

# **UNDER WHICH CONDITIONS CAN COMMUNITY-BASED RESOURCE MANAGEMENT HELP PRESERVE, PROTECT, AND PROMOTE THE RECOGNITION OF INDIGENOUS KNOWLEDGE IN THE SOLOMON ISLANDS AS A MATTER OF HUMAN RIGHTS?**

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## **ABSTRACT**

Empowering Indigenous peoples and local communities in resource management has been advocated as a way of effectively protecting the environment. One such approach is community-based resource management. However, in such an era and when empowerment, inclusive, and participatory approaches are echoed as factors towards effective resource management, the recognition that human factors more than ecology dictate conservation opportunity and the subsequent success of implementation is becoming obvious. Therefore, this thesis presents a desktop review of which conditions can community-based resource management help preserve, protect, and promote the recognition of indigenous knowledge in the Solomon Islands as a matter of human rights.

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**Tagio tumas/Tagio fara/ Tagio puala**

## LIST OF ACRONYMS

CBRM	Community-based resource management
CBD	Convention on Biological Diversity
EA	Ecosystem approach
ILO	International Labour Organization
UNCLOS	United Nations Convention on the law of the sea
UNDRIP	United Nations Declaration on rights of Indigenous peoples
SINOP	Solomon Islands National Ocean Policy

## TABLE OF CONTENTS

Abstract	i
List of Acronyms .....	iii
Table of Contents .....	iv
List of Figures .....	vi
List of Tables .....	vii
INTRODUCTION .....	1
Conservation in the Solomon Islands .....	6
Thesis outline..	12
International regimes on conservation and human rights .....	15
Research objectives .....	21
PART ONE: HUMAN RIGHTS AND THE ENVIRONMENT IN SOLOMON ISLANDS .....	24
Definition of traditional knowledge in Solomon Islands.....	25
Definition of human rights in Solomon Islands.....	27
Protection of environment in Solomon Islands .....	28
Is there currently a right to an environment of a particular quality in Solomon Islands?.....	29
CHAPTER ONE: THE BASIS OF INDIGENOUS PEOPLES' HUMAN RIGHTS IN SOLOMON ISLANDS .....	33
<i>SECTION A: RECOGNITION OF INDIGENOUS PEOPLES' HUMAN RIGHTS IN SOLOMON ISLANDS</i> .....	36
<i>SECTION B: IMPORTANCE OF INDIGENOUS PEOPLES LOCAL ENVIRONMENTAL KNOWLEDGE IN SOLOMON ISLANDS</i> .....	42
CHAPTER TWO: THE BASIS FOR PROTECTION OF THE ENVIRONMENT IN THE SOLOMON ISLANDS .....	48
<i>SECTION A: THREATS TO THE ENVIRONMENT IN SOLOMON ISLANDS</i> .....	51
<i>SECTION B: THE PROTECTION OF THE ENVIRONMENT AS A HUMAN RIGHTS ISSUE IN THE SOLOMON ISLANDS</i> .....	59

PART TWO: CONSERVATION OF THE ENVIRONMENT AND THE RIGHTS OF INDIGENOUS IN SOLOMON ISLANDS .....	69
CHAPTER ONE: CONSERVATION IN THE SOLOMON ISLANDS .....	71
<i>SECTION A: OBLIGATIONS TO CONSERVATION IN SOLOMON ISLANDS</i> .....	72
<i>SECTION B: CHALLENGES TO CONSERVATION IN SOLOMON ISLANDS</i> .....	78
CHAPTER TWO: THE INTERSECTION: TRADITIONAL KNOWLEDGE AND CONSERVATION OF THE ENVIRONMENT .....	87
<i>SECTION A: PRESERVATION AND PROMOTING INDIGENOUS PRACTICES AND TRADITIONAL KNOWLEDGE IN SOLOMON ISLANDS</i> .....	88
<i>SECTION B: ADDRESSING THE LOSS OF TRADITIONAL KNOWLEDGE AND INDIGENOUS PRACTICES</i> .....	92
CONCLUSION.....	98
REFERENCE.....	104

## LIST OF FIGURES

	<u>Page</u>
FIGURE 1: MAP OF SOLOMON ISLANDS (GOOGLE MAP, 2022).....	4



## LIST OF TABLES

Page

[...]

