



SOUTH PACIFIC COMMISSION

REPORT ON CONSERVATION AND ENVIRONMENTAL MANAGEMENT
TO THE GOVERNMENT OF THE SOLOMON ISLANDS

(19-30 January, 1975)

by

Dr. Arthur Lyon Dahl
Regional Ecological Adviser

South Pacific Commission
Noumea, New Caledonia
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PART I
SUMMARY OF FINDINGS AND RECOMMENDATIONS

The distinctive natural environments and traditional culture of the Solomon Islands are presently being altered and lost as a secondary result of development activities. With appropriate Government leadership and planning, these side effects can be minimized or avoided without significantly affecting economic development.

The following steps are recommended to implement governmental responsibility for conservation and environmental management:

1. Adoption of a statement of official government policy concerning natural and cultural conservation and the maintenance of environmental quality.
2. Appointment of an ecologist to the Central Planning Office.
3. Establishment of an Environmental Quality Committee of experts to rule on technical questions of pollution control and the environmental impact of development projects.
4. Enact an Environmental Protection Ordinance giving the government the necessary powers to control hazardous materials and to maintain environmental quality.
5. Have all ministries report on their environmentally-related activities.
6. Create a National Trust to be responsible for natural and cultural conservation, holding protected areas and objects in trust for the people of the Solomon Islands.
7. Adopt comprehensive conservation legislation to establish national parks and reserves, protect cultural property and endangered species, and regulate research.
8. Prepare an environmental survey of the Solomon Islands as a basis for development and conservation planning.
9. Inventory significant cultural sites and objects.

Comments are also made concerning the future of Queen Elizabeth National Park, the importance of coastal planning on the Guadalcanal plain, the need for environmental education closely linked to traditional cultural concepts, the need for flexibility in the management and possible commercial cultivation of endangered species such as sea turtles and megapodes, proposals for national parks on Kolombangara and elsewhere, the urgency of conservation action, the need to plan for conservation on Rennell to balance the proposed bauxite development, the importance of regulating effluents from industrial developments, the dangers of clearing large blocks of land, and international conventions and organizations that can be adhered to with independence.

PART II
GENERAL FINDINGS AND RECOMMENDATIONS

Environmental Policy for the Solomon Islands

The Solomon Islands have a rich natural heritage of distinctive species and communities of plants, animals and marine life, many of which are found nowhere else in the world. The diversity of island structures and their natural beauty also contribute to this inheritance. Little evidence remains of the ravages of war, and only a few areas have been affected by major development projects, largely timber cutting. This leaves the Government in the happy position of planning for the management of an environment largely unaffected by irremediable damage. Its challenge will be to so develop its environmental responsibilities and administrative capabilities that it can avoid the expensive mistakes of many other countries, where poorly planned development projects have later required costly remedial measures, and where now rare species and biological communities are being kept from extinction only by major rescue programmes. While there is a general awareness in the Solomon Islands of the need for natural and cultural conservation and environmental management, an explicit statement of the goals of the Government in this area can provide a stimulus to action by government departments and the general public.

RECOMMENDATION 1.

1. The Government should adopt, and preferably embody in legislation, a declaration of policy concerning the maintenance of environmental quality and the proper management and conservation of natural and cultural resources. A possible draft text for this declaration follows as Appendix A.

Development and Conservation

The goal of government in all developing areas is the improvement of the human condition and the quality of life of its citizens. Both economic development and environmental quality are necessary to meet this end. To the extent that either one detracts from the other, the ultimate goal will not be reached. It is therefore necessary for government to establish mechanisms for balancing and harmonizing economic and ecological criteria to achieve their common objective. This will require both continuing technical and scientific inputs into the planning process, and a long range programme of natural resource management and conservation. In a developing country, such mechanisms for balancing development and conservation must be as simple and flexible as possible in structure, making the best use of whatever talent and specialist training is available. They must also strike a balance between the advantages of centralized decision making, and the creativity and effectiveness that can come from local interest, control, and enforcement. Ideally, the initiative and leadership should be able to come from either, or preferably both, the national and local levels. These principles have guided the development of the proposals that follow.

Environmental management

Economic development basically involves the mobilization of the economic or monetary value of resources, whether natural or human. But a resource can either be rapidly squandered or developed wisely, in the same way that money in a bank can either be spent or invested at interest. An effective government, like an effective businessman, must balance spending for immediate needs and the capital accumulation necessary for a growing enterprise. In renewable resource development, capital accumulation means managing the resource (forest, fishery, soil, etc.) so that there is at least as much at the end as there was at the beginning, plus whatever economic returns come from utilization. Otherwise the

country is poorer rather than richer at the end of the development process. Unfortunately, the interests of outside developers are not always the same as those of a government. The developer wants to maximize his return on his investment, which usually means producing as much as possible as quickly as possible. He has no continuing responsibility after the projected period of investment and development, but can transfer his activities to some other part of the world. It is the government that must deal with the social consequences (unemployment or reemployment, raised expectations, emigration, etc.) and environmental depletion (damaged soil, poor second growth, reduced productive potential and quality of life, etc.) that result from a development project that has exhausted its resource.

It is for this reason that governments cannot rely solely on the recommendations of development interests, but must make decisions on a much wider social and environmental as well as economic basis, maximizing returns relative to expenses (figuratively speaking) in all three areas. The Solomon Islands Government is already aware of this problem, and has in the Central Planning Office, a mechanism for broad decision making, but it needs further technical expertise to evaluate the environmental dimension of proposed plans and projects.

RECOMMENDATION 2.

An ecologist should be added to the Central Planning Office to provide the Government with the necessary specialist expertise in environmental management. The South Pacific Commission can help, if requested, to locate an appropriate specialist through the United Nations Environment Programme, the U. S. Peace Corps Environment Program, or other agencies. Ideally this position should be occupied by a Solomon Islander, as should others within the government where technical expertise is required, as expatriates too easily overlook or misunderstand cultural and even environmental realities. The Government should therefore encourage more training in environmental sciences to meet the growing manpower needs in this area. The South Pacific Commission can assist with short-term training requirements in this field if requested.

In addition to environmental advice in central planning, the Government needs some mechanism for making the necessary technical decisions concerning pollution limits and the environmental impact of development projects. There is considerable technical expertise in the Government service, but it is scattered through various ministries. Furthermore, many environmental problems involve several ministries, for example an agricultural chemical causing health problems, or mine runoff affecting fisheries. These two needs can be met jointly by establishing an inter-ministerial body of technical experts linked with the Central Planning Office.

RECOMMENDATION 3.

There should be created within the Government an Environmental Quality Committee to review proposed development projects for their environmental impact, to provide technical advice on pollution control and environmental management, and to coordinate those activities of the Ministries that have common environmental dimensions. The committee should be chaired by a member of the Central Planning Office, preferably with ecological expertise, and would consist of technical specialists from the various ministries, a member of the National Trust (see below), and possibly representatives of the public and the business community. This committee can initially be established administratively, but should be incorporated in legislation as soon as possible so that its regulations can have the force of law. (See Recommendation 4).

It should be noted that the existing legislative controls over polluting activities, such as in the Mining Ordinance, are wholly inadequate to the present needs of the Solomon Islands. Broad legislative authority for environmental protection is needed which, when combined with the technical determinations to be made by the Environmental Quality Committee and enforcement through the appropriate ministries, should provide a simple mechanism for environmental decision making adequate for the foreseeable future.

RECOMMENDATION 4.

An Environmental Protection Ordinance should be enacted giving the Government broad powers to regulate or prevent pollution, to control hazardous materials, to require studies of environmental impact, and to maintain the quality of the environment. Appendix B contains a proposed draft for this ordinance.

A frequent problem in governments is the difficulty of coordinating departmental activities with central government policy, yet it is in the day-to-day actions of many ministries that a programme of environmental protection succeeds or fails.

RECOMMENDATION 5.

Once a Declaration of Environmental Policy is adopted and the Environmental Quality Committee is established, all Government Ministries should be asked to report to the committee on the administrative procedures they have adopted to enforce government environmental policy in their areas of responsibility, thus ensuring that the policy will be effectively implemented.

Conservation

Among the greatest riches of the Solomon Islands are their genetic resources, the distinctive and often unique species and forms of plants and animals of each island. It is living things that have provided the basis for traditional life, and that will in the future become increasingly important as man looks for new and more renewable resources than oil and minerals as the basis for world civilization. It is thus an essential responsibility of Government to provide for the long-term survival of its biological inheritance so that it will always continue to be the productive base for society. To accomplish this requires both careful management of those resources being developed, and the protection in national parks and reserves of viable representative examples of undisturbed natural ecosystems, together with appropriate legislative protection for those species which are either in danger of extinction or which require management to prevent their over-exploitation.

The traditional culture of the Solomon Islands evolved in intimate association with the natural environment and superbly adapted to local conditions. Any creative evolution of Solomon Island society as a component of the developing world civilization must be based on this foundation, which is in many ways so superior to imported western models. To attempt, however, to preserve the culture without the environment in which it evolved is rather like caging an animal in a zoo.

It is for this reason that natural and cultural conservation have been combined in these proposals. Traditional life was in harmony with, and was indeed part of the natural ecosystems, and except where species have been endangered by over-exploitation it remains compatible today. The international idea of a national park as a place from which people are excluded except as tourists needs to be modified in the Pacific Islands to exclude only those modern or accelerated activities that result in ecosystem destruction.

