



Review of Marine Turtles Legislation in Solomon Islands



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PREFACE

The SPREP regional Marine Turtle Action Plan 2008-2012 places high priority to legislation as shown by the selection of the area "Policy and Legislation" as one of the nine themes of the Action Plan. The priority actions identified under this theme by member countries and territories as well as partners are:

- Action 5.1: Review and identify gaps and conflicts in current policies and legislation (in member countries and territories) that support / limit the RMTCP, including conventions, treaties, MOUs, agreements etc. [Priority: High].
- Action 5.2: Encourage the need to address gaps and conflicts found in the review of policies and legislation as described in action 5.1 where required. [Priority: High].
- Action 5.3: Encourage and support compliance mechanisms that are more effective at the community level, drawing upon and supporting existing laws and controls and conflict resolution systems, and using local community members. [Priority: High].
- Action: 5.4: Amend relevant policies and legislation regarding turtle size limits to better reflect the impact of removing mature females from populations and, where possible, to ensure that preference is given to using smaller-sized animals. [Priority: High].
- Action: 5.5: Incorporate relevant traditional knowledge, customary marine tenure and practices into policy, legislation management plans where appropriate. [Priority: Medium]
- Action 5.6: Ensure adequate protection is provided for nesting beaches and other known critical habitats for turtles through policy and legislation. [Priority: High].

This review then documents existing legislation and policies as well as the country's participation in international/regional agreements and conventions relevant to marine turtles. It attempts to identify gaps and then make recommendations for relevant legislation to improve and/or clarify existing ones and improve protection/management of marine turtles.

To help with the identification of legislation gaps, a team at SPREP constructed a matrix of legislation from existing legislation in the region dealing with turtles as well as creating new ones based on available information.

The involvement of national experts from relevant agencies is a vital component of this work.

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CONTENTS

	PAGES
PREFACE	i
CONTENTS	ii
1. INTRODUCTION.....	1
2. CURRENT MANAGEMENT/PROTECTION OF MARINE TURTLES IN SOLOMON ISLANDS	2
2.1 EXISTING LEGISLATION.....	2
(i) <i>Fisheries Act (No 6 of 1998)</i>	2
• Fisheries Regulation LN43/1993 : Turtles, turtle nests and eggs	3
• Protection of certain turtles LN 112/1977	3
(ii) <i>The Environment Act, (No 8 of 1998)</i>	4
• Environment Regulations 2008	4
(iii) <i>The Wildlife Protection and Management Act, (Cap 10 of 1998)</i>	5
(iv) <i>Protected Area Act, (No. 4 of 2010)</i>	5
(v). <i>Provincial Ordinances</i>	6
2.2 OTHER MARINE TURTLE PROTECTION/MANAGEMENT MECHANISMS.....	7
(i) <i>Local customary/traditional practices that protect/manage turtles</i>	7
(ii) <i>National sanctuary and local marine protected areas</i>	7
(iii) <i>Regional arrangements</i>	7
(iv) <i>International conventions/agreements</i>	7
3. GAPS/CONFLICTS IN LEGISLATION	8
4. KEY RECOMMENDATIONS	9
REFERENCE	11
CHECK-LIST OF RELEVANT LEGISLATION.....	12

1. INTRODUCTION

Marine Turtle Species: Five species of marine turtle occur in Solomon Islands waters. These are Hawksbill Turtle [*Eretmochelys imbricate*], Leatherback Turtle [*Dermochelys coriacea*], Green Turtle [*Chelonia mydas*], Olive or Pacific Ridley [*Lepidochelys olivacea*], and loggerhead [*Caretta caretta*]. Of these five species, the green, hawksbill and leatherback turtles are the most common. These three species have known nesting beaches in the country.

Marine Turtle Nesting: Past government surveys reported that nesting grounds for the three species Hawksbill, Green and Leatherback turtles are scattered throughout the country (Figure 1). These surveys identified the Arnavon Community Marine Conservation Area (ACMCA) or Arnavon Islands, Shortland Islands and Ramos Islands (Malaita) as the main Hawksbill and Green nesting grounds; the Russell Islands, Helebar Islands (Marovo) and Santa Cruz as important Hawksbill nesting sites; and Sasakolo and Litogahira (Isabel), Rendova and Tetepare (Western) and Vacho and Sasamunga (Choiseul) as the most important nesting beaches for Leatherback.

