

I . Safeguarding System & Policy

There are several international and regional instruments on the protection, promotion, and safeguarding of cultural heritage that the Solomon Islands is a party to. The international instrument includes the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage 1972.

Under the Convention concerning the Protection of the World Cultural and Natural Heritage 1972, Solomon Islands was able to list East-Rennell as a world heritage site under the natural heritage category.

The East Rennell area in the Solomon Islands was inscribed on 18 June, 2013 in the United Nations Scientific, Cultural, and Educational Organization's (UNESCO) list of endangered sites due to logging that is affecting the island's ecosystem. The UNESCO World Heritage Committee determined that "logging is threatening the outstanding universal value of East Rennell," and asked the national authorities to provide an impact assessment study of this activity, which is taking place outside the site's core area, UNESCO noted in a press release.

East Rennell is the largest raised coral atoll in the world and its dense forest has a canopy averaging 20 metres in height. The forests, which cover most of the land area of the 37,000-hectare site, are an essential component of the atoll, which is considered to be a natural laboratory for scientific study. It was inscribed on the World Heritage List in 1998, the site makes up the southern third of Rennell Island, the southernmost island in the Solomon Island group in the western Pacific

Source

www.un.org/apps/news/story.asp?NewsID=45212#VJU6Te4pQ
(page 1 downloaded on 12/20/2014)

Solomon Islands have ratified two other UNESCO Conventions in 2010. These are the Convention for the Safeguarding of the Intangible Cultural Heritage 2003 and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005. It needs to develop and enact relevant legislations to the three UNESCO Conventions that it has ratified

The country is yet to ratify other UNESCO Conventions and these include the Convention on the Protection of the Underwater Cultural Heritage 2001, the Convention on the Means of Prohibiting and preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970; the Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954; and the Universal Copyright Convention of 1952 (revised 1971).

It is particularly important that the Solomon Islands ratifies the Convention on the Protection of the Underwater Cultural Heritage 2001 because it would protect the country's huge unmapped maritime wrecks, underwater caves and other cultural sites across the coastal waters of many islands.

Source

http://www.unesco.org/eri/la/conventions_by_country.asp?contr=SB&language=E&typeconv=0 (Page 1 downloaded on 12/20/2014)

As for regional framework, Solomon Islands is a member of the sub-regional bloc, the Melanesian Spearhead Group (MSG). The country is a party to the MSG's Treaty for the protection of traditional knowledge and expressions of culture 2011.

There is also the memorandum of agreement (MOA) between members of the MSG countries on cultural cooperation in Melanesia.

Solomon islands is also a member of the sub regional entity, Parties to the Nauru Agreement (PNA) which oversees the protection of Solomon islands underwater Resources including underwater landscapes.

The Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest (Nauru Agreement) or PNA is a sub-regional agreement on terms and conditions for tuna purse seine fishing licenses. It brings together eight Pacific Island countries to sustainably manage tuna and increase economic benefits for their peoples. PNA members are Federated States of Micronesia (FSM), Kiribati, Marshall Islands, Nauru, Palau (PU), Papua New Guinea, Solomon Islands and Tuvalu. Their combined exclusive economic zones (EEZs) control 25 per cent of the world's supply of tuna.

Source

http://awsassets.panda.org/downloads/factsheet_7.pdf

(Page 1 downloaded on 12/20/2014)

National and Provincial Policy Framework

The national and the provincial policies that are relevant to the cultural sector are discussed.

1) National Level

There is currently no comprehensive national policy or legal framework for the country's cultural sector. It also has no national policy on the preservation, protection, promotion and development of cultural artefacts despite the Solomon Islands' rich cultural heritage and rich cultural diversity. These are major gaps and it needs to address and develop national policies if it is serious with its commitment to the cultural sector and to the country's cultural heritage. In order to develop the national policy on the sector, a wider consultation with the relevant stakeholders needs to be done.

The country's policy on National Museum of 1991, is the only existing national policy that is relevant to the cultural sector. The policy specifically targets the functions of the museum in collecting and preserving traditional artefacts.

Although, a Culture Desk responsible for cultural affairs existed since the country's independence, it has been shifted within the government bureaucracy several times. It first became the Ministry of Culture and Tourism in 1993, it was then split and combined with other ministries. The ministries that hosted Culture Desk Office were the Home Affairs, Commerce, Foreign Affairs, Environment and Conservation, and Education. In 2006, it became a joint ministry with tourism. Its elevated status as a joint ministry with tourism did not provide it with a national policy framework. Having a Culture Division without a national policy framework to address its functions and powers, limits the Culture Division from carrying out its work.

