
Nature Reserve	Scientific research, environmental monitoring and education and maintaining habitat conditions necessary for wildlife management, including protecting and meeting the natural requirements of significant species and biotic communities	<i>Protected Areas Act 2010</i> <i>Protected Areas Regulations 2012</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	Prior permission of the management committee, - bio prospecting or research - species removal for traditional purposes - public access to the nature reserve shall be restricted and or limited to the purpose for which the reserve is established	Any activity that conflicts with the objectives	No local community is continuously in occupation of the area as its usual place of habitation or residence. The local community has agreed to locate to another place	1A	Enforcement and compliance	Arnavons Marine Park (application in process for Nature Reserve status)
Protected Area	Protect areas of biological significance	<i>Protected Areas Act 2010</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	Not defined	Not defined	Not defined	Dependent on application of legislation	Unknown	See World Heritage Sites
National Park	Not defined (except by proclamation)	<i>National Parks Act 1996</i> <i>By Proclamation</i>	Ministry of Forest and research	By permit to reside in a national park for: (a) investigation or study of wild life and purposes ancillary thereto; (b) travel; (c) photography; (d) transacting lawful business with any person; (e) scientific research; (f) collecting firewood.	No residing except by permit Hunting Carrying firearms Cause bushfire Take vegetation Litter Obstruct ranger	None defined	Dependent on content of the proclamation	This is a very loose instrument and could be used to declare a national park for a range of reasons.	Queen Elizabeth Park by Proclamation No.1 of 1973, LN 29/1973

Type of managed or protected area	Objective (s)	Legal instrument(s)	Management agency	Permitted activities	Prohibited activities	Criteria (example)	IUCN category	Challenges	Examples
National Park	Protect a major natural region and its biological and environmental features, protect the habitat and aesthetic qualities of an otherwise large area of natural and unique scenery and promote education, research and tourism opportunities	<i>Protected Areas Regulations 2012</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	Prior permission of the management committee, - bio prospecting or research - species removal for traditional purposes Visitor access and use for cultural, educational, inspirational and recreational purposes.	Any activity that conflicts with the objectives	Must be of national importance and covers a large area of natural regions, either terrestrial or marine or both	II	Relies on management plans to create regulations on activities.	Unknown
National Monument	A specific monument of outstanding natural features and its associate biodiversity and habitat and; An important landscape or seascape created by the interaction (through traditional practices) between humans and nature over time	<i>Protected Areas Regulations 2012</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	Prior permission of the management committee, - bio prospecting or research - species removal for traditional purposes	Any activity that conflicts with the objectives	Must have biological, cultural, ecological and or scenic value and; Its continuous protection is vital to sustaining the area and its associated nature conservation and related values.	III	Unknown	Unknown
Resource Management Areas (Some LLMA's may qualify under this category)	To promote ecological sustainable uses of natural ecosystems and resources for the benefit of customary owners and dependent local communities	<i>Protected Areas Regulations 2012</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	Prior permission of the management committee, - bio prospecting or research - species removal for traditional purposes	Any activity that conflicts with the objectives	Unknown	IV	Unknown	Unknown
Nature Reserve	Scientific research, environmental monitoring and education Wildlife management Habitat protection	<i>Protected Areas Regulations 2012</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	Those activities consistent with the objectives	Public access restricted except for the purposes of the nature reserve	Not defined	1a, 1b or II dependent on individual reserve declaration	Unknown	Unknown
Closed Areas	For long-term regeneration and rehabilitation of lost or devastated biodiversity	<i>Protected Areas Regulations 2012</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	Prior permission of the management committee, - bio prospecting or research - species removal for traditional purposes	Any activity that conflicts with the objectives	Applies to areas which have been subject of over-exploitation or environmental degradation caused by destructive human or large-scale industrial activities	Potentially II	Unknown	Unknown
Closed District The seaward boundary is a line running parallel with the coast three nautical miles to seaward of low-water mark.	Not defined in the Act but appears to be about excluding fishing pressure from community areas by excluding vessel entry except by permit	<i>Closed Districts Act Declared by Prime Ministerial Proclamation Permits</i>	Office of the Prime Minister and Cabinet	Entry by permit	Entry without permit	Unknown	Dependent on proclamation	Very little known about this option	Unknown

