

Mamara New Capital City Development Phase 1 Environment Impact Statement (EIS)

Chapter 3: Legal, Policy and Institutional Frameworks



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Table of Contents

1. INTRODUCTION	3
2. LEGAL FRAMEWORKS	3
CONSTITUTION OF SOLOMON ISLANDS.....	3
MAMARA TASIVARONGO MAVO DEVELOPMENT AGREEMENT ACT 1997	4
BIOSECURITY ACT 2013	4
ENVIRONMENT ACT 1998 AND ENVIRONMENT REGULATION 2008.....	5
MINES AND MINERALS (AMENDMENT) ACT 2008	6
FISHERIES MANAGEMENT ACT 2015	7
FOREST ACT (AMENDMENTS) 1999.....	8
LABOR ACT 1996.....	9
LANDS AND TITLES ACT (AMENDMENT) 2016.....	10
CUSTOMARY LAND RECORDING ACT	11
PROTECTED AREAS ACT 2010	11
PROVINCIAL GOVERNMENT ACT 1997	12
RIVER WATERS ACT 1964 (1996 EDT)	13
WILDLIFE PROTECTION AND MANAGEMENT (AMENDMENT) ACT 2017	14
ENVIRONMENTAL HEALTH ACT 1980	14
ENVIRONMENTAL HEALTH (PUBLIC HEALTH ACT 1970) REGULATIONS.....	15
SHIPPING ACT 1998	15
MARINE POLLUTION REGULATION 2012	16
PORTS ACT 1990	16
SAFETY AT WORK ACT 1982.....	16
SOLOMON ISLAND WATER AUTHORITY ACT	17
GUADALCANAL HISTORIC PLACES ORDINANCE 1985	17
3. NATIONAL POLICY FRAMEWORKS	18
NATIONAL DEVELOPMENT STRATEGY 2016–2035	18
SI NATIONAL WASTE MANAGEMENT AND POLLUTION CONTROL STRATEGY 2017 – 2026.....	19
NATIONAL TOURISM STRATEGY 2015–2019.....	20
NATIONAL BIODIVERSITY STRATEGIC ACTION PLAN (NBSAP) 2016 -2020	20
NATIONAL ADAPTATION PROGRAMS OF ACTION (NAPA)	20
NATIONAL CLIMATE CHANGE POLICY (NCCP) 2012	20
SOLOMON ISLANDS NATIONAL PLAN OF ACTION (CTI)	21
SOLOMON ISLANDS NATIONAL BIOSAFETY FRAMEWORK.....	21
NATIONAL HEALTH STRATEGIC PLAN 2016-2020	22
NATIONAL WATER RESOURCES AND SANITATION POLICY	22
4. INSTITUTIONAL FRAMEWORKS	22
OFFICE OF THE PRIME MINISTER AND CABINET (OPMC)	22
MINISTRY OF ENVIRONMENT, CLIMATE CHANGE, DISASTE MANAGEMENT AND METEOROLOGY (MECDM)	23
MINISTRY OF COMMERCE, INDUSTRY, LABOUR & IMMIGRATION (MCILI)	23
MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT	23
MINISTRY OF LANDS, HOUSING AND SURVEY	24
MINISTRY OF MINES, ENERGY AND RURAL ELECTRIFICATION (MMERE).....	25

MINISTRY OF NATIONAL PLANNING AND DEVELOPMENT COORDINATION (MNPDC).....	25
MINISTRY OF FINANCE AND TREASURY (MOFT)	25
MINISTRY OF INFRASTRUCTURE AND DEVELOPMENT (MID)	26
MINISTRY OF FISHERIES AND MARINE RESOURCES	27
MINISTRY OF PROVINCIAL GOVERNMENT AND INSTITUTIONAL STRENGTHENING	27
MINISTRY OF CULTURE AND TOURISM.....	27
GUADALCANAL PROVINCIAL GOVERNMENT.....	27
TANDAI HOUSE OF CHIEFS.....	28
5. CIVIL SOCIETY/NGO GROUPS.....	28
6. INTERNATIONAL ENVIRONMENTAL AND SOCIAL TREATIES SIGNED AND RATIFIED BY THE SOLOMON ISLANDS	29

1. INTRODUCTION

This report is a summary of all relevant laws, policies, institutions, and international treaties that applies to any development such as the Mamara new capital city development. New development usually involves considerable modification of the natural landscape and environment. It will also have considerable social and economic impacts that that can be both negative and positive for project affected communities.

As part of the Environment Impacts Statement (EIS) for the Mamara new capital city development phase 1, relevant legislations, policies and institutions have been identified and summarized in this section.

This report provides an overview of the relevant legislations, policies, and institutions and their relevance to the proposed development. The legislations that regulates the EIS formulation of this report is the Environment Act 1998 whilst the Mamara Tasivarongo Mavo Development is regulated under the Mamara Tasivarongo Mavo Development Agreement 1997.

It is important to stress on the outset that this development differs from many known large developments in Solomon Islands. It has its own legislative framework that exempt it from requirements of the Town and Country Planning Act and related schemes. The legislation established a development council that has members representing only SIG and Metropolis Mamara Development Ltd (Developer) members. The council governs and approves all development that occurs in the land. The Act does not provide for project affected communities or customary landowner's representation.

This report provides the description of each legislations and policies and does not constitute any legal interpretation of the said laws or policies.

2. LEGAL FRAMEWORKS

CONSTITUTION OF SOLOMON ISLANDS

The preamble of the Constitution declares that the natural resources of Solomon Islands are vested in the people and government of the Solomon Islands.¹ This declaration is significant in that it adopts the common law concept where the State owns the natural resources, in particular for example mineral resources, and the perception that natural resources, including water resources are owned by the people. The basic idea is that the natural resources of Solomon Islands (water included) are owned by customary landowners and the Government. Therefore, the customary landowners possess the property rights over their natural resources and accessing that will require their consent.

¹ Constitution of Solomon Islands

The right of customary landowners' over their land is recognized in the Constitution of Solomon Islands.² The extent of this recognition and protection is argued to be comparable only to that formally given to private property under any Common Law system of land ownership.³ The concession to the special status of customary tenure is that the alienation or acquisition should be for as short a time as possible to achieve the public purpose being sought.⁴ The access to water resources also means access to land in which the resources is being sought, in the case of the access to Mamara river and more sourcing it for development purposes and/or bottling will require further legal consultation and interpretation. This will require two possibilities of processes to acquire the land/river. First compulsory land acquisition, which is often used for purposes of national interest, and land acquisition through a land acquisition officer. The option to be taken will require vigorous consultations in respect of the rights given to customary owners under the Solomon Islands Constitution.

MAMARA TASIVARONGO MAVO DEVELOPMENT AGREEMENT ACT 1997

This is an agreement between the Solomon Islands Government represented by the Minister of Finance, the Commissioner of Lands and Metropolis Pacific PTE Ltd a company registered in Singapore. The agreement provides for the Commissioner of Land (PE holder) to lease over 1500 hectares of land to Metropolis Pacific PTE Ltd (FTE) for 75 years from 1995. This is with the objective of the developer attracting investment for the development of the land.

The agreement as stipulated by the Act is governed by the Mamara- Tasivarongo Mavo Development Council that has seven members as follows;

1. Minister of Finance (SIG)
2. Minister of Commerce (SIG)
3. Minister for Provincial Government (SIG)
4. Premier of Guadalcanal Province
5. Metropolis Mamara Development Ltd rep 1
6. Metropolis Mamara Development Ltd rep 2
7. Metropolis Mamara Development Ltd rep 3

The council is responsible for approval of major development with the area and has responsibility to ensure that it is in the interest of the country.

The Agreement also provides for the development to generate its own energy and all utilities and can operate as an independent entity under the management of the council.

BIOSECURITY ACT 2013

This Act is enacted to prevent the entry of animal and plant pests and diseases into Solomon Islands; to control their establishment and spread in Solomon Islands; to regulate the movement of animal and plant pests and diseases of animals and plants and their products; to facilitate international co-operation in respect of animal and plant diseases and related matters.

² Ibid s112.

³ Ibid.

⁴ Ibid.

This Act provides for biosecurity measures in relation with importation and exportation of animals and plants and related materials conducted by persons present in the Solomon Islands. The Act also provides with respect to administration of biosecurity control and deals with biosecurity emergencies. The Act shall apply to any "regulated article": (a) any animal or animal product; (b) any plant or plant product; (c) any living organism, whether modified or not; (d) soil, sand gravel and aggregate; (e) any genetic material; (f) human remains; (g) any host material; (h) a regulated pest or disease; (i) any clothing, machinery or other article that contains or has adhering to it anything mentioned in paragraph (a), (b), (c) or (d); j) garbage; (k) any other article, substance, goods or thing declared by the Minister by order under subsection (2) to be a regulated article for the purposes of this Act.