The major concern in a combined programme of natural and cultural conservation is to ensure a proper balance of biological and cultural expertise and the proposals have been developed with this in mind. It is always wise for such governmental activities as

scientific research and conservation to be as independent as possible from partisan political processes in order to provide the necessary long-term stability. This is particularly true in the Pacific Islands, where the strong sense of attachment to the land requires that any body to which land or land rights are to be entrusted must be seen to act as trustees for all the people.

RECOMMENDATION 6.

A National Trust should be established by the Government to take primary responsibility for natural and cultural conservation, including the Museum, National Parks and Reserves, protection of artifacts, fauna and flora, and research.

The existing legislation for conservation fails to meet even present needs. The National Parks Ordinance (Cap. 34), even as revised, is completely inadequate to its purpose and should be replaced. The Wild Birds Protection Ordinance (Cap. 89) is useful but does not protect rare species other than birds. The provisions for state forests and controlled forests (Cap. 90) serve useful functions in the protection of timber and water sheds, and should certainly be used as part of a comprehensive conservation programme, but they provide neither the flexibility nor the security necessary for proper environmental management and conservation.

RECOMMENDATION 7.

The Government should adopt comprehensive conservation legislation providing for the establishment of national parks and natural and cultural reserves, for the protection and management of the indigenous fauna and flora, for the safeguarding of the cultural heritage and the control of the trade in artifacts, and for the regulation of research. A proposed draft National Trust and Conservation Ordinance is contained in Appendix C.

Environmental Survey

A major precondition to any effective environmental planning or conservation is adequate knowledge of the ecosystems, fauna, flora, and marine life and their distributions on and around the islands. The South Pacific Commission with the support of IUCN is presently coordinating a Regional Ecosystem Survey at the request of the South Pacific Conference on National Parks and Reserves held in Wellington, New Zealand, in February 1975. This survey, which will include all territories in the SPC area and is to be completed by June 1976, will provide a regional overview of the ecosystems, biological communities, and species which should eventually be protected in some type of park or reserve or otherwise conserved. It is hoped that it will provide a framework within which each country or territory can develop their own more detailed programme. For this, a much more extensive survey will be needed, perhaps over a period of several months to two years, and including all the islands of the group.

RECOMMENDATION 8.

An environmental survey of the Solomon Islands should be undertaken to identify priority areas for development or conservation, to recommend possible parks and reserves, and to report on environmental limits or problems that should be considered in development planning. Such a survey would add a biological and ecological dimension to the Land Resources survey presently being completed. The South Pacific Commission can assist in planning, locating support for, and possibly conducting, such a survey, which would probably require government funds only for some local transportation, and perhaps per diem if outside consultants were required.

Cultural Inventory

RECOMMENDATION 9.

An inventory of archaeological, historical, and culturally-significant sites, structures and objects, should also be compiled using local expertise, reports from village and local government levels, and studies by visiting researchers. This inventory might best be coordinated by the Solomon Islands Museum.

PART III MISCELLANEOUS SUBJECTS

1. Queen Elizabeth National Park

The existing Queen Elizabeth National Park on Mt. Austen, one of the few National Parks in the South Pacific on the United Nations List of National Parks, is being seriously threatened by the agricultural activities of Honiara residents. Its boundaries and conservation value should be re-evaluated in the light of current land pressures, an area should be selected that can realistically be maintained, and steps should be taken to see that this area is adequately enforced. With its proximity to Honiara, the availability of personnel for occasional (perhaps weekly) checks should be no problem. If the area has no further significance to conservation, it should be de-declared and replaced with another major area of Guadalcanal that can be more realistically enforced. The present situation encourages disrespect for the law, and will make the establishment and maintenance of other national parks more difficult.

2. Coastal Planning

It is not too early to begin physical and environmental planning along the coastal strip of the Guadalcanal plains, particularly with respect to water front uses and access, coastal erosion and filling, waste disposal in the marine environment, and the competing needs of various economic development projects. Careful planning now can avoid much more serious and expensive problems later.

3. Environmental Education

No natural or cultural conservation programme can succeed without public understanding and support, and this must start with appropriate programmes of environmental education in the schools. In particular, the innovations now being undertaken in the educational system should permit a much better understanding of traditional culture as a model of closeness to and wise utilization of the natural environment. Curricula should be developed teaching a scientific understanding of the physical world using examples from village life and demonstrating their appropriateness, providing a basis for pride in the accomplishments of Solomon Island culture as part of a harmonious whole with the other cultures contributing to a world civilization.

4. Endangered Species

Given the evolutionary history of the Solomon Islands, and its unique fauna and flora, there are always going to be many endangered species in need of special measures. For most such species of plant and animal in danger of extinction, the only remedy is complete protection of the organism plus the preservation of an adequate amount of its habitat. However, where the animal or plant also is an important local food item, is a threat to local residents, or has a traditional cultural significance, more flexible methods may be required to ensure the survival of the species. This is particularly true of sea turtles, which are rapidly disappearing in many parts of the Pacific from over-hunting and the collecting of their eggs. Farming of turtles may be the only way to save them from local extinction by meeting the local demand for turtle products and thus reducing the pressure on the wild populations. The export of turtle products other than those completely raised in captivity should be controlled, however, until the situation improves. A similar approach may be needed for the megapode. Encouraging the commercial production of eggs to meet market demands would improve the chances of successful reproduction in the wild.

5. Proposed National Park Areas

While an environmental survey will be needed to define complete conservation needs in the Solomon Islands, some park proposals have already been made. Kolombangara is one of the most significant islands biologically because of its height. The entire center of the island plus a strip of land down to the coast reserving the lowland forest types should be made into a National Park. The Forestry Division had already taken tentative steps in January to reserve the necessary land from logging. Portions of the island centers of New Georgia, Santa Isabel, and Makira also should be given high priority for park status. Further suggestions have been made in a recent report by Dr. Jared M. Diamond, although the precise definition of suitable national park and reserve areas must await more detailed studies.

6. Urgency of Conservation Action

In determining the priority for the proposed legislation, it is important to consider that individuals and organizations engaged in activities that will be controlled (pollution, collecting of rare insects and fauna, taking of artifacts from villages, disturbance of natural habitats) will often accelerate their destructive activities in an attempt to evade the new controls. To avoid this, the ordinances should be considered with as much speed as possible.

Park and reserve proposals should be developed at the same time or even before development proposals for the same area. First priority should be given to those areas where rapid development is now taking place, as decisions will become more difficult with time, and may in the end be too late to successfully conserve the biological communities and cultural property of the area.

7. Rennell

Rennell Island is biologically the most significant for its size of all the Solomon Islands, so conservation should be an integral part of any plans to mine bauxite there. The lake and probably the whole eastern end of the island should be given some kind of protective status, and mining on the remainder should be carried out with as little disturbance to the surrounding vegetation as possible; forest exploitation would be disastrous from a conservation viewpoint and should not

be considered. The processing plant should be so located or its effluents controlled so that the smoke does not affect adjacent island areas, and the caustic soda should either be neutralized before disposal or else transported elsewhere.

8. Industrial Developments

Care must be taken in planning any industries producing significant effluents that they do not overload the absorptive capacity of the dumping or outfall site, as this could have environmental effects over a much wider area. Some type of primary treatment at least may be necessary, and provision should be made in any agreement for the possible application of more strict controls after perhaps five years if required.

9. Land clearing

Special care must be taken with any projects involving the clearing of large areas of land, whether for cattle or forestry, as this can frequently lead to serious environmental or soil management problems. The use of bulldozers in particular, should be strictly supervised and controlled, as they have been responsible for much needless environmental destruction throughout the Pacific Islands. It is generally ecologically preferable, and more in keeping with local cultural practices, to develop a series of small sites in preference to one large one of equivalent area.

10. International Conventions and IUCN

With the coming of independence for the Solomon Islands, the Government should consider adhering to the several international conventions concerning conservation, in particular the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1973), the Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO, Paris, 1972), and the proposed Convention on Conservation in the South Pacific (to be considered in Apia in June 1976). With independence, the Government should also consider state membership in the International Union for the Conservation of Nature and Natural Resources (Morges, Switzerland) which can provide considerable technical (and sometimes financial) assistance in conservation matters.

PART IV

The observations and recommendations in this report are based on a visit by the Regional Ecological Adviser at the South Pacific Commission, Dr. Arthur Lyon Dahl, to the Solomon Islands from 19 to 30 January, 1975 at the request of the Government (F459/10/4). While most of the time was spent in Honiara and surrounding areas of the Guadalcanal plains, an overnight visit was made to Yandina, with short stops at and flights around Kolombangara, Gizo, Vella Lavella, and New Georgia (Munda and Seghe), and three days were spent on Malaita including one night on an artificial island in Lau Lagoon.