The existing cultural policies of some provinces need to be aligned with the national policy if it is developed. Therefore, any development of a comprehensive national policy on culture will need to include stakeholders at the provincial level and also those at the village level. By developing a national policy on culture, the government will show its commitment to the cultural affairs of the country.

2) Provincial level

There are two provinces with existing cultural policies and these are the Guadalcanal Policy Statement on Culture of 1987 and the Western Province

Policy on Culture of 1989. Some provinces policies will have to be aligned to the national policy for the cultural sector.

The existing cultural policies of certain provinces will have to be reviewed and aligned with the national policy framework, and provinces without cultural policies will have to be encouraged to develop policy frameworks that integrate the participation of local communities and cultural resource owners.

There is also a need to develop a comprehensive national policy framework for the cultural sector, with wider stakeholder consultations, including at the provincial level. The government needs to develop partners to support wider consultations and the establishment of cultural inventory databases.

Legislation Framework

There is currently no national legislation that is specifically committed to the promotion, protection and development of the cultural sector and its relevant industries. It would be of national interest for the country to enact a national legislation to protect traditional knowledge and tangible heritage. The national legislation should also include the governance and the institutional structure of the cultural sector and the regulation of trade in cultural products.

The powers and functions of the Culture Division as a lead agency to administer the sector should be clearly defined in the national legislation.

However, the Protected Areas Act 2010, is a national legislation that has some provisions for protection of cultural sites. The Protected Areas Act 2010, is an existing legislation which is focused on biodiversity conservation but also have specific provisions for the protection of physical sites of cultural importance. The Protected Areas Act 2010 defines “protected areas” as: “a geographic area or space declared under the Act that is clearly marked, recognized, dedicated and managed through legal or other effective means to achieve the long-term conservation of nature with associated ecosystem services and cultural values”. The Culture Division was responsible for the formulation of two bills and these bills were introduced to parliament in 2011. These bills were the a) Traditional Knowledge and Expression of Culture Bill and b) Copyright and Related Rights Bill. Wider consultations at the community levels were undertaken before the bills were introduced to parliament.

The five provinces that have enacted ordinances for the preservation and protection of cultural sites and objects are Guadalcanal, Makira, Malaita, Temotu

and the Western provinces. These enacted ordinances are the Western Province Preservation of Culture Ordinance 1989, the Guadalcanal Province Protection of Historical Places Ordinance 1985, the Malaita Province Preservation of Culture Ordinance 1995, the Makira-Ulawa Council (Prevention of the Sale of Traditional Artefacts) By laws 1977 and the Temotu Province Preservation of Culture Ordinance 1993.

An example of enacted ordinances, include a provision in the Guadalcanal Province Protection of Historical Places Ordinance 1985 which allows the Guadalcanal Provincial Assembly to declare, “any place associated with human activity in the past and which is of historical, cultural and archaeological significance to be a protected place” upon the request or permission of the customary owners. (Footnote: Subregulation 4, Guadalcanal Province Protection of Historical Places Ordinance 1985)

Another example of enacted ordinances is the Malaita Preservation of Culture Ordinance 1995 and it specifically outlines its purpose “to provide for the preservation of traditional artefacts and culturally significant areas (in the Province)” (Footnote Source: Subregulation 2, Malaita Province Preservation of Culture Ordinance 1995). Section 6 of the Ordinance also authorizes the Provincial Executive to declare Protected Place Orders and this is defined as “an order for a protection of a particular area of land associated with human activity in the past which is of historical, cultural or archaeological significance” (Footnote: Subregulation 6 (2) of the Malaita Province Preservation of Culture Ordinance 1995)

The financial and technical assistance to provincial administrators is required to strengthen the enforcement of legislations and build the capacity of the law enforcement agencies at the provincial levels. Assistance is also needed by other provincial assemblies to enact tailor-made ordinances for applications in provinces with no ordinances in place.

Other related legislations that may need safeguarding are as follows:

- i) Cinematograph Act: This regulates the exhibiting cinematograph pictures for licenses for both pictures and theatres.
- ii) Custom Exercise Act: This provides for legal enabling checks to be carried out at the border or products imported or exported to ensure they are handled in accordance to the Act.

iii) Immigration Act: There is no specific provision here but the generality of the powers can be useful for enforcement of rights including those resulting from traditional knowledge and expression of culture in urgent situations.

iv) Protection of wrecks and relics: This is intended to secure the protection of war relics from exploitation and it may have implications for ICH

v) Provincial By laws: provincial governments have cultural ordinances to safeguard all aspects of culture eg:

- Prevention of sale of traditional artefacts,
- Western Province Preservation of Culture Ordinance, 1989.

In addition, the Solomon Islands is also party to the MSG Treaty on the protection of traditional knowledge and expression of culture. A new museum Act is being drafted and it will certainly have specific ICH provisions.