The Minister (not defined) may, on the advice of the Director of Biosecurity, declare, by Order in the Gazette, any article, substance, goods, or thing to be a regulated article for the purposes of this Act. The Minister shall be responsible for the overall administration of this Act. The Act establishes the positions of: (a) the Director of Biosecurity; (b) the Deputy Director of Biosecurity; (c) biosecurity officers and define duties and powers of such public officers. The Act concerns, among other things; biosecurity border control; biosecurity import and export procedures (including quarantine and issue of sanitary and phytosanitary certificates) and biosecurity internal control. The Act defines offences and penalties. The Director must maintain a biosecurity register and other records needed for the administration of this Act and the performance of the biosecurity functions of the Government. As for biosecurity emergencies, the Minister may declare them in respect of the whole of or that part of Solomon Islands on the advice of the Director.

ENVIRONMENT ACT 1998 AND ENVIRONMENT REGULATION 2008

The *Environment Act 1998* was passed by parliament in October 1998 and came into force (gazette) on the 1st of September 2003.⁵ Its introduction is to provide a regulatory mechanism to address adverse environment impacts of major economic development projects in the country.

The Act emphasizes upon environmental management and protection, even at the expense of the development project.⁶ The Act tries to address this through the application of environmental impact assessment (EIA) in order to include environmental considerations as a component of the project.⁷ The Act requires that an EIA should be carried out in the project planning stage prior to implementation.⁸ As a planning and management tool, EIA is very important for decision making processes.⁹

Any large-scale development pursuant to the Environment Act is a 'prescribed development'.¹⁰ 'Development consent' is required by the developer from the Environment and Conservation Division in order for operations to begin. The development consent is the permit given by the Director of the Environment and Conservation Division after a developer submits an EIS report and is approved. In the context of the Mamara Development, once the EIS is submitted and approved by the Director a development consent will then be issued for the development to occur. In 2008, the Environment and Conservation Division then developed the Environment regulations 2008 which outlines a set of criteria and specific guideline for the development of an EIS and a Public Environment Report (PER).

⁵ *The Environment Act 1998* (Solomon Islands)

⁶ *ibid*

⁷ *ibid*

⁸ *ibid*

⁹ *ibid*

¹⁰ *Ibid* annex 1

The Mamara Development Project is a prescribed development under schedule 2 (section 16) of the *Environment Act 1998* and therefore required the formulation of an Environment Impact Statement through the Environment and Social Impact Assessment Process.¹¹ The EIS is required where a very large-scale development will be undertaken such as the Mamara Development.

The scope of the Environment Act and Environment Regulations encompasses a number of processes, procedures, and the establishment of an institution to regulate them. The following are the key components of the legislation:

- It provides the guiding principles and definition for environment management.¹²
- Establish the Environment and Conservation as a key institution responsible for managing environmental issues in the country.¹³
- Sets out the procedures for undertaking and approval of Environment and Social Impact Assessments.¹⁴
- Develop requirements for robust stakeholder engagement process through public consultation as part of assessment and in the decision-making process.¹⁵
- Requires the formulation of appropriate environment and social safeguards as part of the environment and social impact assessment process (section 31)
- Environment monitoring of the development (section 31)
- Establish the Environment Advisory Committee as the appeal body where the developer or any person may within 30 days of the publication of the Director's decision, appeal against the Director's decision concerning the issuing of development consent.¹⁶

MINES AND MINERALS (AMENDMENT) ACT 2008

The Mines and Minerals (Amendment) Act 2008 provides the statutory framework for the mining sector. Section 2 states that no mining operations shall take place except in accordance with its provisions. Mining is defined as intentionally extracting any mineral which is itself defined as any substance found naturally in the earth except petroleum.¹⁷ Several types of permits may be granted by the Minister responsible for mines and minerals: reconnaissance permits, prospecting licenses, mining leases, alluvial mining, gold dealing and building materials permits.¹⁸

The section of the Act most relevant to the Project is for material extraction from the site to be used as building material for the Project construction. Part VIII of the Act states that a permit is required for extraction of building materials.¹⁹ Only the holder of such a permit may undertake mining or quarrying to obtain building materials. The Mines and Minerals (Amendment) Act 2008 defines building materials as "clay, gravel, sand and stone used for buildings, roads or other construction purposes"²⁰.

¹¹ ibid sec 16

¹² ibid sec 3

¹³ Ibid sec 5-7

¹⁴ Ibid 15-23

¹⁵ Ibid sec24

¹⁶ Ibid sec 13

¹⁷ Mines and Minerals Act 1996

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.s 3.

The building materials permit is not transferable, and for customary land royalties must be paid at the prescribed rate per cubic meter for all building materials extracted. However, similar to many of the laws in the Solomon Islands the Minister under Section 69 of the Act can make an exemption to the building materials permit: "building materials for building or road construction for the personal use of the landowner or occupier, or for sale not exceeding a prescribed amount, may be mined without a building materials permit".²¹ The extraction of materials for the Mamara development will require seeking an appropriate permit from the Ministry of mines for quarry development to occur. However, the Minister of mines has powers to make exemption where a national project such as the Mamara project.

FISHERIES MANAGEMENT ACT 2015

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

It shall ensure the long-term management, conservation, development and sustainable use of Solomon Islands fisheries and marine ecosystems for the benefit of the people of Solomon Islands. Unless otherwise specified under this Act, or by a Fisheries Management Plan adopted under this Act, this Act does not apply to or in relation to non-commercial fishing including customary fishing. All functions, duties and responsibilities under this Act shall be exercised in a manner consistent with specified principles including the precautionary approach which shall be applied to the management and development of the fisheries at a standard that is equal or superior to the standard set out in Article 6 and Annex II of the UN Fish Stocks Agreement. Customary rights shall be recognised and access for customary fishing ensured.

The Minister shall be the principle Authority for purposes of this Act. He or she shall be responsible for preparing Fisheries and Marine Resources Management and Development Policy or Strategy for consideration and endorsement by Cabinet. The Minister may delegate functions, powers, and duties to the Permanent Secretary responsible for Fisheries and the Director of Fisheries appointed under this Act. The Act establishes a Fisheries Advisory Council, a Fisheries Appeals Committee, a Fisheries Licensing Committee and a Fisheries Management and Development Fund. Subject to this Act, each Provincial Government shall have primary responsibility for management and conservation and sustainable use of fisheries resources within its provincial waters. The Director may cause to be prepared Fisheries Management Plans at national, provincial and community levels for any fishery in the fisheries waters and shall undertake consultations set out in the Second Schedule.

²¹ Ibid s 69.

The Minister may declare a national Marine Protected Area or national Marine Managed Area by Order in the Gazette. The Director may appoint a management committee responsible for the management of each declared area. An agreement of the relevant Provincial Executive and community rights holders on behalf of the communities shall be required in case a plan involves more provinces or customary rights. Other provisions of this Act concern, among other things: prohibited activities regarding fishing and trade in fish products; regulation and development of aquaculture and maricultural protection of endangered species; pollution of fish waters; access for foreign fishing vessels and agreements to that purpose; licensing; buying, selling, storage and processing of fish and fish products for export; transshipment and bunkering of fish; requirements for fish and fish products processing and storage facilities; monitoring, control and surveillance; (denial of) use of ports; vessel monitoring systems.

FOREST ACT (AMENDMENTS) 1999

An Act to provide for the sustainable harvesting and management of the forest resources of the Solomon Islands and to repeal the Forest Resources and Timber Utilisation Act and for other matters that are incidental and consequential.

The declared (sect. 3) objects of the Act are: ensuring effective and ecologically sustainable management of forest resources; promotion of a sustainable commercial timber industry, and; protection and conservation of forest resources, habitats and ecosystems including the maintenance of ecological processes and genetic diversity. The administration of matters affecting forests is entrusted to the Commissioner of Forests appointed under section 6 and the Minister who shall be advised by the Solomon Forestry Board established under section 5. The Commissioner shall prepare and supervise the carrying into effect of the national timber industry policy and a national forest resource management strategy (sect. 7). The contents of the policy are outlined in section 12, the contents of the strategy in section 14. A code of practice for timber harvesting and forest management shall be adopted by the Minister in accordance with section 16. The Commissioner may, in accordance with section 20, determine the potential forest uses for an area of forest. Part IV of the Act makes provision for the control of forestry activities such as timber harvesting, contractor arrangements, land clearing, timber processing, timber marketing and exportation of timber. Part V provides in detail for matters regarding "forest access" (defined in section 2), such as the recognition of customary forest access rights and the negotiation of forest access rights. It restricts the transfer, etc. of forest access rights in relation to unregistered customary land in the sense of the Land and Titles Act (cap. 133). A Statement of customary ownership may be lodged by owners of unregistered land under sections 71 to 76. Section deals with disputes in relation to such statements.