Discussions were held with the following people, whose assistance is greatly appreciated:

Ms. Anna Craven, Solomon Islands Museum
Mr. Francis Bugotu, Chief Education Officer
Mr. Allan House, Acting Permanent Secretary, MECA
Hon. Willie Betu, Minister for Education and Cultural Affairs
Mr. T. Creighton, Tourist Board
Hon. David Kausimae, Minister for Agriculture and Rural Economy
Hon. Rev. Peter Thompson, Minister for Trade, Industry and Labour
Mr. Russell, Acting Permanent Secretary, MTIL
Mr. Bill Proctor, Geology Division
Mr. Keith Trenaman, Forestry Division
Mr. Ken Marten, Forestry Division
Mr. Rex Hamilton, Chief Health Inspector
Mr. Derek Taysum, Agricultural Research Officer
His Excellency the Governor, Mr. Luddington
Mr. Tony Hughes, Central Planning Unit
Mr. Nazareth, Attorney General
Hon. Dr. Gideon Zoloveke, Minister for Home Affairs
Mr. George Filor, District Commissioner, Malaita
Mr. Ian Webb, Soil Scientist
Mr. Donald Monroe, Chief Field Officer, Agriculture
Mr. Dudley Cook, Chief Administrative Officer, Lands
Mr. Dick Thompson, Geology Division
Mr. Bill Page, Member for Rouiana
Dr. Walter Starck
Mr. Joe Warton, Levers Pacific Plantations, Yandina and other
Levers employees
Staff of Agricultural Research Stations, Dodo Creek and Yandina
Board of Directors, Chamber of Commerce
Central Planning Unit
Chiefs and other village members from several villages on Malaita and
others too numerous to mention

PROPOSED DECLARATION OF GOVERNMENT POLICY

Recognizing the uniqueness of the cultural and natural heritage of the Solomon Islands and its fundamental contribution to the quality of life of the people:

It shall be the policy of the Government of the Solomon Islands as custodians of this significant share of the world's inheritance;

To encourage the development of the lands and waters of the Solomon Islands with due regard to their ecological limits;

To insure that all development leads to an increase in the quality of life of the people;

To recognize the need for balance between those improvements that can come from economic development and modernization, and the existing high quality of the natural environment and traditional culture, such that the development of one does not produce a correspondingly greater loss of the other;

To conserve viable examples of the full range of the ecosystems, habitats and organisms making up the natural biological and genetic resources;

To preserve the archaeological, historical and artistic heritage;

To maintain the richness and distinctiveness of cultural expression of the peoples of the Solomon Islands while developing and underlying national sense of unity in diversity;

To educate the children and the general public to understand, appreciate, and take responsibility for their natural and cultural heritage;

To see that this responsibility is expressed in the actions of central, district and local governments as well as by villages, families and individuals; and

To cooperate with other governments and international, regional and non-governmental organizations in common efforts to preserve the biosphere and improve the human environment.

APPENDIX B - Environmental Protection Ordinance

and

APPENDIX C - National Trust and Conservation Ordinance

are in the final stages of drafting

and will follow as soon as completed.

PROPOSAL FOR AN ENVIRONMENTAL PROTECTION ORDINANCE

Note: It has not yet been possible to obtain appropriate model legal texts for major parts of this ordinance, so further legal drafting and definition will be necessary to embody the following concepts in an appropriate form.

ENVIRONMENTAL PROTECTION ORDINANCE

An ordinance establishing an Environmental Quality Committee to regulate substances and actions dangerous to the environment, to control pollution, to evaluate the environmental impact of development projects, and to take other such steps necessary to maintain the quality of the environment.

1. Short title and commencement
2. Interpretation

In this ordinance, unless the context otherwise requires -

- "Committee" means the Environmental Quality Committee established under this ordinance;
- "degredation" means any change to an environment or component thereof that cannot be demonstrated to be harmless or without effect;
- "developer" means the person, corporate body, other legal entity, ministry or governmental body that undertakes, proposes to undertake, or is responsible for a development project;
- "development project" means any project or proposal for a project involving the development, alteration, or utilization of the lands, waters, natural resources, minerals, or biological resources of or imported into the Solomon Islands;
- "environment" means the surrounding air, land and waters, and the ecosystems, organisms and human beings contained therein;
- "natural" means in a state of nature, as it was or would be without any interference or alteration by humans or human activities;

"noise" means any sound over 60 decibels found objectionable by persons of normal hearing, and any sound exceeding 80 decibels;

"organism" means any vertebrate or invertebrate animal, plant, fungus, alga, microorganism, other living thing, or virus, or the eggs or other parts of the life cycle thereof;

"pollutant" means any substance in an environment that does not naturally occur there, or that occurs in quantities greater than naturally occur there, and that has a detrimental effect on that environment or any component thereof. Any measurable effect shall be considered detrimental unless proven to the contrary;

"restricted substance" means any substance listed in the Schedule of Restricted Substances;

"substance" means any gas, vapor, liquid, solid, organic or inorganic chemical, other form of matter, or any combination thereof.

General provisions for environmental protection

3.(1) Any person who otherwise than under and in accordance with a valid permit issued under section 24 -

- (a) releases or causes to be released a pollutant into the environment in such manner as to cause significant harm to the property of another or to the natural environment; or
- (b) causes through his actions the degradation of any watercourse, body of water, marsh, swamp, aquifer, ground water or lagoon, reef or other coastal or ocean waters, whether fresh or salt;

shall be guilty of an offence and liable to a fine of one thousand dollars or to imprisonment for one year or to both such fine and such imprisonment, and shall be liable for any damages caused by such acts, including the costs of restoration to the original state where that is possible.

(2) The complainant or informer in any proceeding under this section other than an officer acting in his official capacity shall receive one half of any fine imposed upon and paid by the offender.

Establishment of Environmental Quality Committee

4. - There is hereby established an Environmental Quality Committee located administratively within the Office of the Chief Minister and advisory to the Central Planning Office.

5.- The objects of the Committee shall be:

- (a) to advise the Ministers, the Central Planning Office and other branches of government on the technical aspects of environmental protection,
- (b) to establish regulations concerning substances hazardous to public health or the natural environment;
- (c) to review the environmental impact of development projects and to require measures for environmental protection if necessary;
- (d) to define and enforce environmental quality standards;
- (e) to specify controls over natural resource exploitation liable to result in significant environmental degradation where this is not covered by other legislative provisions;
- (f) to regulate or prohibit the importation of organisms not native to or now present in the Solomon Islands that, if introduced, might reasonably be liable to escape from the area of introduction and to threaten or degrade the natural environment or some component thereof;
- (g) to require inter-ministerial consultation, review and approval when appropriate;
- (h) to assign responsibilities for the monitoring and enforcement of its actions under this ordinance and the other provisions thereof to the appropriate Ministries;
- (i) to consult as necessary with outside experts;
- (j) to encourage or require research on environmental problems;
- (k) to assist with school and public programs of environmental education;
- (l) to adopt, with the approval of the Council of Ministers, other measures as necessary to maintain environmental quality.

Membership

6. -(1) The Committee shall consist of not more than nine members appointed by the Chief Minister as follows:

- (a) the Chairman, from the staff of the Central Planning Office, preferably with training in environmental sciences;
- (b) the Secretary, the Chief Health Inspector;
- (c) five representatives from Ministries with appropriate technical expertise, nominated by the Permanent Secretary;

- (d) a representative of the business community nominated by the Chamber of Commerce;
- (e) a representative of the National Trust unless already included in the above; otherwise a member of the public with scientific and/or conservation experience.

(2) The non-governmental members of the Committee shall, unless they earlier vacate their offices or die or resign or unless their appointments are revoked by the Chief Minister, hold office for such period not exceeding two years as shall be specified at the time of appointment and shall be eligible for re-appointment.

(3) A non-governmental member of the Committee may be paid and receive from the Government such attendance allowance in respect of his services on the Committee and such allowances for travelling and subsistence in such circumstances as may be generally or specially determined by the Chief Minister.

Meetings and Quorum

7.-(1) The Committee shall meet at such times and places as the Chairman considers necessary.

(2) A majority of the members actually appointed shall form a quorum.

(3) All questions shall be decided by a majority of votes of the members present at any meeting of the Committee.

(4) The Chairman shall be a full voting member of the Committee.

(5) In the absence of the Chairman from any meeting of the Committee the members present shall appoint one of their number to preside at that meeting.

(6) The Committee shall keep records of its proceedings.

(7) The Committee may make rules, not inconsistent with the provisions of this section, governing its meeting procedure.

Pecuniary interest to be disclosed

8. - If a member has any pecuniary interest, direct or indirect in any matter and is present at a meeting of the Committee at which the matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, which shall be recorded in the minutes of the meeting, and thereupon such member may take part in the consideration or discussion of the matter, but shall not vote or otherwise take part in the decision of the Committee thereon.

Staff of the Committee

9. - The Government shall provide or second to the Committee on such terms and conditions as the Chief Minister may from time to time determine a secretary and other such officers and servants as he may consider necessary for the proper and efficient carrying out of the functions of the Committee.

Powers of the Committee

10. - Subject to the provisions of this Ordinance, the Committee shall have all such powers as may be necessary to carry out its objects under section 5 and without prejudice to the generality of the foregoing power, the Committee may -

- (a) hold public hearings;
- (b) call expert witnesses;
- (c) require persons to provide any information which in the view of the Committee is necessary for the evaluation of any environmental hazard or impact, provided that any such information that is proprietary in nature shall not be made public;
- (d) issue permission to designated Committee members or delegated officers to enter on any property other than a private dwelling for the purposes of any survey or examination necessary for the proper exercise of its functions under this Ordinance;
- (e) require that an appropriate sample of any substance or specimens of any organism be provided to the Committee or to any person designated by the Committee to permit any identification, analyses or experiments necessary to the proper exercise of its functions under this Ordinance;
- (f) delegate responsibilities for investigation and enforcement under this Ordinance to appropriate ministries, with the provision that complete reports on such delegated responsibilities be provided to the Committee annually and on request; and
- (g) engage in any other activity whether similar to those heretofore specified or not, which may be sanctioned by the Chief Minister.