Type of managed or protected area	Objective (s)	Legal instrument(s)	Management agency	Permitted activities	Prohibited activities	Criteria (example)	IUCN category	Challenges	Examples
Reserved Area	To prohibit the carrying out of reconnaissance, prospecting or mining	<i>Mines and Minerals Act 1996</i>	Ministry of Mines, Energy, Rural Electrification	Unknown	No reconnaissance, prospecting or mining	Areas of traditional significance (village, place of burial, tambu and other sites of traditional significance) Land used for cultivation purposes Forest controlled under the Forest Resource and Timber Utilisation Act Land for public purposes/ towns as under the Lands and Titles Act	Potentially VI	Unknown	Unknown
Community/ Conservation Areas	Unknown	<i>Unknown</i>	Unknown	Unknown	Unknown	Unknown	Dependent on purpose of declaration and means of protection i.e. legislative or other and their effectiveness	Absence of enforcement/ or capacity to provide enforcement – e.g. Isabel Resource Management Ordinance 2006	Haevo Khulano Leatherback Tetepare
Tabu Areas	Unknown	<i>Customary</i>	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Biche (Marine)
Forest Reserve (Potential to protect mangrove areas)	Conservation of water resources	<i>Forest Resources and Timber Utilisation Act 1970 By Notice Use of permits</i>	Ministry of Forestry and Research	With permit cut and fell tree for domestic use, cultivation purposes, infrastructure and husbandry	Felling and cutting of forest, clear and break up land for cultivation, reside or erect building structures and allow grazing of livestock	Areas of significant rainfall catchment area	Dependent on purpose of declaration and means of protection i.e. legislative or other and their effectiveness	The objective does not cover mangrove areas – most log ponds are constructed on mangrove areas.	Unknown
State Forest (Potential to protect mangrove areas)	Unknown	<i>Forest Resources and Timber Utilisation Act 1970</i>	Ministry of Forestry and Research	With permit cut and fell tree for domestic use, cultivation purposes, infrastructure and husbandry	Felling and cutting of forest, clear and break up land for cultivation, reside or erect building structures and allow grazing of livestock	Applies to government-owned land or land leased by government	Potentially VI	Potential for areas such as Maramasike passage (high mangrove cover)	
Lagoon Reserve	Unknown	<i>Unknown</i>	Unknown	Unknown	Unknown	Unknown	Dependent on purpose of declaration and means of protection i.e. legislative or other and their effectiveness	Unknown	Langa
World Heritage Sites	Protection of areas of significant biodiversity	<i>Protected Areas Act 2010</i>	Ministry of Environment, Climate Change, Disaster Management and Meteorology	Unknown	Unknown		Unknown	Limited national awareness on existence of world heritage sites Capacity (local and national governance, financial etc.) to support World Heritage sites	Lake Tegano, East Rennell