The Commissioner shall invite customary owners to determine the potential forest uses on their land (sect. 79 and following). The form of a forest agreement, which requires consent by provincial authorities, is outlined in section 83. Part VI make provision with respect to State forests. The Minister may declare land in which the Commissioner holds a freehold or leasehold interest, to be a State forest. The Minister may, for purposes of water conservation, declare any rainfall catchment area to be a forest reserve under section 91 (Part VII: Forest Reserves). Part VIII grants power of enforcement to the Commissioner and to forest inspectors who shall be appointed by the Minister under section 96, whereas Part IX ("Miscellaneous Provisions") grants regulation making powers to the Minister and protects officials against proceedings for acts done in good faith. (122 sections completed by one Schedule)

LABOR ACT 1996

The Labor Act 1996 makes provisions for the protection of the workers and their rights during employment. It establishes the office of the commissioner of labor to address all labor related issues. The legislation broadly covers the roles and powers of the office, identifies the commissioner as the administrative body, outline specific guidance on wages and hours of work and minimum wages for all workers in the country.²² The minimum is set by the Minister of commerce from time to time, however minimum amount of time for work and overtime is clearly stated in the law as follows :

- (a) the normal weekly hours of any worker shall not exceed forty-five hours;
- (b) the normal daily hours of work of any worker in an industrial or agricultural undertaking shall not exceed nine hours;
- (c) a worker whose hours of work exceed six hours daily shall be given a break of at least thirty minutes arranged so that the worker does not work continuously for more than five hours;
- (d) hours of work and breaks from work shall be so arranged as not to require the worker's presence at the place of work for more than twelve hours daily;
- (e) a worker shall be given a weekly rest of at least twenty-four continuous hours, which shall, where practicable, include Sundays or other customary rest days; and
- (f) no worker shall be required to work on a gazette public holiday or on more than six days in one week, unless such worker is employed in a service to which the Essential Services Act applies or in an occupation in which work on public holidays or customary rest days is expressly provided for in his contract of service.

It also made provision in the manner in which contracts for employment are made for both nationals and foreign workers. Part VI of the Act provide guidance on the treatment of women and their rights on conditions of employment, maternity leave and their protection from working during unusual hours.²³ Section 39 prohibits women from working at night, with night being defined as the period between 7 o'clock in the evening and 6 o'clock the next morning.²⁴

Part VII focus on the employment of child and young person to ensure that child labor is restricted. Section 46 states that "No child under the age of twelve years shall be employed in any capacity whatsoever"; Section 47 further state that "A person under the age of fifteen shall not be employed or work" - (a) in any industrial undertaking, or in any branch thereof, except in employment approved by the Minister; or (b) on any ship:

Part IX outlines the basic conditions for the general care of workers by any employer.²⁵ The Minister under the Act can make special exceptions on the provision of the act on the condition that it does not contravene the purpose and objective of the Act and does not result in abuse or the infringement of the individual workers' rights.²⁶

²² Labor Act 1996

²³ Ibid s 40

²⁴ Ibid.

²⁵ ibd

²⁶ ibid

The employment of foreign (to Solomon Islands) employees on the Project will be subjected to the requirements of the Immigration Act 1987.²⁷ All entrants who wish to reside and work in the Solomon Islands must have two distinct authorizations; a valid permit that allows them to enter and reside in the Solomon Islands and a work permit that authorizes the holder to undertake employment or business in the Solomon Islands.²⁸ The permit to enter and reside in the Solomon Islands is issued by the Ministry of Immigration and is valid for two years.²⁹ At the end of the two year period it can be renewed or extended by applying to the Director of Immigration two months prior to the expiry of the existing permits.³⁰ The work permit is issued by the Commissioner of Labour as set out in the Labour Act Part V Section 37.³¹ Anyone wishing to work or operate a business while residing in the in the Solomon Islands must submit an application to the Commissioner of Labour.³² Foreign nationals currently working in the Solomon Islands often enter the country on a visitor's permit or a 92B (business) permit and apply for a work permit after they have commenced work.³³ The practice is to avoid long delays in the process of getting work permits.

The provisions of both the labor act and the immigration act will be important during the construction phase if foreign workers are to be engaged.

LANDS AND TITLES ACT (AMENDMENT) 2016

An Act to amend the Land and Titles Act (cap. 133) to provide a right to resume certain fixed term estates.

This Act amends the Land and Titles Act by inserting a new section (142A), which makes provision with respect to resumption of fixed-term estates created under section 100 of the principal Act. The Land Board may resume all or part of the estate to use the relevant land for public purposes by: (a) giving the owner of the estate 6 months written notice of the resumption; and (b) paying the owner reasonable compensation for the resumption. The section sets out the consideration for determining the amount of reasonable compensation.

The issue of land is the most challenging in the modern development of Solomon Islands. This is due to the fact that landownership is related to customary practices and communal ownership of land and resources. Land ownership is attributed to tribes, clans, and families rather than an individual. Land include vast majority of land, including forests, lagoons, and reefs and that the clan or tribe, the chiefs or family heads decide over the deployment and use of the land for the benefit of the clan or community at large. No person other than a Solomon Islander may hold or enjoy any interest of whatever nature over, or affecting, customary land. A Solomon Islander is defined under the Land and Titles Act as a person born in the Solomon Islands who has two grandparents who were members of a group, tribe, or line indigenous to the Solomon Islands. An exception is made to this rule - s.241 (2), for a person, not being a Solomon Islander, who:

²⁷ *Immigration Act 1987*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ above n 25

³² *Ibid.*

³³ *Ibid.*

- is or has been married, whether according to current customary usage or otherwise, to a Solomon Islander and who according to current customary usage becomes entitled to acquire or enjoy the interest in question in right of his being or having been so married; or
- acquires or becomes entitled to enjoy such interest by inheritance according to current customary usage.

The Lands and Titles Act provided two alternative mechanisms by which land can be acquired. Under Part V of the Lands and Titles Act, voluntary acquisition under Division 1 or compulsory acquisition under Division 2.

CUSTOMARY LAND RECORDING ACT

The Customary Land Recording Act provides that the decision to apply for registration belongs to customary land holding group. Boundary disputes are to be settled by negotiation and in case no agreement or settlement is reached, the final and conclusive decision belongs to the traditional chiefs and no longer to the members of the Government. However, the determination of the chiefs is still subject to judicial review by the High Court and, on appeal, by the Court of Appeal. This Act is much more based on negotiation with customary land holding groups.

One of the strengths of the Act is that it differentiates between primary and secondary rights. By contrast, a weakness is that it does not explain how a commercial investor can deal with landowning groups once they are recorded under the Act. In practice, the Customary Land Recording Act has been applied only very rarely since 1994, and the provisions of the Lands and Titles Act regarding the registration process, remains in effect. Therefore, the project as discussed will require the land registration process under the Lands and Titles Act rather than this particular law. As earlier stated, the House of Chiefs is yet to be formally recognised and therefore whilst informal process of recording can occur, formal recording will be done under the Lands and Titles Act.

PROTECTED AREAS ACT 2010

The Protected Areas Act 2010 is developed with the objective of establishing protected areas to conserve biological diversity.³⁴ To achieve these, the Act provided for the establishment of a Protected Areas Advisory Committee (PAAC) and made provisions for declaration of protected areas by the Minister of Environment from the advice of the Director of Environment.³⁵ As a means to finance biodiversity protection, the Act established a protected area trust fund to be also managed by the PAAC.³⁶

³⁴ *The Protected Areas Act 2010* (Solomon Islands) s 3 objectives are;

establish a system of protected areas where special measures need to be taken to conserve biological diversity, develop guidelines for selection, establishment and management of protected areas, regulate and management biological resources important for the conservation of biological diversity within or outside protected areas, promote the protection of ecosystems, natural habitats and maintenance of viable population for species in natural surroundings, promote environmentally sound and sustainable development in areas adjacent to protected areas and rehabilitate and restore degraded ecosystems and promote the recovery of threatened species through development for management plans and strategies.

³⁵ *Ibid* s 4-9 s 10-12.

³⁶ *ibid* s 13-15.

In order for an area to become a protected area (PA), a community or organization will prepare an application to the Director of Environment for their site to be declared as a protected area. The application will need to include a PA management plan and scientific studies to show that the areas is of significance to biological diversity and to the community in terms of natural resources. The application will also include estimated budget for the PA and evidence of agreement by all customary landowners, map showing the boundary and size of the site. The director upon receiving the application will review the application and make recommendation to the Minister if the application have merits and should declared a PA. The basic requirements for considerations by the minister include:

- (a) the conservation objectives of the protected area are identified and are in accordance with sound conservation practices;
- (b) the boundaries of the area are accurately identified, or otherwise demarcated and surveyed;
- (c) the consent and approval are obtained from persons having rights or interests in the area;
- (d) an appropriate conservation, protection or management plan is developed for the area to ensure that the conservation objectives of the protected area will be achieved.

The Act then focused on the regulating research of biological diversity and bio-prospecting prohibiting biodiversity research unless a permit is issued by PAAC.³⁷

The PAAC assumes many powers under this Act. It consists of the chair, a deputy chair, four NGOs representative, four others appointed by Minister of Environment and a secretary.³⁸ The Act explicitly states their functions and their powers.³⁹ These include appointing management committee for protected areas, oversee the use of the protected area fund, provide technical support for protected areas management and approval of biodiversity research permits.⁴⁰ Although there is a provision for public officers or any person appointed by Minister of Environment to enforce the act as inspectors, the powers of the inspectors are also subject to directions issued by the PAAC.⁴¹ Since its inception, the firs site to be declared a protected area is the Arnavon Community Marine Park. The PAAC which has the responsibility of overseeing its implementation have not been formally appointed.