Requirement of Public Access

11. - The reports and decisions of the Committee, and the information on which such decisions are based, shall be open to public access under such reasonable terms and conditions as the Committee may specify, except that this provision shall not apply to proprietary information, decisions or information of a personal nature, and information whose release would, in the opinion of the Chief Minister, threaten the security or well-being of the Solomon Islands.

Restricted Substances

12. (1) The Committee may issue from time to time a Schedule of Restricted Substances listing any substance not specifically covered by existing legislation that in its opinion could represent a hazard to public health or to the natural environment, and including the following two classes.

- (a) Class I - substances for which permits will be required for any possession or use; and
- (b) Class II - substances for which permits will be required for any use other than those specifically mentioned in the Schedule.

(2) The Committee shall assign to the appropriate ministry or ministries the responsibility for the issuance of permits under this section in accordance with any regulations which it may from time to time adopt.

(3) The Committee may adopt regulations governing the importation, manufacture, possession, storage, packaging, labeling, sale, use and disposal of any such restricted substance, including but not limited to generally-approved uses or quantities if any, prohibited uses, and requirements for the issuance of permits to any user.

(4) Any person who otherwise than under and in accordance with the regulations adopted pursuant to this Ordinance or with a valid permit issued under section 12. -(2) imports, manufactures, possesses, stores, packages, labels, sells or otherwise transfers, uses, disposes or releases to the environment any restricted substance or who fails to observe any regulation governing that restricted substance, shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for three months or to both such fine and such imprisonment, and shall be liable for any damages caused by such offence as may be fixed by the court.

13. (1) Where there is reason to believe that an offence has been committed in respect to any restricted substance, such substance, together with all containers, machinery, equipment, and other objects reasonably suspected to have been used in the commission of such offence, may be seized by any police officer or authorized officer.

(2) Every officer seizing any property under this section shall place on such property, or on the receptacle, if any, in which it is contained a mark indicating that the same has been so seized and shall, so soon as may be, make a report of such seizure to a Magistrate.

(3) In any proceedings in respect of an offence alleged to have been committed in respect of any restricted substance, the averment that any substance is a restricted substance shall be sufficient without proof of such fact unless the person charged prove the contrary.

14. (1) When any person is convicted of an offence under this section, all restricted substances in respect of which such offence has been committed, and all containers, machinery, equipment and other objects used in the commission of such offence, shall be liable to be forfeited by order of the court recording the conviction.

(2) Such forfeiture may be in addition to any other penalty prescribed for such offence.

Environmental Impact

15. -(1) For any new development project or any modification to an existing development project, involving more than one hundred thousand dollars capital investment, affecting more than 500 acres of land or water area, or producing or expected to produce pollutants, the developer must submit in advance of the start of the project or modification an Environmental Impact Statement describing:

- (a) the nature of the development activities;
- (b) the precise areas to be developed;
- (c) the resources to be used;
- (d) any wastes or possible pollutants to be produced;
- (e) provisions for pollution control and treatment;
- (f) direct or indirect ecological effects or environmental degradation that might result;
- (g) the present and alternative uses of the land and/or resources to be affected;
- (h) the effect on surrounding human populations;

(i) a long-term cost-benefit analysis of the project and of major alternative uses for the same resources; and

(j) any other information required by the Committee.

(2) The Committee shall rule within 90 days on the adequacy of any Environmental Impact Statement submitted to it in accordance with the provisions of section 15-(1), either approving the Statement or defining the modifications required for approval. Failure of the Committee to rule on a Statement within 90 days^{of its submission} shall constitute automatic approval of the Statement.

(3) Further regulations concerning the preparation and submission of Environmental Impact Statements may be adopted by the Committee as necessary.

(4) No work may begin on any development project qualifying under section 15-(1) until the Environmental Impact Statement has been approved by the Committee.

16. - Where the scope and impact of a proposed development project warrant it, the Committee shall make the Environmental Impact Statement available in a way appropriate to the people most likely to be affected by the project, and shall hold public hearing on the Environmental Impact Statement prior to approving it.

17. -(1) In approving an Environmental Impact Statement, the Committee may make recommendations to the Chief Minister for additions to or modifications of the proposed development project, or may otherwise define conditions for the approval of the project, necessary to ensure adequate environmental protection.

(2) If these recommendations are accepted by the Chief Minister, the project may not begin until the developer establishes to the satisfaction of the Committee that its requirements will be met.

18. - After approval of an Environmental Impact Statement, the Committee may require regular monitoring or other studies to insure that the actual environmental impact is as described in the Statement and that any conditions for approval are being met.

19. - The Committee may at its discretion require that the costs to the Government of an adequate review of any Environmental Impact Statement and of any studies or expert opinion required in that review or in subsequent project monitoring shall be reimbursed by the developer.

Environmental Quality

20. - It shall be a fundamental Government policy to maintain or improve the quality of the natural and human environment in the Solomon Islands, and the responsibility for this policy shall be vested in the first instance in the Environmental Quality Committee.

21. -(1) The Committee shall adopt regulations defining standards for various parameters of the environment necessary to maintain a desirable level of environmental quality, including the maximum permissible level of various substances in the environment or in components thereof.

(2) The standards adopted may apply uniformly throughout the Solomon Islands, or to particular regions as defined by the Committee.

(3) Proposed standards shall be published in the Gazette at least 180 days prior to coming into force, and public comment shall be solicited by the Committee through public hearing or otherwise prior to the final adoption of the standards.

22. -(1) The standards for particular substances or parameters may require permits for all releases into the environment of such substances or parameters above a specified minimum level. All new releases must have a permit prior to the commencement of the release specifying the maximum permissible amount of releases and any required conditions.

(2) For releases existing at the time of the adoption of a standard, the responsible party must apply for a permit within 60 days of the adoption of the standard. Such a permit, when issued, may allow releases at the existing levels for a specified period not to exceed three years from the date of adoption of the standard, ^{by} which time the release must be brought into compliance with the permit.

(3) Permits may be revised or cancelled if necessary to meet or maintain the appropriate standard. The coming into effect of such a revision or cancellation may be delayed for up to three years at the discretion of the Committee to allow adequate time for compliance.

23. - The Committee shall delegate to the appropriate ministries the responsibility for the regular measurement of parameters or substances for which standards have been adopted, for the issuance of permits in accordance with the regulations, and for the enforcement of such regulations. The ministries shall in turn provide the Committee with the information necessary to determine the adequacy of the regulations and to update them if appropriate.

24. - For any development project expected to release a potential pollutant for which no standard has been adopted, the developer must in addition to the other provisions of this Ordinance, notify the Committee of the nature and expected amount of the potential pollutant. The Committee must, within 60 days of the receipt of the notice, announce its intention, if any, to adopt regulations covering that pollutant. Failure of the Committee to issue such an announcement within 60 days shall constitute permission to release the potential pollutant at the level specified in the notice. In such instances, section 22. -(2) shall continue to be applicable.

Introduced species

25. -(1) Where there is a reasonably possibility that the introduction into the Solomon Islands of an organism, species, or category of organisms not native to the Solomon Islands might endanger or degrade the environment or some component thereof, either through the fact of being introduced or in the event that such organisms or reproductive stages thereof might escape from captivity or cultivation, the Committee may place such organisms on a Schedule of Prohibited Introductions.

(2) It shall be an offence against this Ordinance to introduce, import, or attempt to introduce or otherwise bring into the land, waters or airspace of the Solomon Islands or to possess within the Solomon Islands any organism or any representative of a category of organisms listed on the Schedule of Prohibited Introductions without a permit issued in accordance with section 25. -(3).

(3) Where the introduction of an organism on the Schedule of Prohibited Introductions appears desirable for purposes of scientific research or other exceptional use in the national interest, and the responsible person or organization can satisfy the Committee or its delegated representative under this section that it can safeguard the organism against any intentional or accidental release into the environment, the Committee or its delegated representative may issue a permit for the introduction of said organism specifying the required conditions for introduction, the disposition of the organisms once the required purposes are met, and any other conditions which the Committee defines as necessary to ensure the protection of the environment.

26. - The Committee may adopt regulations necessary to protect the environment against undesirable introductions of organisms, including regulations requiring that the introductions of any or all categories of organisms be declared to the appropriate designated customs or quarantine officers upon arrival, and that a report of the nature of the organisms, the responsible person, and their destination in the Solomon Islands be forwarded immediately to the Committee or its delegated representative. If any organism so introduced is found to be a potential danger to the environment of the Solomon Islands, the Committee may order that it be re-exported or destroyed.

Miscellaneous Provisions

27. - Where the interests of environmental protection necessitate co-ordination between ministries on a particular subject or project, the Committee may with the approval of the Ministers concerned require procedures of notification, consultation, or approval between such ministries.

28. - The Committee shall wherever possible delegate the responsibilities for investigation, research, monitoring and enforcement under this act to the most technically-qualified ministries with the approval of the Ministers concerned.