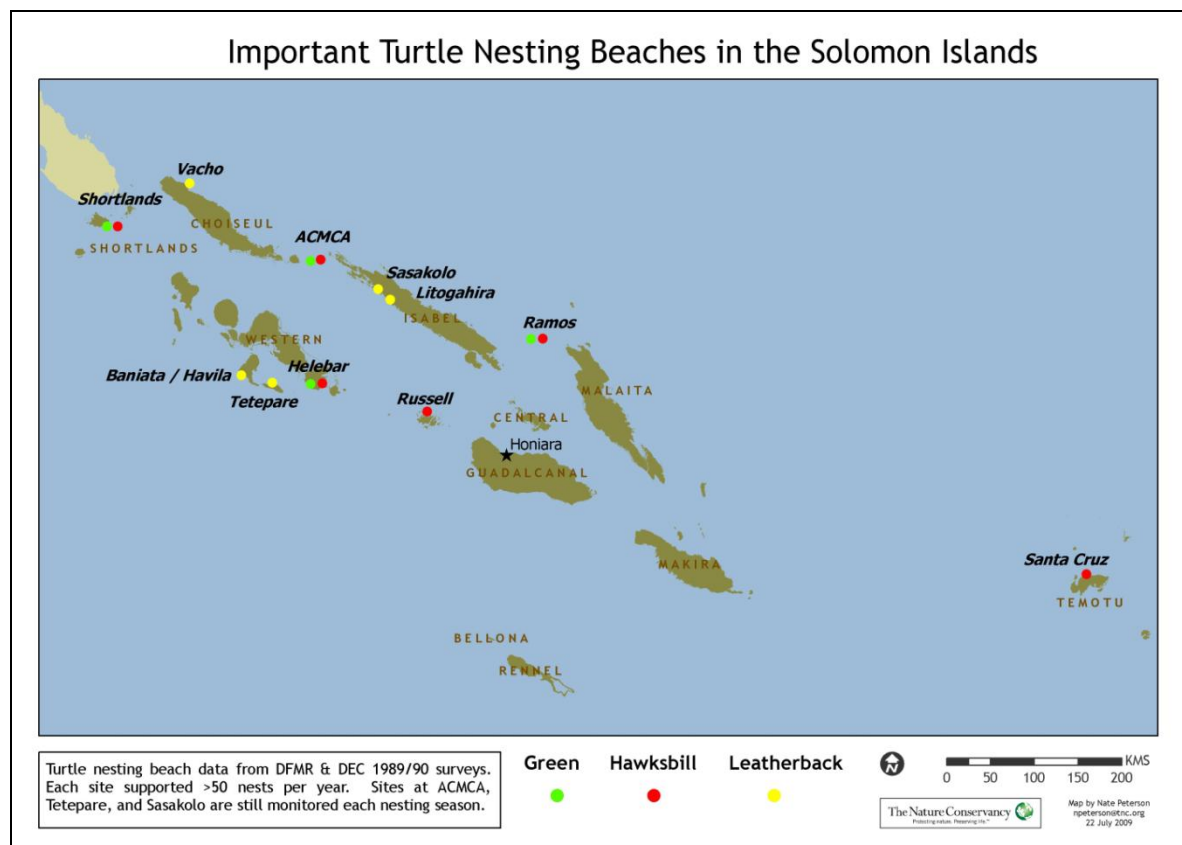


Figure 1: Map showing the important turtle nesting sites in the Solomon Islands.

Two distinct peak nesting seasons are reported in the country for all three species. A mid-year peak nesting occurs from May to August and an end of the year season from October to February. The mid-year season applies mainly for Hawksbill turtles nesting in the Arnavon Islands while the end of the year season applies to all three species (Hawksbill, Green and Leatherback) nesting at other nesting beaches in the country. This end of year season also applies to Green turtles nesting in the Arnavon Islands.

Apart from nesting sites, the country is also reported to support foraging habitats for Green and Hawksbill turtles. Foraging sites for both Hawksbill and Green turtles are found in Temotu province, the Arnavon region (Northern Isabel, Arnavon Islands and Southern Choiseul), Russell Islands, Tetepare and Helebar (Marovo) and the Shortland Islands.