PROVINCIAL GOVERNMENT ACT 1997

The Provincial legislative authority derives from a combination of this Act and the accompanying Devolution Orders. The Devolution Orders enable each province to make legislative power over a range of matters of direct relevance to natural resource management and environment.

Power for making ordinances over wildlife and marine resources is also devolved under the Provincial Government Act 1997. "Provincial legislative authority derives from a combination of the Provincial Government Act 1997 (PGA) and the accompanying devolution orders (PGAs33). Regulatory or executive powers are derived from valid provincial ordinances or may be delegated to the province under national statutes, devolution orders, or by negotiation between the province and responsible national authority (s31(1)).

³⁷ ibid s16-18.

³⁸ ibid s 4.

³⁹ ibid s 5 6.

⁴⁰ ibid.

⁴¹ Ibid s 20.

The Devolution Orders made in respect of each province give them legislative competence over a range of matters of direct relevance to natural resource management."

The Provincial Government Act 1997 Schedule 3 provides a list of activities for which the provinces have responsibility and have the power to pass ordinances;

- Trade and Industry - Local licensing of professions, trades and businesses, local marketing.
- Cultural and Environment Matters - Protection of wild creatures, coastal and lagoon shipping,
- Agriculture and Fishing - Protection, improvement and maintenance of fresh-water and reef fisheries.
- Land and Land Use - Codification and amendment of existing customary law about land. Registration of customary rights in respect of land including customary fishing rights. Physical planning except within a local planning area
- Local Matters - Waste disposal
- Rivers and Water - Control and use of river waters, pollution of water,
- Corporate or Statutory Bodies - Establishment of corporate or statutory bodies for provincial services including economic activity. (Provincial services include "Conservation of the Environment" and "Fishing").

The Guadalcanal Province Wildlife Management Area Ordinance 1990 (GPWMAO) applies for the protection of wildlife. This ordinance applies to Mamara Development to ensure that wildlife impacts are understood. The EIS will study freshwater wildlife and biodiversity recommend mitigation measures that will sufficiently address the requirements of this ordinance. It also states that Management area may be established where the Guadalcanal Provincial Executive decides that an area requires management to protect, maintain, improve, or propagate any species that the area uses as habitat.

RIVER WATERS ACT 1964 (1996 EDT)

The objectives of the Act are to provide for the control of river waters and for the equitable and beneficial use thereof. The Act, however, only applies to rivers that are specifically designated. The Act devolves all ministerial functions to be exercised by the relevant provincial ministers.⁴² The inspector's power however remains with the national (central) Government inspectors. The River Waters Act 1964 clearly stated that it is an offence to interfere with a river except in accordance with the terms and conditions of a permit.⁴³

A permit may be granted for the following operations on a river:

- "by means of a ditch, drain, channel, pipe, or any other means whatsoever, diverts any water from a river;
- fells any tree so that it falls into a river or riverbed;
- in any manner obstructs or interferes with a river or riverbed;
- builds any bridge, jetty or landing stage over or beside any river;
- damages or interferes with the banks of any river; or
- contravenes any order made under section 4 of this Act".⁴⁴ This means that a permit cannot be issued where a river is declared by order as being protected by the minister.

The legislation is applicable to the following rivers Mamara River, White River, Mataniko River, Lungga River, Ngalibiu River and Mbalasuna River.

⁴² *Rivers and Water Act*

⁴³ *Ibid.* s 5

⁴⁴ *Ibid.*

The process for applying for a permit is by submitting details of the proposed construction and diversion that will occur including maps of the location in which construction will occur. The conditions for issuing of permit include the studies of the current use of the rivers and the potential impact of the river. Section 7 (2) states that “In granting any permit under this section the Minister shall have regard to the existing use of water and shall safeguard such existing use of water as far as appears to him to be practicable and consistent with the provisions and purposes of this Act”.

A practical application which will be undertaken in this instance for the Mamara Development is to submit the EIS and proposed development plan for a permit to be issued. The law does not provide for timeframe for the permit to be issued.

WILDLIFE PROTECTION AND MANAGEMENT (AMENDMENT) ACT 2017

The preamble to The Wildlife Protection and Management Act 1998 states that it is "An act to provide for the protection, conservation and management of wildlife in Solomon Islands by regulating the export and import of certain animals and plants; to comply with the obligations imposed upon Solomon Islands under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and for other matters connected therewith or incidental thereto".⁴⁵

The object of the Act is to regulate the international trade in the country’s wildlife resources including birds, reptiles, amphibians, mammals, insects, plants, and marine organisms. In order for anyone to be involved in the wildlife trade that individual or organization needs to have an “approved management programme” and have its name entered into a specific “register”.⁴⁶ In regulating the export or import of plant or animal specimen, the Act prohibits any export or import of plant or animal specimen without the relevant permit. The procedure for application for a permit is set out in the Act. The export of live animals from Solomon Islands is also dealt with in the Act and a separate permit is required. The Director has the discretion to permit the export or import of specimen that is prohibited under the Act in exceptional circumstances.

The legislation also has a list of protected species that will require attention if they or their habitat are at risk. These species are identified by the flora and fauna baseline sections.

ENVIRONMENTAL HEALTH ACT 1980

The Minister of Health is responsible for the administration of the environmental health services. The Minister may delegate this administration to the Provincial Government and the Honiara City Council that are designated as Enforcement Authority. There is provision in the Act that if the Enforcement Authorities do not perform their duties under the Act, then the Minister can arrange to have their functions carried out by others, and require the Enforcement Authority to reimburse the Ministry for the cost of doing so. The Enforcement Authority is given power to make its own by-laws under the Act to facilitate the efficient operation of environmental health services. The Enforcement Authority is required by the Act to carry out a program of health education and publicity in accordance with directions given by the Minister.

⁴⁵The Wildlife Protection and Management Act 1998 (Solomon Islands)

⁴⁶Ibid

ENVIRONMENTAL HEALTH (PUBLIC HEALTH ACT 1970) REGULATIONS

The Public Health Act, (No 2 of 1970) was repealed under this regulation. It was contemplated that a new Public Health would be enacted, however this did not happen, resulting in saving some parts of the Act. These regulations consist of Parts III to XII and section 2 of the repealed Act.⁴⁷ These regulations deal with public health issues and how to deal with them when they occur. The regulations empowers the Minister and the Under Secretary of the Ministry of Health and Medical Services to take specific measures to prevent the occurrence of a public health disease or where such disease had already occurred, to take measures to contain and prevent the spread of the disease. The Minister establishes “local authorities” which are the Executive of the Honiara City Council and the Executive of the Provincial Assemblies, plus any others, which can include Area Councils.

The Minister also establishes public health areas. Any such areas can be exempted from some or all the provisions of the regulations. The duty of every local authority is:

“ to take all lawful, necessary, and, under its special circumstances, reasonably practicable measures for preventing the occurrence or dealing with any outbreak or prevalence of any infectious, communicable or preventable disease, to safeguard and promote the public health and to exercise the powers and perform the duties in respect of the regulations...”⁴⁸

The Guadalcanal provincial health authorities have a duty to take necessary and reasonably practicable measures to enforce the law and request that at all time the Project site be in a clean and sanitary condition. When a local authority or health inspector becomes aware of a nuisance (pollution into environment from business activity or development), a notice to remove the nuisance must be served. There is a set procedure where the owner or person causing the nuisance fails to comply with the notice, the local authority or the health inspector shall cause a complaint relating to such nuisance to be made before a court. The court may by summons require that person to appear before it. The regulations spell out the actions that the court may take including the imposing of penalties and fines on the person that fails to comply with any order of the court. The regulations also deal with offensive trades (offensive trades are defined in the Second schedule of the regulations). It is an offence for any person to carry on any offensive trade (business activity that results in pollution into the environment) on any premises without the written consent of the local authority and the Health Director.

SHIPPING ACT 1998

The Shipping Act 1998 was purposed for protecting (ensuring safety and health) the shipping industry. The Act gives effect to the International Maritime Organization (IMO) to manage risk, dangers and cleanliness in the marine environment.⁴⁹ Part IV mentions the responsibility to respect the safety of all equipment, off and on load the vessel including human beings which applies to safe disposal of wastes (pollutants) to the ocean causing dangers/hazardous to the marine environment and habitat.⁵⁰

⁴⁷ Environment Health Regulations

⁴⁸ Ibid.

⁴⁹ Solomon Islands Shipping Act 1998

⁵⁰ Ibid.