29. - The Committee shall advise all branches and levels of the Government on all technical matters within its area of responsibility, and may, at its discretion, provide similar advice to persons or organizations outside the Government.

30. - Any regulations, standards or schedules to be promulgated under this Ordinance shall be published in the Gazette or otherwise distributed at least 180 days prior to coming into force, and public comment shall be solicited by the Committee through public hearing or otherwise prior to the final adoption of the regulations. Regulations shall come into force only after approval by the Council of Ministers.

31. - Any actions for environmental protection taken under this Ordinance shall not pre-empt appropriate local or district governmental authorities from adopting their own environmental protection regulations more stringent than the national regulations.

32. - Where there is an urgent need for controls to prevent environmental degradation that are not provided for by any existing legislative provisions, the Committee may prepare for approval by the Council of Ministers such temporary regulations as may be required. Such emergency regulations shall come into force immediately upon approval by the Council of Ministers and shall continue in force for a specified period, not to exceed one year from the date of coming into force, adequate to allow proper legislative action.

33. - Appeals against any action, regulation or permit under this Ordinance shall be submitted within 30 days to the Chief Minister, whose decision shall be final.

34. -(1) Any person who fails to observe the provisions of this Ordinance or of the regulations adopted pursuant to this Ordinance, shall be guilty of an offence and liable, except where otherwise specified in this Ordinance or those regulations, to a fine of one thousand dollars or to imprisonment for six months or to both such fine and such imprisonment.

(2) Where the offence is of a continuing nature, each day shall be considered a separate offence for the purposes of this act.

(3) Where the offence is demonstrated to be the result of wilful negligence, the guilty party shall be liable to an additional fine of ten thousand dollars.

Subsidiary Regulations

- Requirements for Environmental Impact Statements ^{[Section} 15. -(3)]
- Environmental Quality Standards ^{[Section} 21. -]
- Organism Introductions ^{[Section} 26. -]

Schedules

- Restricted Substances ^{[Section} 12. -(1)]
 - Class I - Permits required for any use.
 - Class II - Permits required for any use other than those specified as approved.
- Prohibited Introductions ^{[Section} 25. -]

PROPOSALS FOR A NATIONAL TRUST AND CONSERVATION ORDINANCE

An ordinance to establish a National Trust for the conservation of the environment, the genetic resources, and the natural and cultural heritage of the Solomon Islands.

PART I

Short title

PRELIMINARY

1. This Ordinance shall be known as the National Trust and Conservation Ordinance.

Interpretation

2. In this Ordinance, unless the context otherwise requires -
- "animal" means any kind of vertebrate or invertebrate animal (such as birds, mammals, fish, insects, molluscs, corals, etc.) and includes the reproductive stages, eggs and young thereof;
- "archaeological site" means any site containing remains of human occupation or use the study of which may contribute to the knowledge of the history or culture of man;
- "artifacts" means items used for the traditional purpose for which they were made, including archaeological material but excluding objects (handicrafts) made specifically for sale and newly-manufactured traditional objects;
- "cultural property" means property which, on religious or secular grounds, is specifically designated in the schedules of this Ordinance as being of importance for archaeology, prehistory, literature, art or science and which belongs to the following categories :
- (a) rare collections and specimens of fauna, flora, minerals, and anatomy, and objects of palaeontological interest;

- (b) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance;
- (c) products of archaeological excavations (regular and clandestine) or of archaeological discoveries;
- (d) elements of artistic or historical monuments or archaeological sites which have been dismembered;
- (e) objects of ethnological interest, including human remains or parts thereof;
- (f) traditional musical instruments;
- (g) antiquities, traditional objects and furniture more than one hundred years old;
- (h) property of artistic interest such as :
 - (i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);
 - (ii) original works of statuary art, sculpture and carving in any material;
 - (iii) original engravings, prints and lithographs;
 - (iv) original artistic assemblages and montages in any material;
- (i) rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections;
- (j) archives, including sound, photographic and cinematographic archives;
- (k) sound or photographic records of traditional music, ceremonies, or activities.

"fauna" means any and all animals occurring in an area;

"flora" means any and all plants occurring in an area;

"handicrafts" means items newly made specifically for sale, gift or exchange;

"handicraft dealers" include local businesses and visiting commercial buyers involved in the sale, purchase, or export of handicrafts, but exclude tourists and other individual making purchases solely for personal use or as gifts;

"hunting" includes any act immediately directed at the killing or capture of any animal and the take of eggs, nests or young;

"National Park" means a large area so declared for purposes of conservation and public use;

"organism" means any plant or animal or their parts or reproductive stages;

"park ranger" means a person appointed to be a park ranger under section and includes a senior park ranger;

"plant" means any phanerogamic or cryptogamic plant, or the flowers, seeds or reproductive stages thereof;

"protected animal" means any animal specified in the Schedules issued under this Ordinance;

"research" means any systematic study intended to increase knowledge of a subject;

"reserve" means any area so declared primarily for purposes of conservation;

"Solomon Islanders" shall be as defined in section 2(1) of the Landlord Titles Ordinance;

"vegetation" includes any form of vegetable matter alive or dead.

PART II

ESTABLISHMENT OF THE TRUST

Establishment and incorporation of the Trust

3. -(1) There is hereby established a Trust to be known as the Solomon Islands National Trust which shall be a body corporate under that name, with perpetual succession and a common seal.

(2) The Trust shall have power to acquire, hold and dispose of real and personal property.

(3) The Trust may sue and be sued in its corporate name.

(4) Service of any document on the secretary of the Trust shall be deemed to be service on the Trust.

Authentication of the common seal

4. -(1) The affixing of the common seal of the Trust shall be authenticated by the signatures of -

(a) the Chairman or some other member of the Trust authorised for that purpose by the Trust, either generally or specially; and

(b) one other person being a member, officer or servant of the Trust authorised for that purpose by the Trust, either generally or specially.

(2) Any instrument purporting to be an instrument duly executed under the seal of the Trust shall be received in evidence and shall, unless the contrary is proved, be deemed to be an instrument so executed.

Certain contracts and instruments not required to be under seal

5. - Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the Trust by any person generally or specially authorised by the Trust for that purpose.

Objects of the Trust

6. - The objects of the Trust shall be -
- (a) to hold property (land, funds and objects) in trust for the people of the Solomon Islands;
 - (b) to serve as trustees for the Solomon Islands Museum and other museums established under this act;
 - (c) to establish and administer protected areas including National Parks and Reserves;
 - (d) to advise the Government on all matters relating to the conservation of the fauna, flora, environment, and culture of the Solomon Islands;
 - (e) to encourage and support research and study into the total natural and cultural heritage, and educational programmes pertaining thereunto;
 - (f) to make regulations subject to confirmation by the Government concerning:
 - researchers and their programmes,
 - archaeological excavations,
 - organisms endangered with extinction or likely to be exterminated in any area, or listed as protected organisms, cultural property, including artifacts, handicrafts, war relics, and other materials of significant national interest;
 - (g) to manage and to approve expenditures from the funds of the Trust;
 - (h) to co-operate with and to delegate management responsibilities as appropriate to Government ministries, units of local Government, and other conservation organizations (whether or not incorporated);
 - (i) to administer, by instructions issued through the Minister, this Ordinance.

Membership

7. - The Trust shall consist of not more than twenty-seven members all of whom shall be appointed as Trustees by the Chief Minister for three-year terms as follows :

- (a) eight members each nominated by and representing one local Council;
- (b) three members nominated respectively by the Museum Association, the Chamber of Commerce, and the Tourist Authority;
- (c) three traditional chiefs or other community leaders;
- (d) three members of the public nominated by the Chief Minister;
- (e) the Permanent Secretaries of each Ministry or their appointees;
- (f) the Government ecologist or chairman of the Environmental Quality Committee, representing the Central Planning Office;
- (g) the Curator of the Solomon Islands Museum.

Officers

The chairman shall be appointed from among the trustees by the Chief Minister. The Government ecologist shall serve as secretary to the trustees and executive secretary for the Trust.

Tenure of office

8. - The members of the Trust shall, unless they earlier vacate their offices or die or resign or unless their appointments are revoked by the Chief Minister, hold office for such period not exceeding three years as shall be specified at the time of appointment and shall be eligible for reappointment.

Vacation of office

9. - A member of the Trust shall be deemed to have vacated his office -

- (a) if he becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary or fees for their benefit;
- (b) if he is absent, except on leave granted by the Chairman, from two consecutive meetings of the Trust;
- (c) if he is certified to be insane or adjudged to be of unsound mind under any law for the time being in force in the Solomon Islands; or
- (d) if he is sentenced to a term of imprisonment without the option of a fine.

Remuneration of members

10. - A member may be paid and receive from the funds of the Trust such attendance allowance in respect of his services on the Trust and such allowances for travelling and subsistence in such circumstances as may be generally or specially determined by the Minister.

Meetings and quorum

11. -(1) The Trust shall meet at such times and places as the Chairman considers necessary, but not less than twice annually.

(2) One half of the members actually appointed shall form a quorum.

(3) All questions shall be decided by a majority of votes of the members present at any meeting of the Trust.

(4) In the absence of the Chairman from any meeting of the Trust the members present shall appoint one of their number to preside at that meeting.

(5) The Trust shall keep records of its proceedings.