## INTRODUCTION

In the Solomon Islands, where 80 percent of the resources are customary owned<sup>1</sup> (controlled) and where Indigenous peoples' (communities) are very much connected to the land, sea, and the resources through traditional beliefs, cultural norms, values, practices, rituals, and having vast traditional knowledge of the resources, one of the potential ways to promote effective management and protection of the natural resources, and to promote the recognition of indigenous knowledge and practice, as part of the ecosystem approach (EA), is community-based resource management (CBRM) and/as a way for the integration of indigenous practices and traditional knowledge.

The CBRM has gained wide recognition as a strategy for sustainable use of resources<sup>2</sup> and conservation in the Pacific Region<sup>3</sup>. CBRM in the Solomon Islands context is described as an integrated conservation and development approach supporting biodiversity conservation, climate change adaptation, food security and rural development<sup>4</sup>. The CBRM adapts to and is

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<sup>1</sup> Solomon Islands, Solomon Islands National Ocean Policy (2008), Government of Solomon Islands, Ocean 12. Solomon Islands: SINOP

<sup>2</sup> Rohe, Janne R., Shankar Aswani, Achim Schlüter, and Sebastian CA Ferse. "Multiple drivers of local (Non-) compliance in community-based marine resource management: case studies from the South Pacific." *Frontiers in Marine Science* 4 (2017): 172.

<sup>3</sup> Jupiter, S.D., Cohen, P.J., Weeks, R., Tawake, A. and Govan, H., 2014. Locally-managed marine areas: multiple objectives and diverse strategies. *Pacific Conservation Biology*, 20(2), pp.165-179.

<sup>4</sup> Brewer, T.D. (2011). Coral reef fish value chains in Solomon Islands: Market opportunities and market effects on fish stocks. ARC Centre of Excellence for Coral Reef Studies report to Solomon Islands Ministry of Fisheries and Marine Resources and Secretariat of the Pacific Community.

conditioned by the larger social, political, and economic realms in which it operates<sup>5</sup>. Therefore, despite the increasing importance placed on establishing and protecting the environment through initiatives like CBRM, this study suggests that such an approach may not only promote *in situ* conservation but also promote and preserve the use and application of indigenous practices and traditional knowledge to resource management. This can also be used as a basis for sustainable development in the Solomon Islands as part of implementing the EA.

In light of this assumption, the study aims to contribute to the literature on a potential approach that can be used to efficiently implement the EA in the Solomon Islands and the subsequent advocacy that the use of CBRM is a means to preserve, protect, and promote indigenous practices and traditional knowledge. The recent decade see that the global community now acknowledges and recognizes that a human rights perspective directly addresses environmental impacts on the life, health, private life, and property of individual humans rather than on other states or the environment in general<sup>6</sup>. Therefore, CBRM is a potential that enables the recognition and acknowledgement of human rights, the rights of Indigenous Peoples and local communities to a safe, clean, and healthy environment in the Solomon Islands.

By that, not only will CBRM adapt and condition to the political, social. and economic realities, but also, culturally. In this era of technological advancement, cultural values and norms are constantly being challenged on its compatibility. To understand the values and limits of CBRM as a means of preserving, protecting, and promoting indigenous knowledge and practices, the study seeks to answer the following questions:

- a) How have indigenous practices and traditional knowledge been recognized in the Solomon Islands?

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<sup>5</sup> Aswani, Shankar, and Kenneth Ruddle. "Design of realistic hybrid marine resource management programs in Oceania 1." *Pacific Science* 67.3 (2013): 461-476.