MARINE POLLUTION REGULATION 2012

This was amended to the Shipping Act, which has special emphasis on pollution of the marine environment.⁵¹ The regulation also has provisions and links Solomon Islands rectifying the IMO stands for safety and security of shipping and prevention of marine pollution by ships and MARPOL.⁵² Under this Regulation, no pollution and or harmful substances are to be discharged from vessels, platform or land into the Solomon Islands waters or from a Solomon Islands vessel into any waters.⁵³ If a person contravene with the provisions and standards, the person is liable/guilty to pay fine or serve imprisonment.⁵⁴ The enforcement also includes meeting the immediate cost of restoration, rehabilitation and cleaning up within a set timeframe.⁵⁵

The regulation also prohibits the discharge of ballast water that contains non-indigenous aquatic organisms (invasive organisms) or microorganism (pathogens) being discharged in the Solomon Islands waters.⁵⁶ If any substance harmful and hazardous wastes to the human health or the marine environment is discharged by a vessel, the person in command of the vessel must report to the Principle Surveyor (an officer appointed under the Act).⁵⁷ This is also applicable to MPAs or Local Marine Management Area (taboo areas) declared under the Protected Acts 2010.⁵⁸ The Director of Marine and the Permanent Secretary responsible for Disaster Management had to be informed of any discharge.⁵⁹

PORTS ACT 1990

Section VI of the Act makes provision for discharge of waste, etc. into and other pollution of port.⁶⁰ It states that no person shall cause, suffer or permit any refuse, gas, petroleum oil, bilge water, ballast water or other offensive substance whatsoever its nature to be discharged, pumped or cast into or onto any waters or land within the limits of a port without the prior written permission of the SI Ports Authority.⁶¹

SAFETY AT WORK ACT 1982

The legislation codifies the duties of employers to their employees and others responsible in ensuring the safety of workers in various work environments in particular safety of workers in

⁵¹ *Solomon Islands Shipping (Marine Pollution) Regulation 2011*

⁵² *ibid.*

⁵³ *ibid.*

⁵⁴ *ibid.*

⁵⁵ *ibid.*

⁵⁶ *ibid.*

⁵⁷ *ibid.*

⁵⁸ *ibid.*

⁵⁹ *ibid.*

⁶⁰ *Solomon Islands Ports Act 1990*

⁶¹ *ibid.*

dangerous and risky conditions.⁶² Part III of the legislation stipulates very specific duties relating to work environment that is dusty, have fumes, pressures and vacuum systems, machinery, electrical installations, fires and explosions, and other hazardous work environment.⁶³ Part IV provides for the regulation of these conditions and powers given to the commissioner of labor to regulate working conditions, investigate offences and prosecution where there is breach.⁶⁴ Schedule I, II III and IV of the legislation provide for the duties of employers in terms of safety and outlines the expected standards that should be adhered to,⁶⁵

The legislation has a number of subsidiary legislations focusing on very specific areas as follows;

- Code of practice for timber scaffolding⁶⁶
- Code of practice for flammable and combustible liquids⁶⁷
- Safety at work first aid provision regulations⁶⁸
- Safety at work pesticide regulations⁶⁹

The pesticide regulations provide guidance on the use, sale, and distribution of pesticide in the country.⁷⁰ It establishes the pesticide registration committee to regulate use of pesticides in the country.⁷¹

SOLOMON ISLAND WATER AUTHORITY ACT

Clearly spells out the responsibility of SIWA now known as Solomon Water to manage waste discharge from sewage, trade, and industrial wastes.⁷² Solomon water also has policy advice and formulation role in relation to pollution and wastes.⁷³

GUADALCANAL HISTORIC PLACES ORDINANCE 1985

This Ordinance allows for protection of heritage sites. A heritage place can be declared protected by resolution by the Provincial Assembly. Consent of the representative of landowners is necessary. Prior to an activity, any developer has to undertake a site survey to identify and locate sites of historical, cultural, and archeological significance.

⁶² *Solomon Islands Safety at work Act 1982*

⁶³ *ibid.*

⁶⁴ *ibid*

⁶⁵ *ibid*

⁶⁶ *ibid*

⁶⁷ *ibid*

⁶⁸ *ibid*

⁶⁹ *ibid*

⁷⁰ *ibid*

⁷¹ *ibid*

⁷² *Solomon Islands Solomon Island Water Authority Act*

⁷³ *ibid.*

3. NATIONAL POLICY FRAMEWORKS

Democratic Coalition for Change Advancement (DCGA) Policy

The DCGA vision to empower all Solomon Islanders to attain a meaningful quality of life through social and economic reforms supported by stable and ethical leadership. The Democratic Coalition Government for Advancement (DCGA) will advance the progressive development of policies and programs to create a God fearing, peaceful, united and progressive Solomon Islands, led by ethical, accountable, respected and credible leadership that enhances and protects Solomon Island's peoples' spiritual, cultural, social and economic wellbeing. In furtherance and fundamental to this mission the DCGA, will focus its efforts over the next 4 years on the core objective of delivering the priority policies outlined in this policy statement. Its major economic and finance sector policy priorities include;

- a) Facilitate broad based growth and a resilient economy through sound macroeconomic policies.
- b) Create a conducive environment to promote local private entrepreneurship to boost economic development;
- c) Enhance SME access to financing mechanism and financial inclusion to cater for development in the rural areas;
- d) Support initiatives to strengthen State Owned Enterprises performances to drive socio- economic growth;
- e) Strengthen the public procurement and tender processes to improve transparency and accountability and enhance efficiency and effectiveness;
- f) Develop robust financial sector legislations and creating an enabling environment to support development and expansion of financial market;
- g) Accelerate tax reform and improvement of the current national tax system to augment domestic revenue collection;
- h) Secure funding and support the implementation of national flagship projects;
- i) Support and promote Public Private Partnerships (PPP) investment model of engagement to encourage FDI's and private sector participation in domestic industries to promote economic growth;
- j) Support the improvement in the national budgetary processes to strengthen accountability and transparency in spending.

NATIONAL DEVELOPMENT STRATEGY 2016–2035

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

The NDS 2016–2035 maps out a strategic direction for the future development of Solomon Islands. It presents a visionary strategy for the next twenty years, setting out a long-term vision, mission, and objectives. The NDS is intended to set out a *“framework for development*

of policies, priorities and programmes, providing a single reference point and common direction over the next twenty years that all stakeholders can follow. Government institutions and development partners can use it as a base for their support programmes. Other stakeholders including non-government organisations, churches and faith-based organisations, community leaders and individuals can adopt this common direction and find their own role within the Strategy.”

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

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

SI NATIONAL WASTE MANAGEMENT AND POLLUTION CONTROL STRATEGY 2017 – 2026

This strategy provides the framework for the management of waste and control of pollution throughout Solomon Islands. It reflects on new and emerging waste issues including e-waste, industrial waste from mining and logging and the introduction of emerging and targeted focus areas such as waste and pollution on isolated islands. Plastic wastes used for food wrapping and other purposes dominates waste streams in the country causing pollution into the pristine environment of the country.

The consultation with provincial stakeholders revealed there is very minimal waste management capacity at the provincial level and most communities simply throw their waste into the backyards and environment. This is a major concern if one considers new waste streams that can be poisonous such as solar batteries and recently introduced flammable canisters for cooking.

The strategy identifies the need for landfill at provincial level as a priority and having in place proper waste collection systems. This strategy will be important for the Mamara development as the new city is expected to generate huge volumes of both solid and liquid wastes. Whilst liquid waste will be treated, and solid waste is expected to be collected and transferred to a landfill. This landfill is yet to be designed and land is also yet to be identified. The responsibility to identify a suitable site will be done in collaboration with the Ministry of Environment and Guadalcanal Province.

NATIONAL TOURISM STRATEGY 2015–2019

This strategy is designed to identify and address sector -related impediments, to facilitate a faster rate of economic growth and increased benefits from tourism. The document is subtitled ‘Strategy for Growth’, reflecting the importance that sustainable tourism can play in growing the economy of the Solomon Islands and in achieving the broader goals of the new government. The strategy’s focus is the short to medium term to ensure practical and systematic measures are taken to build the tourism sector. The SINTDS outlines a sequenced and prioritised program of development which will contribute to development and implementation of a national oceans management policy.

NATIONAL BIODIVERSITY STRATEGIC ACTION PLAN (NBSAP) 2016 - 2020

NBSAP was formulated to conserve and sustainably manage the biodiversity of Solomon Islands. The implementation of the strategy is led by the ECD within the MECDM. The NBSAP urges a holistic approach to consider mainstreaming of policies and legislation, ecosystem-community based approach to natural resources management, species conservation, protected area systems, management of invasive species and genetically modified organisms (GMO), research and monitoring, agro-biodiversity, climate change, waste management and alternative energy.