(6) The Trust may make rules, not inconsistent with the provisions of this section, governing its meeting procedure.

Pecuniary interest to be disclosed

12. - If a member has any pecuniary interest, direct or indirect, in any contract or other matter and is present at a meeting of the Trust at which the contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, which shall be recorded in the minutes of the meeting, and thereupon such member may take part in the consideration or discussion of the contract or matter, but shall not vote or otherwise take part in the decision of the Trust thereon.

Executive committees

13. -(1) The Trust shall elect annually from among its members an Executive Committee, and two Committees for natural and cultural conservation.

(2) The Executive Committee shall consist of the Chairman, the Secretary, and seven members, and shall be responsible for exercising the general responsibilities of the Trust between full meetings of the trustees.

(3) The Committee on Natural Conservation shall consist of the Government ecologist, the representative of the Ministry of Natural Resources, and three trustees, and shall be responsible for administering, under the guidance of the trustees, the responsibilities under this Ordinance for National Parks and Reserves, Fauna and Flora, and research on the environment, organisms and natural resources of the Solomon Islands.

(4) The Committee on Cultural Conservation shall consist of the Curator of the Solomon Islands Museum, the representative of the Ministry of Education and Cultural Affairs, and three trustees, and shall be responsible for administering, under the guidance of the trustees, the responsibilities under this Ordinance for the Museum, Cultural property, archaeology and research on the people, history and culture of the Solomon Islands.

(5) The Committees of the Trust shall meet as often as necessary to carry out their responsibilities, following the procedures established by this Ordinance and by the Trust. They shall prepare complete reports on their activities for submission to each meeting of the Trust. The officers of the Committees shall be elected by the Committees.

Powers of the Trust

14. - Subject to the provisions of this Ordinance, the Trust shall have all such powers as may be necessary to carry out its objects under section 6 and without prejudice to the generality of the foregoing power, the Trust may -

- (a) acquire any property whether real or personal by transfer, purchase, lease, gift, devise, demise or bequest or otherwise and control and manage that property;
- (b) sell, let or hire any property and apply or invest the proceeds therefrom for the purposes of this Ordinance;
- (c) to acquire easements from or to enter in contracts with willing persons, corporate bodies, organizations or authorized representatives of village or family groups to restrict planning development and land use and to protect flora, fauna and cultural property;
- (d) produce literature, maps, photographs, pamphlets, posters, models, films, radio tapes, notice boards, signposts and other similar devices and educational materials containing information and publicity about places under its control or subjects within its area of responsibility, and sell, distribute and display them;
- (e) arrange lectures, talks, interviews and exhibitions for the purposes of informing the public about any subject within its area of responsibility;
- (f) solicit gifts, subscriptions and donations;
- (g) to accept bequests without payment of duty; and
- (h) engage in any other activity whether similar to those heretofore specified or not, which may be sanctioned by the Minister by order.

Power of delegation by Trust

15. - (1) The Trust may by writing under its seal delegate to a person any of its powers and functions under this Ordinance (except this power of delegation) so that the delegated powers and functions may be exercised by the delegate with respect to the matters or class of matters, or to the whole territory or part of the territory, specified in the instrument of delegation.

(2) A delegation under this section shall be revocable at will and no delegation shall prevent the exercise of a power or function by the Trust.

Address

16. - The Trust shall establish an office in Honiara and in such other places as it considers necessary to which communications and notices may be sent.

Trust to have due regard to customs, culture, etc.

17. - In exercise of its powers and discharge of its functions under this Ordinance, the Trust shall have due regard to the customs, culture, traditions, beliefs and welfare of the indigenous inhabitants of the Solomon Islands.

Power of the Chief Minister in relation to the Trust

18. -(1) The Chief Minister may, after consultation with the Trust, give to the Trust directions of a general character as to the discharge by the Trust of its functions in relation to matters appearing to the Chief Minister to affect the public interest, and the Trust shall give effect to such directions.

(2) The Chief Minister may, after consultation with the Trust, give to the Trust specific directions for the purposes of remedying any defect which may be disclosed in the general arrangements of the Trust for the discharge of its functions under this Ordinance, and the Trust shall give effect to any such directions.

(3) The Trust shall afford to the Chief Minister facilities for obtaining information with respect to the property and functions of the Trust, and shall furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished in such manner and at such time as he may require.

Officers of the Trust

19. -(1) The Trust may appoint and employ on such terms and conditions as it may from time to time determine a secretary and such other officers and servants as it may consider necessary for the proper and efficient carrying out of the functions of the Trust.

(2) The Trust may designate central or local government officials or private citizens as its officers or agents in respect of any matter.

(3) The Trust may with the permission of the appropriate Ministers, co-opt staff from Government departments to advise on matters within their competence, and may call on the services of outside consultants as necessary.

Power of Trust to establish monetary schemes for officers and employees

20. - The Trust may expend moneys out of its funds for the purpose of -
- (a) subsidising any scheme or system of endowment assurance or other form of retirement benefit which may be approved by the Trust for the benefit of all or any of its officer or servants;
 - (b) granting gratuities in individual cases, or in accordance with any scheme or system instituted by the Trust, to any of its officers or servants who shall not be entitled to be contributories to any subsidised scheme or system of endowment assurance or other form of retirement benefit established by the Trust under the foregoing provisions of this section or for whose case such last-mentioned scheme or system, in the Trust's opinion, is not suitable or should not be applicable, or to any dependants of any such officer or servant; and
 - (c) making loans to any of its officers or servants, on such terms and conditions as may be determined by the Trust, for the purpose of purchasing real property for the residential use thereof by such persons or for such other purposes specifically approved by the Trust as likely to increase the effectiveness of such persons in their services to the Trust.

Banking account

21. - The Trust shall open and keep such banking accounts as it may from time to time deem fit and cheques and orders for the payment of money from such accounts shall be signed by at least two authorised persons including at least one member of the Trust.

Temporary loans for administrative purposes

22. - The Trust may borrow by way of temporary loan or overdraft any sum or sums which the Trust may temporarily require for the purpose of defraying its administrative expenses, up to such limit as may from time to time be fixed by the Financial Secretary.

Power to raise loans

23. - The Trust may from time to time with the consent of and upon such terms and conditions as may be approved by the Chief Minister and the Financial Secretary raise loans for the purpose of exercising its powers and carrying out its objects and obligations under this Ordinance.

Security

24. - The repayment of any money borrowed or loans raised under the provisions of the last two preceding sections and the payment of interest thereon may be secured by mortgage, debenture or other charge upon the assets of the Trust exclusive of those assets held in Trust for the people of the Solomon Islands.

Income

25. - The travelling and meeting expenses of the trustees, the principal administrative expenses of the Trust, and other expenses as approved shall be met from Government funds at rates approved by the Government, in accordance with a budget to be submitted annually to the Government by the Trust prior to the start of the financial year.

26. - For the purpose of raising funds for defraying its administrative expenses and carrying out any of its objects, the Trust shall have power to -

- (a) receive the proceeds of such levies, rates and charges as may be prescribed;
- (b) solicit and receive grants or contributions as may be available from any persons, the Government and international or bilateral agencies or organizations; and
- (c) use such other means as may from time to time be expedient to raise funds.

Expenditure

27. - Subject to the provisions of this Ordinance, the Trust may expend funds in any way necessary to carry out its objects under section 6 and without prejudice to the generality of the foregoing power, the Trust may -

- (a) purchase or lease property or certain rights thereto;
- (b) employ staff;
- (c) sponsor scientific, educational and cultural programmes;
- (d) support research;
- (e) produce and distribute publications, films, broadcasts and other public information materials;
- (f) provide scholarships, fellowships, and travel grants to overseas conferences and training courses;
- (g) expend funds for any other purpose relevant to the duties of the Trust.

Investment of funds

28. - The Trust may invest and deal with any moneys in and upon such investments and securities allowed by the law for the time being applicable in the Solomon Islands for the investment of trust funds or such other investments or securities as may be approved by the Financial Secretary for the purpose of this section.

Accounts

29. - The Trust shall keep proper accounts and records of the transactions and affairs of the Trust and shall do all things necessary to ensure that all payments out of the moneys of the Trust are correctly made and properly authorised and that adequate control is maintained over the assets of the Trust and the incurring of liabilities of the Trust.

Auditor

30. -(1) The Trust shall, subject to the approval of the Chief Minister, appoint an auditor and have power to terminate such appointment.

(2) The Trust shall determine the annual remuneration of the auditor.

Financial year

31. - The financial year of the Trust shall correspond to the Government financial year.

Annual report, accounts and returns

32. -(1) The Trust shall furnish to the Chief Minister as soon as possible after the expiration of each financial year a report upon the operation of the Trust, including a review of actions and policies during the year, the status of existing and recommended parks and reserves, and a listing of permits and licences issued and refused, together with a balance sheet and statement of revenue and expenditure of the Trust duly audited by the auditor.

(2) The report, balance sheet and statement shall be laid before the Council of Ministers and may in addition be published in such manner as the Chief Minister may deem fit.

Liability of members, officers and servants of the Trust

33. - No member, officer or servant of the Trust shall be personally liable for any act or default done or omitted to be done in good faith under the provisions of this Ordinance and any sums of money, damages or costs which may be recovered against them or any one of them in respect of any such act or default shall be paid out of the fund of the Trust.