ATTACHMENT 5 IUCN CATEGORIES AND OBJECTIVES

CATEGORY	PRIMARY OBJECTIVE	OTHER OBJECTIVES	RELEVANCE TO MMAS
<p>Category 1a</p> <p>Strictly protected areas set aside to protect biodiversity and also possibly geological/geomorphological features, where human visitation, use and impacts are strictly controlled and limited to ensure protection of the conservation values. Such protected areas can serve as indispensable reference areas for scientific research and monitoring.</p>	<p>To conserve regionally, nationally or globally outstanding ecosystems, species (occurrences or aggregations) and/ or geodiversity features: these attributes will have been formed mostly or entirely by non-human forces and will be degraded or destroyed when subjected to all but very light human impact.</p>	<p>To preserve ecosystems, species and geodiversity features in a state as undisturbed by recent human activity as possible;</p> <p>To secure examples of the natural environment for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded;</p> <p>To minimise disturbance through careful planning and implementation of research and other approved activities;</p> <p>To conserve cultural and spiritual values associated with nature.</p>	<p>The objective in these MPAs is preservation of biodiversity where human visitation, use and impacts are strictly controlled and limited to ensure protection of conservation values.</p> <p>Such protected areas can serve as indispensable reference areas for scientific research and monitoring, particularly in the light of climate change impacts on MPAs.</p> <p>They may comprise a whole MPA or a separate zone within a multiple-use MPA.</p> <p>Any removal of marine species and modification, extraction or collection of marine resources (e.g., through any form of fishing, harvesting, dredging, mining or drilling) is not compatible with this category, with the only exceptions being scientific research that may include some collection but only if that collection cannot be conducted elsewhere.</p> <p>Whenever considering possible category 1a areas, the uses of the surrounding waters and particularly “up-current” influences and aspects of marine connectivity, should be part of the assessment criteria. Category 1a areas should usually be seen as “cores” surrounded by other suitably protected areas (i.e. the area surrounding the category 1a area should also be protected in such a way that it complements and ensures the protection of the biodiversity of the core category 1a area).</p>
<p>Category 1b</p> <p>Usually large unmodified or slightly modified areas, retaining their natural character and influence, without permanent or significant human habitation, which are protected and managed so as to preserve their natural condition.</p>	<p>To protect the long-term ecological integrity of natural areas that are undisturbed by significant human activity, free of modern infrastructure and where natural forces and processes predominate, so that current and future generations have the opportunity to experience such areas.</p>	<p>To provide for public access at levels and of a type which will maintain the wilderness qualities of the area for present and future generations;</p> <p>To enable indigenous communities to maintain their traditional wilderness-based lifestyle and customs, living at low density and using the available resources in ways compatible with the conservation objectives;</p> <p>To protect the relevant cultural and spiritual values and non-material benefits to indigenous or non-indigenous populations, such as solitude, respect for sacred sites, respect for ancestors etc.;</p> <p>To allow for low-impact minimally invasive educational and scientific research activities, when such activities cannot be conducted outside the wilderness area.</p>	<p>Category 1b has been relatively little used in the marine environment.</p> <p>Category 1b areas in the marine environment should be sites of relatively undisturbed seascape, significantly free of human disturbance, works or facilities and capable of remaining so through effective management.</p> <p>The issue of “wilderness” in the marine environment is less clear than for terrestrial protected areas. Provided such areas are relatively undisturbed and free from human influences, such qualities as “solitude”, “quiet appreciation” or “experiencing natural areas that retain wilderness qualities” can be readily achieved by diving beneath the surface.</p> <p>The issue of motorised access is not such a critical factor as in terrestrial wilderness areas given the huge expanse of oceans and the fact that many such areas would not otherwise be accessible; more important, however, is minimising the density of use to ensure the “wilderness feeling” is maintained in areas considered appropriate for category 1b designation. For example, a limited number of mandatory fixed mooring points may be one way to manage density and limit seabed impacts while providing access.</p>

CATEGORY	PRIMARY OBJECTIVE	OTHER OBJECTIVES	RELEVANCE TO MMAS
<p>Category II</p> <p>Large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities.</p>	<p>To protect natural biodiversity along with its underlying ecological structure and supporting environmental processes, and to promote education and recreation.</p>	<p>To manage the area in order to perpetuate, in as natural a state as possible, representative examples of physiographic regions, biotic communities, genetic resources and unimpaired natural processes;</p> <p>To maintain viable and ecologically functional populations and assemblages of native species at densities sufficient to conserve ecosystem integrity and resilience in the long term;</p> <p>To contribute in particular to conservation of wide-ranging species, regional ecological processes and migration routes;</p> <p>To manage visitor use for inspirational, educational, cultural and recreational purposes at a level which will not cause significant biological or ecological degradation to the natural resources;</p> <p>To take into account the needs of indigenous people and local communities, including subsistence resource use, in so far as these will not adversely affect the primary management objective;</p> <p>To contribute to local economies through tourism.</p>	<p>Category II areas present a particular challenge in the marine environment, as they are managed for “ecosystem protection”, with provision for visitation, non-extractive recreational activities and nature tourism (e.g. snorkelling, diving, swimming, boating, etc.)</p> <p>In marine environments, extractive use (of living or dead material) as a key activity is not consistent with the objectives of category II areas. This is because many human activities (such as fishing), even if undertaken at low levels, are now recognised as causing ecological draw-down on resources, and are therefore now seen as incompatible with effective ecosystem protection. To ensure the overall objectives of ecosystem protection are met, careful consideration must be given to whether any take should be permitted at all in a category II area, or whether the objectives for the reserve, or zone within the reserve, more realistically align with another category (e.g., category V or VI) and should be changed.</p> <p>The conservation of nature in category II areas in the marine environment should be achievable through protection and not require substantial active management or habitat manipulation.</p>
<p>Category III</p> <p>Set aside to protect a specific natural monument, which can be a landform, sea mount, submarine cavern, geological feature such as a cave or even a living component such as a specific coralline feature. They are generally quite small protected areas and often have high visitor value.</p>	<p>To protect specific outstanding natural features and their associated biodiversity and habitats.</p>	<p>To provide biodiversity protection in landscapes or seascapes that have otherwise undergone major changes</p> <p>To protect specific natural sites with spiritual and/or cultural values where these also have biodiversity values</p> <p>To conserve traditional spiritual and cultural values of the site.</p>	<p>The protection of natural monuments or features within marine environments can serve a variety of aims.</p> <p>This category can include localised protection of features such as sea mounts or shipwrecks which have become aggregation sites for biodiversity and have important conservation value; key aggregation areas for iconic species (e.g. the famous Cod Hole on the Great Barrier Reef); or other marine features which may have cultural or recreational value to particular groups, including flooded historical/archaeological landscapes.</p> <p>Category III is likely to be a relatively uncommon designation in marine ecosystems.</p>
<p>Category IV</p> <p>Aim to protect particular species or habitats and management reflects this priority. Many category IV protected areas will need regular, active interventions to address the requirements of particular species or to maintain habitats, but this is not a requirement of the category.</p>	<p>To maintain, conserve and restore species and habitats.</p>	<p>To protect vegetation patterns or other biological features through traditional management approaches;</p> <p>To protect fragments of habitats as components of landscape or seascape-scale conservation strategies;</p> <p>To develop public education and appreciation of the species and/or habitats concerned;</p> <p>To provide a means by which the urban residents may obtain regular contact with nature.</p>	<p>Category IV areas in marine environments should play an important role in the protection of nature and the survival of species (incorporating as appropriate, breeding areas, spawning areas, feeding/foraging areas) or other features essential to the wellbeing of nationally or locally-important flora, or to resident or migratory fauna.</p> <p>Category IV is aimed at protection of particular species or habitats, often with active management intervention (e.g., protection of key benthic habitats from trawling or dredging).</p> <p>Protection regimes aimed at particular species or groups, where other activities are not curtailed, would often be classified as category IV, e.g., whale sanctuaries.</p> <p>Recreational fishing is most likely to be compatible with either category IV (or category VI).</p> <p>Time-limited protection, as in the case of seasonal fishing bans or protection of turtle nesting beaches during the breeding season, might also qualify as category IV.</p>