NATIONAL ADAPTATION PROGRAMS OF ACTION (NAPA)

The NAPA is formulated to address the growing adverse impacts of climate change in the Solomon Islands. It was prepared following a rapid vulnerability assessment which sets baseline information on sectors that are most vulnerable to climate change. One of the key profile targets in NAPA is to address waste management issues through an integrated and sustainable approach. According to NAPA report, information on waste management and climate change are lacking.⁷⁴ As a result it is challenging to develop relevant adaptive strategies or action suitable for Solomon Islands context. The NAPA identifies that climate change impacts will be felt critical on the human depended systems especially on agriculture and food security, water supply and sanitation, human settlements, and human health.⁷⁵

NATIONAL CLIMATE CHANGE POLICY (NCCP) 2012

The National Climate Change Policy was developed in responds to climate change impacts facing the country. The climate change policy main focus was on strengthening the adaptive capacity of the country through adaptation measure and also taking appropriate mitigation

⁷⁴ SIG, National Adaptation Programs of Action, Honiara 2008

⁷⁵ *ibid.*

actions to reduce global greenhouse gas emission.⁷⁶ The policy give effect to vulnerable sectors under the NAPA such as Agriculture and food security, water supply and sanitation, human health, increase population, fisheries and marine resources, coastal protection, infrastructure, waste management and tourism.⁷⁷

The Policy also alluded to the absence of a management strategy and system in place for GHG emission in the country and encourages landfill management to include the opportunities to generate electricity from methane as an alternative energy source.⁷⁸

SOLOMON ISLANDS NATIONAL PLAN OF ACTION (CTI)

The Solomon Islands together with six other regional countries that forms the Coral Triangle Countries had committed to safeguard their marine and coastal biological resources through the establishment of the partnership known as the Coral Triangle Initiative (CTI). As part of this initiative a National Coordinating Committee was formed and a National Plan of Action to manage the marine and coastal resources ensuring sustainability on food, economic development, biodiversity conservation whilst adapting to emerging threats through community based approach supported by agencies, institutes and partners.⁷⁹

Indirectly, waste and pollution into the ocean has to be prohibited which can be achieved through wider consultation and awareness on the importance and ecosystem value of marine and the coastal resources.⁸⁰ According to this Plan of Action, Solomon Islands and the other regional neighboring countries were under threat of marine and coastal biodiversity degradation which is faster than the last centuries due to people utilizing the marine and coastal environment for leisure, manufacturing and extraction.⁸¹

SOLOMON ISLANDS NATIONAL BIOSAFETY FRAMEWORK

Solomon Islands ratify the Cartagena Protocol to Biosafety in 2004, recognizing the need to protect its biological diversity from threats by Living Modified Organisms (LMO). One of the major objectives is to establish and maintain appropriate mechanisms and strategies to assess and manage risk to ensure the protection of plant, animal or human health, genetic resources, and the environment.⁸²

⁷⁶ Solomon Islands Government, National Climate Change Policy, Honiara 2010

⁷⁷ *ibid.*

⁷⁸ *ibid.*

⁷⁹ Solomon Island Government, CTI National Action Plan, Honiara, 2012

⁸⁰ *ibid*

⁸¹ *ibid*

⁸² Solomon Islands Government, National Biosafety Framework, Honiara, 2011

NATIONAL HEALTH STRATEGIC PLAN 2016-2020

Four key result areas in the plan are to improve the service coverage, strong partnerships, improving quality services and laying the foundation for future.⁸³The plan identifies priority areas including making sure communities have access to safe water, basic sanitation and promote hygiene.

NATIONAL WATER RESOURCES AND SANITATION POLICY

The National Water and Sanitation Sector Policy (National WATSAN Policy) is Government's response to national threats to development and public health and to high priority concerns in rural and urban communities throughout Solomon Islands (SI) about water and sanitation, identified in nation-wide consultations for the National Development Strategy 2011-20 (NDS)⁸⁴. The purpose of this policy is to:

1. Provide Government leadership in the nationally important water and sanitation sector
2. Improve development opportunities, the health, and well-being for all Solomon Islanders
3. Protect sources of water and receiving environments
4. Respond to wide-spread rural and urban concerns about the safety, adequacy and reliability of water supply and sanitation services
5. Identify national priority areas and issues which require government intervention in the WATSAN sector

4. INSTITUTIONAL FRAMEWORKS

This section presents governmental agencies that will most likely play a role in the Project implementation. It studies their possible involvement related to the Project and assesses which governmental agency need to be involved in Mitigation Workshops.

OFFICE OF THE PRIME MINISTER AND CABINET (OPMC)

PMO to lead the coordination and monitoring role of policy implementation of SIG.

The OPMC recently endorsed a cabinet decision to support the Mamara Development Phase and designated the Ministry of Commerce to support Metropolis Mamara Development Ltd in their development endeavors. Officials from the office have been involved in community meetings and discussion on the development with community and through the taskforce for the Mamara development.

⁸³ *ibid.*

⁸⁴ Solomon Islands Government, National Water Resources and Sanitation Policy, Honiara, 2015

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE, DISASTER MANAGEMENT AND METEOROLOGY (MECDM)

The Ministry of Environment, Climate Change, Disaster Management and Meteorology (MECDM) has seen a rapid increase in its mandate since its formation as the Ministry of Environment, Conservation and Meteorology (MECM) in December 2007. This initial formation was a merger and upgrading of the Solomon Islands Meteorological Services and the Environment and Conservation Division of the Ministry of Forestry. The Ministry has four divisions, each with their own respective directors. The Meteorology division, the Climate Change Division, Disaster Management and the Environment and Conservation Division.

The Environment and Conservation Division (ECD) plays an important role in issuing development consent and monitoring the environment impacts of the proposed new capital city development. The increasing number of developments in country has put a lot of pressure on the division which has very limited capacity in terms of staff and technical ability to monitor the environment. This EIS report is being prepared with as requirement under the Environment Act 1998 administered under ECD.

MINISTRY OF COMMERCE, INDUSTRY, LABOUR & IMMIGRATION (MCILI)

The Ministry of Commerce, Industry, Labour and Immigration (MCILI) is one of the government ministries under the Democratic Coalition Government for Advancement (DCGA). Its key functions include Commerce, Industry, Labour, Immigration, Consumer Affairs and Price Control, Foreign Investment, trade development and business registration all deliver services that are essential for the economic development and national security of Solomon Islands.

The Minister of Commerce is currently the Chair of the Mamara Tasivarongo Mavo Development Council and hosts a new taskforce established to lead the development activities. The investment division currently acts as an interim secretariat for the taskforce. The Solomon Islands cabinet has endorsed the Mamara development as priority development for the country under its broader economic growth centers development policy. The interim secretariat directly liaises between the government and Metropolis Mamara Development Ltd who is the current developer and owner of the land.

MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT

Established in the 1950's the Ministry of Agriculture and Livestock Development (MAL) is one of the oldest ministries and has played a key role in the development of the country. It's level of capacity, however, have shifted significantly over time with staff numbers reducing from over 400 in the late 1990's to 169 in 2007 (GoSI 2007, MAL 2007).

The MAL is currently subdivided into four departments, each with its own director:

- The Livestock and Quarantine department aims to formulate and regulate policies; provide livestock development and extensions services in the provinces; breed and distribute livestock and disseminate information; conduct research into indigenous animal species.

- **Extensions and Training Department:** The department's staff is supposed to work directly with villagers in rural areas. Around 100 extension staff are planned for the provinces, mostly men, with up to 10 in each province except Western Province and Malaita, which will have 20 each. In many cases, the majority of staff is based in the provincial capital.
- **Research Department:** In the past, the research division, based at Dodo Creek, played a major role in the delivery of services, both directly to farmers via on-farm field trials and demonstration plots at its field stations, and via technical support to the extensions and training division. With the destruction of the research station and the displacement of research staff, the department is unable to function effectively.
- **Planning and Management Department:** The department includes the land use-planning unit which is largely defunct and has a general role in coordinating the activity and policy of the other MAL departments.

Whilst the Ministry of Agriculture has no direct inputs in the Project, their role in managing agriculture activities is critical. Almost all road access from Honiara the capital city to the the Project site are through agriculture developed areas. Development activities to compensate for impact on livelihood could be agriculture based and therefore their inputs in any such initiative will be important. The Ministry of Agriculture is providing support for the valuation of food crops, gardens, and other agricultural products within the site for compensation by the developer.

MINISTRY OF LANDS, HOUSING AND SURVEY

The complex task of administering this land lies with the Ministry of Lands, Housing and Survey (MLHS). The land administration system was inherited from the colonial period, well before independence in 1980, and although the system was broadly sound, more than 20 years of poor governance and a lack of funds meant it had become run down.

The Policy, Management and Regulation Executive Committee provides policy direction to the Ministry and monitor the achievements of its programs⁸⁵. The Administrative Support Services provide administrative services and support to the whole Ministry of Lands, Housing and Survey. The Human Resource (HR) unit has responsibility for overseeing and supporting human resource development within the Ministry.

The register of titles serves a core function for the Department in formally registering land transactions. It also has responsibility for other important registries as indicated in its objectives below.

A land board has been recently established to administer all land issues and the administration of land in the country. Whilst customary lands are beyond the land board jurisdiction, they are important in providing advice to the developer. They are one of key members of the Mamara Development Council.

The Ministry of lands, housing and survey has provided technical support for the valuation of properties owned by settlers in the proposed development site. The valuation has led to a number of compensation payments being made for the removal of the properties in preparation for the development.

⁸⁵ Ministry of Lands, Housing and Survey Corporate Plan.