<sup>6</sup> Alan Boyle, 2012. Human Rights and the Environment: Where Next?, *European Journal of International Law*, Volume 23, Issue 3, August 2012, Pages 613–642, <https://doi.org/10.1093/ejil/chs054>

- b) How do indigenous practices and traditional knowledge define, shape, and sustain natural resource use within local communities in the Solomon Islands?
- c) What are the existing ways to promote recognition of indigenous practices and traditional knowledge in local communities in the Solomon Islands? What possible pathways could be developed?
- d) What options and resources are available to assist communities in maintaining and promoting the continuing role of indigenous practices and traditional knowledge in the Solomon Islands?
- e) What is the role of indigenous practices and traditional knowledge as a basis for community-based resource management, strengthening community identity, and promotion of cultural diversity?
- f) What continuing challenges do communities face in sustaining and promoting indigenous practices and traditional knowledge, regarding natural resource development in the Solomon Islands?

By seeking answers to these questions, this paper provides an example of the complexities of CBRM and its potential. That is, to see if CBRM can help preserve, protect, and promote the recognition of indigenous practices and traditional knowledge in the Solomon Islands. However, first, I will give a brief background of the Solomon Islands.

### **Background of Solomon Islands**

The Solomon Islands (~~Figure 1~~Figure 1), an Ocean state in the Pacific, is a multicultural diverse archipelagic country with approximately 900 islands. The country divides into 9 provinces, with 95 percent of the communities, indigenous to Solomon Islands, and relying very much on the natural resources for survival and livelihood.

**FIGURE 1: MAP OF SOLOMON ISLANDS (GOOGLE MAP, 2022)**

The ocean state became a British Protectorate in 1893 and gained independence on 7<sup>th</sup> July 1978. As a colonized state, colonization has played a fundamental role in dispossession of indigenous customary marine/land tenure system. During the Protectorate, the British enacted and regulated laws that sees only 80%<sup>7</sup> of Solomon Islands area (land/coastal) are under customary tenure

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<sup>7</sup> Ibid (SINOP, 2018)

system. The other 20% has been taken by the government through so called waste land/areas<sup>8</sup> (alienated area) as defined by Queens regulation 3 of 1901 and Queens regulation 4 of 1896.

Prior to colonisation, the usage and ownership of customary land was regulated by customary law<sup>9</sup>. There is a significant overlap between biodiversity and Indigenous Peoples and local communities' land. This relationship is underpinned by customary laws and practices and traditional knowledge systems developed over centuries of occupation, use, conservation, and protection. However, the idea of alienated land existed and ignored the existing complexities in the century old, indigenous customary land/marine tenure in Solomon Islands.

Therefore, it is my hope with this research that, by recognising and acknowledging traditional conservation practices, we can rediscover, and promote the use and practice of indigenous land/marine tenure in the Solomon Islands, and as a way of sustainable development as part of the EA in the Solomon Islands.

### **Governance system in Solomon Islands**

The governance system in Solomon Islands context embodies the government, church, and the chiefly system<sup>10</sup>. The polycentrism institutes the land/sea tenure system (matrilineal<sup>11</sup> and

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<sup>8</sup> Waste land, as was disingenuously term by the Europeans – In the Queens Regulation 3 of 1901, it defines ‘waste land’ as land to the best knowledge and belief, it is neither owned, cultivated, or occupied by any native or non-native person. This includes the right to fish the produce marching with the coastal boundary (if any) of the land. Furthermore, it includes rights to minerals, mineral oil, or precious stones found or discovered at any time on the land, together with the right of prospecting.

<sup>9</sup> Foukona, Joseph D. "Legal aspects of customary land administration in Solomon Islands." *Journal of South Pacific Law* 11.1 (2007): 64-72.

<sup>10</sup> Hobbis, Stephanie Ketterer, and Geoffrey Hobbis. "Leadership in absentia: Negotiating distance in centralized Solomon Islands." *Oceania* 91.1 (2021): 47-63.

patrilineal<sup>12</sup> land tenure system) and integrates multiple levels of indigenous authority<sup>13</sup>. For most Indigenous People and local communities in the Solomon Islands, they depend on the chiefly system in the day-to-day affairs. This includes the right to use, have access to, manage, conserve, and protect resources within the community's area<sup>14</sup> or local community jurisdiction.

Similarly, due to the influence of Christianity, in some communities in the Solomon Islands, the church played similar role. For instance, the reforestation initiative by the Christian Fellowship Church (CFC), a religious group in the Western Solomon Islands<sup>15</sup>. The involvement of church groups to conservation has been significant<sup>16</sup>.