With the exception of the ACMCA, Sasakolo, Rendova and Tetepare, there is little information available on the status of the nesting population and activities on other nesting beaches reported in the country. The ACMCA is the only nesting site in the country with consistent monitoring of nesting activities of hawksbill and green turtles since the early 1990s. Monitoring data collected so far during the last 15 years has indicated that nesting activities has increased greatly due to protection. For example, Vaughan (1981) estimated that the ACMCA was supporting about 600 nests (550 hawksbill and 50 green) per year whereas according to Siotia and Ramohia (2006), the ACMCA is now supporting up to 1800 nests (both species).

Importance of Marine Turtles Locally: Marine turtles have for centuries played important roles in the lives of Solomon Islanders, and this can be seen from ancient to most recent artworks, turtle figures in museums, contemporary carvings and many different local legends and beliefs. While myths and legends of these graceful creatures have painted colorful stories in the history of Solomon Islands, marine turtles still remain an integral part of socio-cultural life of the coastal communities. Turtle meat and eggs are used as delicacy during special occasions, while the shells and oil are used for cultural and traditional purposes. For example, in Are' Are, South Malaita, the turtle shell is used in shell money making. Local craftsman and women make traditional ornaments such as rings, bangles and earrings from turtle shells and are sold in local markets for cash income.

Nowadays, marine turtles are becoming important too because their populations worldwide are declining rapidly as a result of a combination of factors such as over-exploitation, destruction of nesting beaches, use of non-selective fishing gear, marine pollution and climate change. Local, regional and global action is needed now to ensure marine turtles and all the benefits the resource brings are not lost due to extinction. The success of sea turtle protection and conservation locally, regionally and globally therefore will depend greatly on working in strong partnership with all stakeholders including local communities, the provincial and national governments, community-based Organization (CBOs), non-governmental organizations (NGOs), regional organizations and donors.

2. CURRENT MANAGEMENT/PROTECTION OF MARINE TURTLES IN SOLOMON ISLANDS

2.1 EXISTING LEGISLATION

(i) Fisheries Act (No 6 of 1998)

The purpose of this Act is to ensure the long-term conservation and sustainable utilization of the fisheries resources of Solomon Islands for the benefit of the people of Solomon Islands. It provides for the Minister to exercise his/her power and functions in relation to fisheries management and conservation and in exercising those powers have regard to:

- (a) the principle that Solomon Islands fisheries resources shall be managed, developed and conserved so as to ensure through proper conservation and management

measures that the maintenance of those resources are not endangered by overexploitation and are utilized at a level that ensure their optimum sustainable yield;

- (b) the principle that the marine biodiversity, coastal and aquatic environments of Solomon Islands shall be protected and managed in a sustainable manner;
- (c) the application of the precautionary approach to the conservation, management and exploitation of fisheries resources in order to protect the fisheries resources and preserve the marine environment;
- (d) the sustainable utilization of Solomon Islands fisheries resources so as to achieve economic growth, human resource development, employment creation and a sound ecological balance, consistent with its national development objectives;
- (e) principle of sustainable yield, and allowable catch which may be supported or adopted nationally or internationally from time to time;
- (f) any relevant international obligations or bilateral or multilateral agreements which Solomon Islands is a party to, or applicable rules of international law, relating to the exercise of jurisdiction by Solomon Islands within its waters;
- (g) any customary rights holders over or in relation to any area within Solomon Islands waters; and
- (h) Any fisheries management and development plans made in accordance with this Act.

A number of Regulations have been developed under the Fisheries Act, 1998 but the one very specific to the function of management and conservation of the marine turtles is described as follows.

- **Fisheries Regulation LN43/1993 : Turtles, turtle nests and eggs**

(1) Any person who sells or exposes for sale or buys or exports any turtle or part of any turtle or the product thereof, shall be guilty of an offence and on conviction liable to a fine of one hundred dollars or to imprisonment for three months, or to both such fine and such imprisonment.

(2) Any person who takes nesting turtles or eggs or destroys turtle nests or eggs during breeding seasons which are from June to August and November to January shall be guilty of an offence and on conviction liable to a fine of one hundred dollars or three months imprisonment or to both such fine and imprisonment.

- **Protection of certain turtles LN 112/1977**

Any person who, except under a written permit granted by the Principal Fisheries Officer:

- (a) fishes for any turtle of the species known as the leathery backed turtle or luth (*Dermochelys coriacea*); or
- (b) takes, destroys, possesses, sells or exposes for sale, buys or exports any eggs of any leathery backed turtle or luth, shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months, or to both such fine and imprisonment.