MINISTRY OF MINES, ENERGY AND RURAL ELECTRIFICATION (MMERE)

This Ministry is the key government agency responsible for mining development, energy, and water resources in the country. It consists of a number of strategic divisions: mines, geology, the water resources, and the energy division each headed by a director. The ministry is supported by a corporate division which provided administrative logistics support to all other departments and headed administratively by the Permanent Secretary and politically by the Minister. MMERE plays a strategic role in the current development phases of Solomon Islands due to the emerging mining sector, the focus on developing sustainable energy supply for the country and the increasing pressure on water resources.

The Water resources division will play an important role under the Water and River Act which covers Mamara and Poha river, respectively.

MINISTRY OF NATIONAL PLANNING AND DEVELOPMENT COORDINATION (MNPDC)

The Ministry of National Planning and Development Coordination (MNPDC) formally known as the Ministry of Development Planning and Aid Coordination (MDPAC) was created from the former Department of National Reform and Planning in the mid-2000. MNPDC is responsible for preparation and subsequent monitoring of implementation of the national development plan; the preparation and formulation of the annual Development Budget Estimates. The Government prepares two budgets each year, the recurrent budget, and the development budget.

Aid Coordination: MNPDC is also responsible for coordinating development partner activities and for securing donor funding for new projects/programmes. This is a critical aspect of successful preparation of the annual Development Budget. Aid coordination also includes frequent liaison with aid donor representatives and for the organisation of high-level talks with some development partners.

MNPDC is the lead coordinating agency for donor-funded projects and therefore is a key stakeholder.

MINISTRY OF FINANCE AND TREASURY (MoFT)

The Ministry of Finance and Treasury (MoFT) is responsible for facilitating the provision of sound advice on monetary, budget, and fiscal policy to the Solomon Islands Government. The mission of the Ministry is to provide leadership to the Solomon Islands community in financial matters and the delivery of high quality, professional financial and economic services to the Minister for Finance and Treasury, the Government, and other Ministries and the wider community.⁸⁶

⁸⁶ Ministry of Finance Corporate Plan

The Ministry's services include statistics and economic management to support Government decision-making processes and the implementation of good governance practice.⁸⁷ Core tasks of the Ministry include financial reporting, revenue collection, border protection, government payments, preparing and managing the annual recurrent budget and advising the Government on a range of financial policies including economic reforms.⁸⁸

Whilst the Ministry of Finance will not play a direct role in the project, they are an important stakeholder under the Mamara Tasivarongo Mavo Development Agreement Act 1997. They are one of the key members of development council established to manage all developments within the site.

MINISTRY OF INFRASTRUCTURE AND DEVELOPMENT (MID)

The Department of Infrastructure within the Ministry of Infrastructure and Development plays a key role in the public administration of the Solomon Islands and is responsible for roads, wharves, airstrips, and government mechanical and carpentry workshops. In the past twenty years, the government and donors have invested a little more than one billion Solomon dollars in transport infrastructure throughout the country. The country's internal problems including inadequate funding has reduced the department's capacity for ongoing and systematic infrastructure maintenance and, consequently, much of that infrastructure is now in need of complete reconstruction. Its mission is to enhance the prosperity, wellbeing, and participation of the community by providing an integrated, efficient, and affordable infrastructure and transport system; supported by ethical, professional, proficient, and valued staff.⁸⁹

The work of the Department of Infrastructure is crucial to the sustainability of rural and urban livelihoods⁹⁰. The challenges ahead are significant. It must strive to:

- Provide quality advice to support the Government's reforms and priority activities
- Implement major reforms in line with Government policy
- Offer individuals and industry in various parts of the country a satisfactory and safe transport system at affordable cost
- Ensure compliance and the Regulatory framework deliver safe, reliable, and efficient transport services
- Ensure that financial resources are targeted to best achieve our transport system's needs
- Communicate the benefits of transport reforms
- Effectively plan the upgrade and rehabilitation of infrastructure, Government housing stock, fleet, plant, and machinery
- Effective transport planning that supports other sectors in the economy through an integrated approach targeting Economic Growth Centers and vital social infrastructures
- Promote emphasis on professional, technical, proficient, able, capable, and dedicated workforce
- Ensure and provide avenues for more private sector participation.⁹¹

The department of works will play an important role in the development of roads, bridges, the transmission line, and other necessary infrastructures. They are expected to contribute during the design and construction phase in regulating the structural design to meeting international standards.

⁸⁷ ibid

⁸⁸ ibid

⁸⁹ Ministry of Infrastructure and Development Corporate Plan

⁹⁰ ibid

⁹¹ ibid

MINISTRY OF FISHERIES AND MARINE RESOURCES

The ministry plays an important role in the administration of fisheries laws and regulations implementation by respective stakeholders in the fisheries. They are currently supporting the Bina Harbor project and establish at least two more fishing canaries in the country by 2030.

The ministry also works with the industry for the localization of the Tuna long line fisheries, provide opportunities for rural fishers and communities improve their standard of living through the promotion of on-shore fisheries processing and ensure rules and regulations for sustainable harvesting of marine resources are adhered to.

They have no direct role in the proposed Mamara development but are important stakeholders as the development site also include coastal and marine environment.

MINISTRY OF PROVINCIAL GOVERNMENT AND INSTITUTIONAL STRENGTHENING

They administer the Provincial Government Act 1997. They play an important role in strengthening provincial government and supporting them implement the act. There is a number of devolution powers given to provincial governments and this ministry support them in terms of capacity.

The Minister responsible for provincial government is also a member of the Mamara Tasivarongo Mavo Development Council.

MINISTRY OF CULTURE AND TOURISM

Ministry of Culture and Tourism and does not have any Act but works under the Solomon Islands Visitors Bureaus Act. They also administer all culture and tourism related activities in the country. The ministry has vested interest in the development as the coastal side of the Mamara are potential tourism areas and currently being used for recreational purposes.

The developer is currently working with the Ministry to attract investment from Tourism developers internationally.

GUADALCANAL PROVINCIAL GOVERNMENT

Guadalcanal Province is divided into 21 Electoral Wards. Elections are held every 4 years for the 21 Members of the Provincial Assembly. The Premier is the political head of the Province and he also presides over the Provincial Executive. The Speaker presides over the Provincial Assembly meetings. The Provincial Assembly is the highest law-making body in the Province. It enacts and passes ordinances for the proper conduct, welfare, and livelihood of Guadalcanal citizens.⁹²

⁹² Guadalcanal Province - Reform and Rural Regional Development and Empowerment Policy Framework (2011-2015)

Currently, there are 10 Executive Members or Provincial Ministers including the Premier. Similar to the national government, each Minister is responsible for a certain portfolio. The portfolios are as follows:

The administrative head of the Province is the Provincial Secretary who coordinates all administrative and management units in the Province. The incumbent is seconded from the Public Service on a fixed-term appointment. In this regard, the Provincial Secretary, and other seconded officers, have a dual responsibility. While they are responsible to their supervisor at national level, their loyalty to the Province is equally required.

The Guadalcanal Province has been mandated by an Act of parliament to perform three different functions in the provision of services to the people including “legislative matters, provincial services and statutory functions”. However, some of the statutory functions have not been transferred from the national to the provincial government.

Under the legislative matters, the province has been undertaking the duties of facilitating the marketing of products; raising revenues by collecting land rates; forming the Guadalcanal Physical Planning Board; providing water to some rural villages and establishing corporate bodies for the provision of provincial services including some economic activities. The provincial minister responsible for natural resources has been vested with certain powers to facilitate some forestry operations under the Devolution Order No. 1 of the *Forestry Resources and Timber Utilization Act 1970*. As well, the police have been collecting revenues from commercial vehicles under the Traffic Act.

Provincial governments, especially under Schedule 3, have been given responsibility for minor local matters such as the licensing of local businesses, bars, hotels, markets, fire protection and waste disposal. In the context of the project, it should be noted that Provincial Assemblies have legislative powers in the field of the control and use of river waters - Section 26 (1) and Schedule III clause 10 of the Provincial Government Act 1997.

The Premier of Guadalcanal Province is a member of the Mamara Development Council and is expected to represent interest of province and affected communities and settlers.

TANDAI HOUSE OF CHIEFS

The Tandai house of Chief was established to represent all the chiefs residing within the Tandai region of Guadalcanal. The Tandai geographic location is recognized from Lungga river to Tamboko west, Guadalcanal. The Tandai House of Chiefs now has a constitution and recently enthroned its Paramount Chief.

All the chiefs from respective cultural zones (chachapa) voted to elect the Paramount Chiefs. The council governs the affairs of the community through the respective Chiefs. The council has an important role in making representation on land and cultural issues on behalf of the community.

5. CIVIL SOCIETY/NGO GROUPS

There is a range of civil society groups that will play important roles in the development of a new city as proposed. These civil society groups will be important when considering development impacts and other social issues.

The following is a list of civil society group that may get involved in the project at some stage.