## Conservation in the Solomon Islands

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<sup>11</sup> Matrilineal land tenure system –a system where the rights in garden land (land) and lagoon access (coastal sea) inherited because of one's membership within a particular lineage which is traced from the women.

<sup>12</sup> Patrilineal land tenure system – system where land and resource ownership is passed or inherited from males linkages

<sup>13</sup> Aswani, Shankar. "Indigenous polycentric and nested customary sea-tenure (CST) institutions: A Solomon Islands case study." *Governing Renewable Natural Resources*. Routledge, 2019. 129-144.

<sup>14</sup> Customary area in Solomon Islands, refers to area within communities of indigenous Solomon Islanders control, use or occupy according to customary practices (Solomon Islands Fisheries Management Act 2015)

<sup>15</sup> Racelis, Alexis Eclevia, and Shankar Aswani. "Hopes and disenchantments of religious community forestry in the Western Solomon Islands." *Ecological and Environmental Anthropology* 6.1 (2011): 26-38.

<sup>16</sup> Schwarz, A., A. James, H. M. Teioli, P. Cohen, and M. Morgan. *Engaging women and men in community-based resource management processes in Solomon Islands*. WorldFish, 2014.

Conservation in the Solomon Islands is governed and managed by the Solomon Islands community-based coastal and marine resource strategy 2021-2035, the Fisheries Management Act 2015 (FMA 2015), Solomon Islands National Ocean Policy (SINOP), Solomon Islands National Fisheries policy 2019-2029, the Solomon Islands national Constitution 1978, and other national and provincial related regulations (legislations). All this national governance framework provides a focus directly on how to inclusively address critical challenges and threats to resources that Indigenous Peoples and local communities depend on for livelihood and survival. However, colonisation has produced unequal access to marine space, resources, and decision-making in different ways through different methods across time and space, which continues to this day<sup>17</sup>. This impacts conservation efforts, especially Indigenous practices, as most of the high biodiverse areas in the Solomon Islands are found within Indigenous Peoples and local communities' territories and areas.

The Ministry of Fisheries and Marine Resources (MFMR) and the Ministry of Environment, Climate Change, Disaster Management and Meteorology (MECDM) are promoting CBRM as the central strategy to ensure sustainable use of coastal ecosystems in Solomon Islands<sup>18</sup>. To support this strategy, the Solomon Islands Government has developed new legislation and policies, for example the *Protected Areas Act* (2010) and the *Fisheries Management Act* (2015).

Conservation in the Solomon Islands Fisheries Management Act 2015 (FMA Act 2015), is defined as the:

“the multiple use and actions to protect fish stocks, habitat and ecosystem functions in order to provide for a healthy, sustainable fishery for the future”

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<sup>17</sup> Wilson, David. (2021). European colonization, law, and Indigenous marine dispossession: historical perspectives on the construction and entrenchment of unequal marine governance. *Maritime Studies*, 20(4), 387-407.

<sup>18</sup> Arena M, Wini L, Salcone J, Leport G, Pascal N, Fernandes L, Brander L, Wendt H, Seidl A (2015). *National marine ecosystem service valuation: Solomon Islands*. MACBIO (GIZ/IUCN/SPREP).



The FMA Act 2015 acknowledges the multiple users of the resources and calls for actions to protect the environment (fish stocks, habitat, ecosystem functions). Although the mentioning of the actions does not specify which actions, however, it provides the provision that include cultural actions or indigenous practices. Furthermore, by mentioning the multiple users, it includes Indigenous Peoples and local communities, who own and depend on the resources for survival and livelihood.

The Constitution's preamble, further states,

“that the ownership of natural resources is vested in the people and the government of the Solomon Islands and cherishes and promotes the different cultural traditions within the Solomon Islands<sup>19</sup>”.

The Constitution recognizes that the ownership of the natural resources is vested in the people and the government of the Solomon Islands. By recognizing that the ownership of the natural resources is vested to the people, the Constitution is therefore, seen as making certain, indigenous Solomon Islanders, as users and owners of the resources, have the right to the conservation, restoration and protection of the total environment and the productive capacity of their customary land and resources<sup>20</sup> by using traditional knowledge and indigenous practices. The Constitution therefore recognizes that customary law as part of the Constitution<sup>21</sup>.