(ii) The Environment Act, (No 8 of 1998)

The purpose of the Act is for the protection and conservation of the environment, the establishment of the Environment and Conservation Division and the Environment Advisory Committee. Specific objectives of the Act are stipulated as;

- (a) to provide for and establish integrated systems of development control, environmental impact assessment and pollution control;
- (b) to prevent, control and monitor pollution;
- (c) to reduce risks to human health and prevent degradation of the environment by all practical means, including the following means:
 - (i). regulating the discharge of pollution to the air, water and land;
 - (ii). regulating the transport, collection, treatment, storage and disposal of wastes;
 - (iii). promoting recycling, re-use and recovery of materials in an economically viable manner; and
- (d) To comply with and give effect to regional and international conventions and obligations relating to the environment. Where there is an inconsistency between this Act and the provisions of any other Act, the provisions of this Act shall prevail

Among the key functions of the Act are to (i) promote coordination among Ministries and government divisions; (ii) revise and amend the national environmental strategies and programme as necessary; (iii) develop, coordinate and facilitate implementation of national policy concerning environmental planning, environmental impact assessment and pollution control; and (iv) monitor and advise on international developments in environmental matters and to ensure the fulfillment of obligations of Solomon Islands under the relevant international and required treaties and conventions.

• Environment Regulations 2008

Although there are no specific turtles Regulation as in the case of Fisheries Regulation but Part 2 provides for the preparation of Public Environmental Report (PER) or Environmental Impact Assessment (EIA). All prescribed developments in the country should be accompanied by a PER or EIA. The PER or EIA should take into accounts factors such as;

- Any transformation of a locality (Sect 10 (1) b(ii)); any impact on habitat, both marine and terrestrial (Sect 10(1) b(vi)); any endangering of any species of animal or plants (Sect 10(1) b(vii)); any long term impacts on the environment (S10(1) b(viii)); any degradation of the quality of the Environment (S10(1) b(ix)) and any pollution of the environment (S10(1) b(xi)).
- The Director may establish the guidelines for the factors to be taken into account when consideration is given to the likely impact of the proposed prescribed development on the environment in relation to that development generally or in relation to any particular development or location.

These provisions can be used to safeguard important turtle nesting beaches, coastal feeding and mating grounds and migratory corridors.

(iii) The Wildlife Protection and Management Act, (Cap 10 of 1998)

The objectives of the Act are to provide for the protection, conservation and management of wildlife in Solomon Islands by regulating the export and import of certain animals and plants. Under this Act Solomon Islands is obliged to comply with the provisions of the Convention on International Trade in Endangered Species and wild fauna and flora, (CITES).

The Act allows for the Minister to declare by order a management program that is being or is proposed to be, or has been carried out, as an approved management programs for the purposes of the Act. The Act spell out what should be contained in the management program, for instance it should contain the manner of taking and collecting of animal or plant specimens for breeding, propagation, growing or exporting for scientific or commercial purposes. It also gives the Minister power to make regulations relating to the manner in which the registers of approved management program are to be kept, fees and other charges that persons or organizations whose names are entered on the register are required to pay, etc. The Act prohibits any export or import of plant or animal specimen without the relevant permit. The Act also requires that any person exporting or importing a plant or animal specimen is required to produce the relevant permit to the Customs or Quarantine authorities. Possession of illegally obtained specimen is an offence and a penalty is prescribed.

The Act contains two schedules. Schedule 1 contains the lists of animals and plants that are prohibited from exports, whilst Schedule 11 contains the lists of animals and plants that are regulated.

The five species of turtles found in Solomon Islands *Dermochelys coriacea* (Leatherback turtle), *Eretmochelys imbricate* (Hawksbill turtle), *Chelonia mydas* (Green turtle), *Lepidochelys olivacea* (Olive Ridley turtle) and *Caretta carreta* (Loggerhead turtle) are listed in Schedule 1.

The Act therefore prohibits the export of all the species of turtles found in the country except for scientific purposes (Section 11 (1)). Anyone who contravenes subsection (1) is liable to a fine not exceeding five thousand dollar or imprisonment for a term not exceeding six months.

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