Civil Society/NGO	Focus area	Potential involvement
Transparency Solomon Islands (TSI)	Transparency and Governance in Solomon Islands	Benefit distribution and the nature of agreement between communities, landowners, and investor
Solomon Islands Development Trust (SIDT)	Rural development	Community projects and development
Live and Learn Environment Education (LLEE)	Environment Education	Education and awareness on the potential environment impact on livelihoods for communities
Oxfam Solomon Islands	Social issues and advocacy	Advocacy on the social impacts of the development
Landowners Legal Advocacy Support Unit (LALSU)	Legal advice to communities	Benefit distribution and the nature of agreement between communities, landowners, and investor. Also, legal rights of the communities and landowners.
Forum Solomon Islands International (FSII)	General Social network Political Pressure Group	Mostly on perceived impacts and assumptions on environment and social impacts
National Council of Women (NCW)	Advocate women's rights and gender equality	Will play an important role in ensuring gender issues are fully addressed and that issues affecting women are considered.

6. INTERNATIONAL ENVIRONMENTAL AND SOCIAL TREATIES SIGNED AND RATIFIED BY THE SOLOMON ISLANDS

This section presents and describes international environmental and social treaties signed and ratified by the Solomon Islands. The Project relation with such treaties is analyzed

Multilateral Environment Agreement	Status	Purpose/Aim	Agency Responsible	Relevance to the Project
Regional Multilateral Environment Agreements				

Multilateral Environment Agreement	Status	Purpose/Aim	Agency Responsible	Relevance to the Project
Pollution Protocol for Dumping	Ratified 10/9/98	Prevention of pollution of the South Pacific region by dumping. ⁹³	Marine Div/MECDM	NA- Unless chemical is used and has transboundary effect with neighboring countries
Pollution Protocol for Emergencies	Ratified 10/9/98	Cooperation in combating pollution emergencies in the South Pacific region. ⁹⁴	Marine Div/MECDM Project : National Pollution Prevention Plan	Applicable to the Project is the dam if not designed appropriately and emergency arise.
Natural Resources & Environment of South Pacific Region (SPREP Convention)	Ratified 10/9/98	Protection of natural resources and environment of the South Pacific Region in terms of management and development of the marine and coastal environment in the South Pacific Region. ⁹⁵	ECD-MECDM	This is relevant for the Project and the biodiversity and natural resources management.
Waigani Convention on Hazardous & Radioactive Wastes 1995	Ratified 7/10/1998	Bans the importation of hazardous and radioactive wastes into Forum Island countries and to control the trans-boundary movement and management of hazardous wastes within the South Pacific region. ⁹⁶	ECD-MECDM	Any import of hazardous material will require permits to be issued by MECDM. This is a regional version of the Basel Convention.
International Multilateral Environment Agreements				
Chemicals, Wastes and Pollution				
Liability for Oil Pollution Damage	Ratified	Strict liability of ship owner for pollution damage to a coastal state within a certain amount. ⁹⁷	Marine Div	NA

⁹³ Pollution Protocol for Dumping

⁹⁴ Pollution Protocol for Emergencies

⁹⁵ SPREP Convention

⁹⁶ Waigani Convention on Hazardous & Radioactive Wastes 1995

⁹⁷ Liability for Oil Pollution Damage

Multilateral Environment Agreement	Status	Purpose/Aim	Agency Responsible	Relevance to the Project
Marine Pollution Convention (London)	Ratified	Prevention of marine pollution by dumping of wastes and other matter. ⁹⁸	MECDM/Foreign Affairs	This is applicable where the marine environment is being used as a dumping site for wastes.
United Nations Convention to Combat Desertification (UNCCD)	Acceded 16/4/1999	Agreement to combat desertification and mitigate the effects of drought in countries experiencing drought or desertification. ⁹⁹	MAL/MECDM Project: National Action Plan on Land Degradation and Drought	Applicable where land is being converted and degraded.
POPs Convention (Stockholm)	Acceded 28.7/2004	Protection of human health and environment from persistent organic pollutants (POPs). ¹⁰⁰	MECDM/Environmental Health Div. Project: National Implementation Plan	NA as no POP chemicals will be used during construction.
Biodiversity				
CITES	Instrument of ratification being prepared	Regulations and restriction of trade in wildlife animals and plants through a certification system of imports and exports. ¹⁰¹	MECDM	Applicable if protected species are threatened. This will be addressed in the EIS and therefore is relevant for the Project.
World Heritage Convention (UNESCO)	Acceded 10/6/1992	Protection of sites of Outstanding Universal Values. Solomon Islands currently has East Rennell Island as a World Heritage site. ¹⁰² Mt. Popomanaseu is on the Tentative list of the UNESCO	National Museum/MECDM	NA

⁹⁸ Marine Pollution Convention (London)

⁹⁹ United Nations Convention to Combat Desertification (UNCCD)

¹⁰⁰ POPs Convention (Stockholm)

¹⁰¹ Convention on the International Trade of Illegal and Endangered Species (CITIES)

¹⁰² World Heritage Convention

Multilateral Environment Agreement	Status	Purpose/Aim	Agency Responsible	Relevance to the Project
UN Convention on Biological Diversity (UNCBD)	Ratified 3/10/1995	Conserve biological diversity through the sustainable use of its components and the fair and equitable sharing of the benefits arising out of utilizing genetic resources. ¹⁰³	MECDM Project: NCSA; National Biodiversity Strategy and Action Plan; International Waters Program; 3rd National Report	Very relevant for the protection of biological diversity and thus the EIS will address critically endangered species and biodiversity and required mitigation measures.
Cartagena Protocol to the UNCBD	Acceded – 26/10/2004	Protection of human health and the genetic diversity. ¹⁰⁴	MECDM	NA
Coral Triangle Initiative (CTI) Agreement		Protection and conservation of marine resources within the coral triangle region. ¹⁰⁵	MECDM/MNP DC/MFMR/MF AET	Applicable if impacts have consequences on the coastal environment. This should be addressed in the EIS.
Cultural and Natural Heritage				
World Cultural and Natural Heritage Convention	Acceded in 1992	Protection and management of cultural and natural heritage	National Museum under the Ministry of Home Affairs	Poha adjacent to the site but not disturbed.
Climate Change Related				
United Nations Framework Convention on Climate Change (UNFCCC)	Ratified – 28/12/1994	Set an overall framework for intergovernmental efforts to tackle the challenges posed by climate change. ¹⁰⁶	MECDM	This is relevant as mechanism such as CDM and REDD+ is to be implemented.

¹⁰³ UN Convention on Biological Diversity (UNCBD)

¹⁰⁴ Cartagena Protocol to the UNCBD

¹⁰⁵ Coral Triangle Initiative (CTI) Agreement

¹⁰⁶ United Nations Framework Convention on Climate Change

Multilateral Environment Agreement	Status	Purpose/Aim	Agency Responsible	Relevance to the Project
				Also, relevant as appropriate adaptation measures will have to be adopted to enhance resilience to climate change impacts. The impacts of climate change are very broad and therefore specific measures on how this will be mitigated will be reflected in the EIS.
Kyoto Protocol	Ratified – 13/03/2003	Reduce greenhouse gases especially carbon dioxide for the 39 industrial/ developed countries by an average of 5.2% by 2012. ¹⁰⁷	MECDM	NA- emissions from the construction of the Project are limited in time

¹⁰⁷ Kyoto Protocol

REFERENCES

CONSTITUTION OF SOLOMON ISLANDS
MAMARA TASIVARONGO MAVO DEVELOPMENT AGREEMENT ACT 1997
BIOSECURITY ACT 2013
ENVIRONMENT ACT 1998 AND ENVIRONMENT REGULATION 2008
MINES AND MINERALS (AMENDMENT) ACT 2008
FISHERIES MANAGEMENT ACT 2015
FOREST ACT (AMENDMENTS) 1999
LABOR ACT 1996
LANDS AND TITLES ACT (AMENDMENT) 2016
CUSTOMARY LAND RECORDING ACT
PROTECTED AREAS ACT 2010
PROVINCIAL GOVERNMENT ACT 1997
RIVER WATERS ACT 1964 (1996 EDT)
WILDLIFE PROTECTION AND MANAGEMENT (AMENDMENT) ACT 2017
ENVIRONMENTAL HEALTH ACT 1980
ENVIRONMENTAL HEALTH (PUBLIC HEALTH ACT 1970) REGULATIONS
SHIPPING ACT 1998
MARINE POLLUTION REGULATION 2012
PORTS ACT 1990
SAFETY AT WORK ACT 1982
SOLOMON ISLAND WATER AUTHORITY ACT
GUADALCANAL HISTORIC PLACES ORDINANCE 1985

NATIONAL DEVELOPMENT STRATEGY 2016–2035
SI NATIONAL WASTE MANAGEMENT AND POLLUTION CONTROL STRATEGY
NATIONAL TOURISM STRATEGY 2015–2019
NATIONAL BIODIVERSITY STRATEGIC ACTION PLAN (NBSAP) 2016 -2020
NATIONAL ADAPTATION PROGRAMS OF ACTION (NAPA)
NATIONAL CLIMATE CHANGE POLICY (NCCP) 2012
SOLOMON ISLANDS NATIONAL PLAN OF ACTION (CTI)
SOLOMON ISLANDS NATIONAL BIOSAFETY FRAMEWORK
NATIONAL HEALTH STRATEGIC PLAN 2016-2020
NATIONAL WATER RESOURCES AND SANITATION POLICY