CATEGORY	PRIMARY OBJECTIVE	OTHER OBJECTIVES	RELEVANCE TO MMAS
<p>Category V</p> <p>Areas where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.</p>	<p>To protect and sustain important landscapes/ seascapes and the associated nature conservation and other values created by interactions with humans through traditional management practices.</p>	<p>To maintain a balanced interaction of nature and culture through the protection of landscape and/or seascape and associated traditional management approaches, societies, cultures and spiritual values;</p> <p>To contribute to broad-scale conservation by maintaining species associated with cultural landscapes and/or by providing conservation opportunities in heavily used landscapes;</p> <p>To provide opportunities for enjoyment, wellbeing and socio-economic activity through recreation and tourism;</p> <p>To provide natural products and environmental services;</p> <p>To provide a framework to underpin active involvement by the community in the management of valued landscapes or seascapes and the natural and cultural heritage that they contain;</p> <p>To encourage the conservation of agrobiodiversity and aquatic biodiversity;</p> <p>To act as models of sustainability so that lessons can be learnt for wider application.</p>	<p>Category V protected areas stress the importance of the “interaction of people and nature over time” and in a marine situation category V might most typically be expected to occur in coastal areas (e.g. Sea Gypsies in the Andaman Sea). Generally, this involves living within and sustainably using the seascape.</p> <p>The preservation of long-term term and sustainable local fishing practices or sustainable coral reef harvesting, perhaps in the presence of culturally-modified coastal habitats (e.g., through planting coconut palms) could be a suitable management mosaic to qualify as category V.</p> <p>The interpretation of the seascape concept in protected areas is attracting increasing interest. Any use in a category V are must be sustainable.</p>
<p>Category VI</p> <p>Conserve ecosystems and habitats, together with associated cultural values and traditional natural resource management systems. They are generally large, with most of the area in a natural condition, where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area.</p>	<p>To protect natural ecosystems and use natural resources sustainably, when conservation and sustainable use can be mutually beneficial.</p>	<p>To promote sustainable use of natural resources, considering ecological, economic and social dimensions;</p> <p>To promote social and economic benefits to local communities where relevant;</p> <p>To facilitate inter-generational security for local communities’ livelihoods – therefore ensuring that such livelihoods are sustainable;</p>	<p>Marine protected areas that maintain predominantly natural habitats but allow the sustainable collection of particular elements, such as particular food species or small amounts of coral or shells for the tourist trade, could be identified as category VI. These areas are not permanently inhabited but are visited for resource use collection.</p> <p>The point where an area managed for resource extraction becomes a category VI marine protected area may sometimes be hard to judge and will be determined ultimately by reference to whether the area meets the overall definition of a protected area or not, as well as whether the area achieves verifiable ecologically sustainability as measured by appropriate metrics.</p>



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