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<sup>19</sup> Solomon Islands Government, the Solomon Islands National Constitution 1978. Will be referred to as the Constitution in the study.

<sup>20</sup> Ibid (the Constitution 1978)

<sup>21</sup> In Chapter VII, section 75 of the Solomon Islands National Constitution, it states parliament shall make provision for the application of laws, including customary laws and in making provisions, parliament shall have particular regard to the customs, values and aspirations of the people of Solomon Islands.

Despite the Constitution acknowledging and recognizing the use of indigenous practices and traditional knowledge, indigenous practices are, not legally recognized<sup>22</sup>, properly acknowledged or ignored for practice in the Solomon Islands. With the lack of effective legal recognition of Indigenous Peoples rights and responsibilities, Indigenous Peoples and local communities face and continue to face marginalization from colonial and post-independence legislative and judicial systems and state centric decision making. They are often excluded from meaningful participation in governmental and non-governmental development, conservation, and welfare programmes, instead being relegated to the role of beneficiaries<sup>23</sup>.

However, in most local communities in the Solomon Islands, indigenous practices are daily routine practices. For example, in local communities, landowners, chiefs or elders of an indigenous community place off limits or do seasonal closure to reefs, certain customary areas and limit the use of certain traditional practices. Established without formal legal status, these practices are adaptively managed through learning-by-doing or hands-on practices, which have been very effective<sup>24</sup> despite the communities facing multiple and conflicting challenges<sup>25</sup>. Mostly, these practices focus on resource use, access rules and other management measures

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<sup>22</sup> Govan, H., 2009. Achieving the potential of locally managed marine areas in the South Pacific. *SPC Traditional Marine Resource Manage. & Knowledge Information Bull.* 25: 16–25.

<sup>23</sup> James Clifford Meimana and Holly Jonas, 2015. A review of national environmental law that support or undermine the customary laws and traditional practices of Indigenous Peoples and local communities in the land, sea, territories and resources of the Solomon Islands. Network for Indigenous Peoples Solomon (NIPS). Honiara, Solomon Islands.

<sup>24</sup> Solomon Islands Government Ministry of Fisheries and marine resources, Solomon Islands Community based coastal and marine resource management strategy 2021-2025, Solomon Islands

<sup>25</sup> Schwarz, A.M., Eriksson, H., Ramofafia, C., Masu, R., Boso, D. and Govan, H., 2021. Three Decades of Research Integration—Transforming to Collaborative Aquatic Food Systems Research Partnerships in the Pacific. *Frontiers in Sustainable Food Systems*, 5.

within a defined customary area<sup>26</sup>. This is purposely for traditional rituals, feasts, deaths, reconciliation, and in-kind gifts to expected visiting allies. Although it is either the chiefs or elders who impose such action/practice, this is based on community needs<sup>27</sup>, cultural norms/values<sup>28</sup>, and respecting the vulnerabilities in the ecosystem while ensuring robust resources are abundantly available to the community. This is assessed through indigenous knowledge and resembles the sustainable use of resources.

However, due to the influence of commoditization of the resources, people's compliance with these rule systems has changed. This has led to a diminished perception of the legitimacy of local rules and rule markers<sup>29</sup> and relatively weak enforcement of local rules.

It is until the late 1990s that resource management approaches were developed recognizing the value of customary institutions in decision-making for resource management<sup>30</sup>. Since then, traditional approaches have been applied and enforced in an *ad hoc* manner, depending on community commitment, and the personal authority of community chiefs, or elders. This contributed to the non-recognition, loss, and non-practice of traditional knowledge in most local communities in the Solomon Islands.

This study argues that CBRM not only promotes the management and protection of natural resources but is also a potential inclusive integrated approach that could ensure meaningful

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<sup>26</sup> Ibid (Jupiter et al 2014)

<sup>27</sup> Sulu, Reuben J., Hampus Eriksson, Anne-Maree Schwarz, Neil L. Andrew, Grace Orirana, Meshach Sukulu, Janet Oeta et al. "Livelihoods and fisheries governance in a contemporary Pacific Island setting." *PLoS One* 10, no. 11 (2015): e0143516.