PART III

M U S E U M

34. - The Solomon Islands Museum shall form part of the National Trust and shall be under the direction of the trustees.

35. - The objects of the Museum shall be :

- (a) to serve as the principal Government depository for objects of cultural property, natural history, or artistic, cultural, historical, educational or scientific interest, and to ensure the proper preservation of such objects;
- (b) to develop and display exhibits based on its collections for the education of the people of and visitors to the Solomon Islands;
- (c) to conduct or encourage research related to its collections;
- (d) to make objects available for research and education at scientific and educational institutions in the Solomon Islands and internationally;
- (e) to sponsor programmes of education and cultural appreciation, and
- (f) to undertake such other activities or functions as may be decided by the trustees.

36. - The trustees may establish district or local branches of the Museum at their discretion and may designate other institutions as depositories for museum collections which shall, however, remain the property of the Trust.

37. - The trustees shall establish policies for the aquisition, disposal and loan of museum collections, and such other policies as may be necessary for the proper operation of the museum.

PART IV

CULTURAL PROPERTY

38.- (1) Cultural property or categories of cultural property considered by the Trust to be of national significance shall be listed in Schedule 1, National Cultural Property, to be issued from time to time by the Council of Ministers upon recommendation of the National Trust and published in the Gazette.

(2) No cultural property listed in Schedule 1, National Cultural Property, may be acquired by purchase, gift or exchange by a non-citizen of the Solomon Islands, or may be exported, except in accordance with the regulations and permits established under Section 38 (3).

(3) The Trust shall adopt appropriate regulations, requirements for permits, and procedures for the obtaining thereof, necessary to implement this section.

39.- (1) The National Trust shall establish a Register of Cultural Property, including but not limited to artifacts, historic or traditional sites and buildings.

(2) The Register shall include the following categories of cultural property and sites :

- (a) those of national significance as determined by the National Trust;
- (b) those owned by non-citizens or non-Solomon Island companies or churches;
- (c) those of local or regional significance, when registration is requested by the owner or owners.

(3) Registered objects or sites may not be sold, disposed of, or altered in any way without the written permission of the National Trust. In the event that an owner wishes to sell a registered object or site, the National Trust shall have the first option to purchase said object or site, or to otherwise direct its disposition in the public interest.

40.- Cultural property sold, offered for sale, disposed of or exported contrary to this Ordinance or the regulations subsidiary thereto shall be restored to the original owner or deposited in the Solomon Islands Museum at the discretion of the National Trust.

41.- (1) All commercial dealers in handicrafts including visiting buyers, must be licensed by the National Trust, and shall be subject to inspection by designated officers of the Trust or customs officers.

(2) No commercial exports of handicrafts shall be permitted except through a licensed handicrafts dealer.

(3) All exports of handicrafts shall be subject to inspection by customs.

(4) Objects received for sale by handicraft dealers which might reasonably suspected of being artifacts or national cultural property shall be submitted to the National Trust or its delegated officer for inspection prior to being placed on sale.

(5) The National Trust may adopt such additional regulations as may be necessary to implement this section or otherwise to safeguard the cultural heritage of the Solomon Islands.

PART V

A R C H A E O L O G Y

42.- (1) The National Trust may declare any site suspected of or demonstrated to have archaeological interest to be an Archaeological Site.

(2) Any site so declared shall be protected for one year from the date of declaration, and all disturbance, excavation, exploration or collection of surface objects or materials that might alter the scientific value of the site shall be prohibited without the permission of the National Trust.

(3) Any site of archaeological interest discovered by any person or organization shall be reported within thirty days to the National Trust, and all disturbance of such site within sixty days of the date of its reporting to the National Trust shall be prohibited without the permission of the National Trust.

(4) All disturbance, excavation or collection of surface objects from sites of archaeological interest not reported to the National Trust is prohibited.

(5) Where a site of archaeological interest, whether protected or not, is in the way of and threatened by forestry, agriculture, construction or mining operations, the National Trust may require that the site be properly explored and excavated under its direction prior to the continuation of operations at the site, and may require that the costs of such archaeological explorations and excavations be borne by the person or organization concerned.

43.- (1) Archaeological explorations and excavations shall require a permit from the National Trust.

(2) All objects of archaeological interest on, near or in a site shall be the property of the National Trust in trust for the people of the Solomon Islands.

(3) The loan of such materials to appropriate institutions for the purposes of scholarly study may be permitted by the National Trust :

- (a) for a period of two years in the case of the principal objects or finds; and
- (b) for an indefinite period, or in exchange for other objects of interest, in the case of duplicate or secondary materials.

(4) The National Trust may adopt such regulations, or append such terms and conditions to any permit issued under this section, as may seem necessary to insure the proper care of the site and of objects and information found.

PART VI

NATIONAL PARKS AND RESERVES

44.- It shall be the responsibility of the National Trust to insure that as complete a sample as possible of the ecosystems, habitats, native flora and fauna, and scientific, cultural, archaeological and historic sites of the lands and waters of the Solomon Islands are set aside in appropriate National Parks and Reserves for the benefit of present and future generations.

45.- Parks and reserves may be proclaimed in the following categories or in some combination thereof :

- (a) National Parks, consisting of areas of at least 1000 hectares, open at least in part to public access under controls as determined by the trustees;
- (b) Strict Nature Reserves in which no human disturbance is permitted and all entry is by permit only;
- (c) Managed Nature Reserves which may be modified to insure the protection and preservation of a species, group of species, biotic communities, or physical features of the environment;
- (d) Traditional Reserves where traditional activities and occupations are permitted, but all modern activities as defined by the trustees are prohibited;
- (e) Archaeological Reserves for the protection, excavation, and restoration, as authorized by the trustees, of sites of past human occupation;
- (f) Historical and Cultural Reserves for areas, communities, or structures to be protected or managed for their historical or cultural interest;
- (g) Research Reserves protected from all disturbance other than programmes of scientific research as authorized by the trustees therein.

46.- (1) The National Trust with the approval of the Council of Ministers may at any time by notice in the Gazette declare any land that is public land, land in which the Government holds a freehold interest in land or a leasehold interest in land, land leased by or on behalf of the Government or any coastal waters, to be a national park or reserve.

(2) Upon such land or part thereof ceasing to be such land as aforesaid, that land or that part shall cease to be a national park or reserve.

47.- (1) Where the national significance of an area or the uniqueness of its fauna, flora or archaeological remains so warrant, the National Trust with the approval of the Council of Ministers may declare any land or water area to be a national park or reserve.

Notice, enquiries and compensation

(2) Before declaring any such area to be a national park or reserve the National Trust shall :

- (a) cause to be published in such manner as it may in its discretion consider to be adequate or most effective for the purpose of bringing it to the attention of all persons likely to be thereby affected, notice of the intention so to do;
- (b) cause to be afforded to such persons an opportunity to make representations thereon; and
- (c) cause to be made such enquiries as it may, in its discretion, deem fit for the purpose of ascertaining :
 - (i) what rights exist in that area and to what extent such rights may be expected to be exercised in the absence of a declaration as aforesaid;
 - (ii) the extent to which the exercise of such rights could be permitted without prejudice to the purposes of a national park or reserve;
 - (iii) in respect of the extent to which the exercise of such rights could not be so permitted, what reasonable alternative arrangements could be made or what compensation would be appropriate,

and shall, in respect of such rights which cannot be permitted to be exercised, cause such arrangements as aforesaid to be made or such compensations as aforesaid to be paid, within one month of the making of the declaration under section 47.-(1).

Acquisition of land in national park or reserve

(3) The National Trust may, either by purchase or otherwise, acquire any private land, situated within a national park or reserve if it considers it necessary or desirable in the interest thereof, paying therefore such compensation as may be agreed upon. Failing agreement, the National Trust with the approval of the Council of Ministers may compulsorily acquire such land and in such a case the provisions of Part V of the Lands and Titles Ordinance (which relates to the acquisition of land for public purposes) shall apply and any such acquisition shall be deemed to be an acquisition for public purposes within the meaning of that Ordinance.

Appeal against compensation

48.- (1) Any person not permitted to exercise any of his rights in a national park or reserve who is aggrieved by the amount of the compensation paid or offered or the alternative arrangements made or offered to be made under section 46.-(2), may, within three months of the declaration of the national park or reserve, appeal to a Magistrate's Court, which may make such order as it considers just.

(2) Any person who is aggrieved by the order or decision of a Magistrate's Court under subsection (1) and desires to question it on the ground that it is erroneous in point of law may, within two months of the date of the order or decision, appeal to the High Court.

(3) The High Court may, if satisfied that the order or decision is erroneous in point of law, make such order as it considers just.

(4) The order or decision of the High Court and, subject to the provisions of this section, the order or decision of a Magistrate's Court under this section, shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

49.- (1) Where the owner or owners, or customary leaders responsible for an area so request, and the natural or cultural significance of an area so warrant, the National Trust may declare such an area to be a reserve under this Ordinance under such terms and conditions as may be agreed between the National Trust and the owners.

(2) Any reserve declared under this section shall cease to be a reserve one year after the date of receipt by the National Trust of a request by the owners that the reserve status be terminated.

Declaration of national parks and reserves to be registered

50.- (1) The National Trust shall furnish to the Registrar of Titles every declaration of a ^{National Park or} reserve and every amendment and cancellation thereof, authenticated in such manner as the Registrar may require, and the Registrar shall note in the land register, in such manner as he thinks fit, every such declaration, amendment and cancellation affecting registered land.

(2) Without prejudice to the power of the Registrar of Titles to require further information, a copy of the declaration purporting to have been made under this Ordinance shall be sufficient evidence to support a note in the land register as aforesaid.

(3) The Registrar of Titles shall not be concerned to note any licence or permit issued by the National Trust (or any officer) under this Ordinance in respect of national parks or reserves nor to file in the land registry, nor to furnish certified copies thereof, nor to provide for inspection, any instrument embodying such licence or permit.

Restriction on grant of interests in national parks or reserves

51.- The Commissioner of Lands and Surveys shall not grant any interest or licence in any land comprised in a national park or reserve without the prior written consent of the National Trust, and such restriction shall be noted on the land register and no such grant shall be registered until the consent of the National Trust has been produced to the Registrar of Titles.

Power to grant conservation easements

52.- (1) Where the National Trust has been unable to secure, upon terms it considers to be reasonable, such rights and licences as may be necessary to protect an endangered species, establish national parks or reserves or protect historic sites or cultural property, it may apply to the Council of Ministers for the grant of such easements as may be necessary.

(2) Notwithstanding the provisions of any other law, in particular sections 165 and 221 of the Land and Titles Ordinance, the Council of Ministers may grant any easement over or in respect of any land, upon such terms and conditions including the amount of compensation payable as shall be specified.

PART VII

FAUNA AND FLORA

53.- Any person shall be guilty of an offence against this Ordinance who :

- (a) wilfully kills, injures or takes any wild animal or plant specified in/^{the}Schedule of Protected Animals and Plants (Schedule 3) issued from time to time by the Council of Ministers upon recommendation of the National Trust for the purposes of this section and published in the Gazette;
- (b) takes, removes, injures or destroys any breeding place, nest or egg of any such protected animal or plant;
- (c) exposes for sale or knowingly has in his possession any such protected animal or plant, or any part of such animal or plant killed or taken in the Solomon Islands after the commencement of this Ordinance, or the nest, eggs or seeds of any such animal or plant taken in the Solomon Islands after the commencement of this Ordinance;
- (d) exports or attempts to export the skin, plumage, shell, eggs, flowers, wood or other parts of any such protected animal or plant killed or taken in the Solomon Islands after the commencement of this Ordinance.

54.- (1) Any person who, between the dates both inclusive in any year specified in a Schedule of Close Seasons (Schedule 4) issued for the purposes of this section by the Council of Ministers upon recommendation of the National Trust and published in the Gazette, which period is hereinafter called the Close Season, knowingly kills, wounds or takes any protected animal specified in the said Schedule or take, removes, injures or destroys any nest, egg or young of such animal or knowingly has in his possession or exposes or offers for sale, or purchases, or exports, or attempts to export, any such animal or any part of any such animal killed, wounded, or taken, or the nest, eggs or young of any such animal taken during the close season shall be guilty of an offence.

(2) Where any person is proceeded against for exposing or offering for sale, or having in his possession, or exporting or attempting to export any animal or any part of such animal, the proof that the animal was killed, wounded or taken, or the nest or eggs taken without the Solomon Islands or before the commencement of this Ordinance, or otherwise than during the close season, as the case may be, shall be on such person.

(3) The Council of Ministers upon recommendation of the National Trust may, with regard to any protected animal or plant specified in the Schedule of Close Seasons under section 54.-(1), and with respect to the whole or any particular part of the Solomon Islands, extend or vary, by proclamation, the prohibited time for killing, wounding, taking, exposing, offering for sale, and purchasing of any protected animal, or for taking, removing, injuring or destroying the nest or eggs of any protected animal.

(4) After such proclamation, the penalties imposed by this Ordinance in respect of such protected animal shall in the Solomon Islands or in any part thereof as the case may be, mentioned in such proclamation, apply only to offences committed during the time specified in such proclamation.

55.- Any person who imports into the Solomon Islands an animal or plant or part or product thereof which is protected under the laws of the country of origin and for which an export permit approved by the country of origin has not been obtained, shall be guilty of an offence against this Ordinance.

56.- Notwithstanding anything in this Ordinance, the National Trust may by permit authorize any person, for such time and subject to such conditions as it thinks fit, for scientific or other purposes, to kill, wound or take any protected animal or plant, or to take or remove the nest, eggs or seeds of any protected animal or plant, or to cultivate, breed or raise in captivity any protected animal or plant, or to export or import any protected animal or plant, or to offer for sale any protected animal or plant which has been cultivated or raised in captivity in accordance with a permit issued under this section. The issuance of permits under this section for the commercial exploitation of a protected animal or plant shall only be permitted if such commercial exploitation in no way endangers the survival of any such species or variety of animal or plant or the Solomon Islands population thereof.

PART VIII

R E S E A R C H

57.- Any person not a citizen or resident of the Solomon Islands intending to undertake research in the Solomon Islands, or its surrounding waters other than under the auspices of the Solomon Islands Government or a recognized Solomon Islands research institution, must advise the National Trust of the subject, scope and intent of that research in a manner to be defined by the National Trust in regulations to be issued under this Ordinance. Such regulations may define the subjects or types of research for which research permits may be required and the conditions which must be fulfilled for a research permit to be issued.

58.- Any collections made in the course of such research will remain the property of the National Trust except as otherwise agreed in a research permit issued by the National Trust. The National Trust may loan or exchange objects from such collections, provided that whenever possible a duplicate set is kept in or reserved for the Solomon Islands.

59.- (1) Any person who undertakes research or exports collections in contravention of this Ordinance or of regulations issued pursuant to this Ordinance shall be guilty of an offence and liable to a fine of up to five hundred dollars.

(2) When a person is convicted of an offence against this Ordinance, the Court may order that any equipment used, any collections taken, and any notes, records or sound or photographic materials obtained during such research shall be forfeited to the Government or the National Trust and that any permit held by such person under the provisions of this Ordinance shall be cancelled.

PART IX

MISCELLANEOUS PROVISIONS

Regulations

60.- The National Trust, with the approval of the Council of Ministers may make regulations for the better carrying out of the provisions and purposes of this Ordinance, and without prejudice to the generality of the foregoing power such regulations may :

- (a) prescribe anything required or authorized to be prescribed by this Ordinance;
- (b) impose levies, rates and charges upon visitors to any or all of its properties and provide for the collection and recovery of such levies, rates and charges and for matters incidental thereto and connected therewith;
- (c) prescribe the form to be used for any permit issued under the provisions of this Ordinance;
- (d) prohibit or regulate the hunting of animals near roads or townships;
- (e) control settlements in national parks and reserves with a view to preventing disturbances of the natural fauna and flora;
- (f) exempt any person, organization, facility or enterprise or class or description thereof from all or any of the provisions of this Ordinance.

Offences

61.- In the case of offences involving cultural property or protected animals and plants, a separate offence shall be deemed to have been committed for each object of cultural property and each individual animal or plant or part or product thereof with respect to which an offence is committed.

62.- Any person who receives any cultural property, animal, plant or part or product thereof knowing or having reasonable cause to believe it to have it obtained in contravention to this Ordinance shall be guilty of an offence against this Ordinance.

63.- (1) In the case of an offence against this Ordinance any person may require the offender to give his name, description and place of abode.

(2) If such offender does not truly give his name, description and place of abode, he shall be guilty of an offence in addition to that which he shall have been found committing.

64.- (1) Any person who contravenes or fails to comply with any of the terms and conditions of any permit under this Ordinance shall be guilty of an offence and liable to a fine of five hundred dollars.

(2) Any person who :

(a) obstructs any other person in the due exercise of that other person's rights or licences under any permit granted under this Ordinance; or

(b) obstructs any inspector in the due exercise of his powers under this Ordinance,

shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for three months or to both such fine and such imprisonment.

65.- (1) Any person convicted of an offence against this Ordinance shall be liable to a fine of up to one thousand dollars or to imprisonment for up to six months or to both such fine and such imprisonment, except as otherwise specified in this Ordinance.

(2) When any person is convicted of an offence against this Ordinance, the Court may order that any object involved in the commission of the offence and any cultural property, protected animals or plants, or parts or products thereof, shall be forfeited to the Government or destroyed and that any permit held by such person under the provisions of this Ordinance shall be cancelled.

66.- A complaint for any offence against this Ordinance may be brought before a Magistrate :

(a) in the district in which the offence has been committed; or

(b) in the district in which the offender resides.

67.- The complainant or informer in any proceedings under this Ordinance other than a government officer acting in his official capacity shall receive one half of any penalty imposed on and paid by the offender.

68.- An offence against this Ordinance committed on the sea coast, or at sea beyond the limits of any district, may be inquired of, heard and determined in any district abutting on such sea coast or adjoining sea.

S C H E D U L E S

1. National Cultural Property / Section 37.-(1) /
2. National Parks and Reserves / Sections 46 and 47 /
(Birds sanctuaries established under the Wild Birds
Protection Ordinance should be proclaimed as Nature
Reserves.)
3. Protected Animals and Plants / Section 52 /
(include updated schedule from Wild Birds Protection
Ordinance)
4. Close Seasons / Section 53 /
(include updated schedule from Wild Birds Protection Ordinance)