<sup>28</sup> Walter, Richard K., and Richard J. Hamilton. "A cultural landscape approach to community-based conservation in Solomon Islands." *Ecology and Society* 19, no. 4 (2014).

<sup>29</sup> Ibid (Rohe et al 2017)

<sup>30</sup> Cinner, Joshua E., and Shankar Aswani. "Integrating customary management into marine conservation." *Biological Conservation* 140.3-4 (2007): 201-216.

participation, empower local communities, help preserve, and promote the use of indigenous practices and traditional knowledge. Sadly, some traditional knowledge and practices have been lost or are in the due process of being lost, due to a lack of appreciation<sup>31</sup>, and lack of available mechanisms to protect, promote and retain them<sup>32</sup>.

Based on experience in other areas of the world, if resources are not conserved, managed, or sustainably used, and if indigenous practices and traditional knowledge are not maintained or strengthened, conservation may not work effectively<sup>33</sup>. Similarly for the Solomon Islands, where 80% of the natural resources are owned by Indigenous Peoples and local communities, although there are increasing efforts and initiatives to manage, protect, conserve, and sustainably use the resources, if, such initiatives and efforts are not developed, recognized<sup>34</sup>, implemented, and experienced at the community level, and if indigenous practices and traditional knowledge are not part of such initiatives, resource management may not work effectively. The integration of indigenous practices and traditional knowledge, therefore, has the potential to work in the long run<sup>35</sup> for the conservation and protection of natural resources, and sustainable use of resources by Indigenous Peoples and local communities. Failure to recognize customary resource tenure and decision-making processes through traditional knowledge and indigenous practices may lead to

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<sup>31</sup> Tobin, Brendan. "The role of customary law in access and benefit-sharing and traditional knowledge governance: Perspectives from Andean and Pacific Island countries." *World Intellectual Properties Organization and the United Nations University* (2008).

<sup>32</sup> Thaman, R., R. Gillett, and M. Pelasio. "Community-based marine biodiversity surveys and marine resources management plans (MRMPs) as a basis for the conservation and sustainable use of coral reef ecosystems in the Pacific Islands." *coral reefs in the Pacific: status and monitoring, resources and management* (2000)

<sup>33</sup> Ibid (Thaman et al 2000).

<sup>34</sup> Govan, Hugh, and Stacy Jupiter. "Can the IUCN 2008 protected areas management categories support Pacific Island approaches to conservation." *Parks* 19 (2013): 73-80.

<sup>35</sup> Ibid (Thaman et al 2000).

resource conflict, and when combined with limited government capacity, results in poor resource management outcomes<sup>36</sup>.

That being mentioned, the practice of conservation through conventional forms has been ineffective in Pacific countries, having been applied in ignorance or denial of traditional practices or tenurial arrangements when such traditional patterns are (often) crucial<sup>37</sup>.

Subsequently, the revitalization and use of traditional knowledge and practices can also help collaborate and develop practical and innovative solutions to advancing and enhancing the recognition of human rights, the rights of Indigenous Peoples to a safe, clean, healthy and sustainable environment.

However, in this study, I will examine, why the practice of conservation through conventional forms has been ineffective in the Solomon Islands. And if, conventional forms of conservation have been ineffective, does the integration of CBRM with indigenous practices and traditional knowledge has the potential means to ensure effective *in situ* conservation. Furthermore, will the use of CBRM help preserve, protect, and promote the recognition of indigenous practices and traditional knowledge as a matter of human rights in the Solomon Islands?

## **Thesis outline**

This study has two parts. In each part, there are two chapters, and, in each chapter, it has two sections.

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<sup>36</sup> Lindsay, J. "Creating legal space for community-based management: Principles and dilemmas." *Decentralization and Devolution of Forest Management in Asia and the Pacific*. Food and Agriculture Organization of the United Nations and RECOFTC, Bangkok (2000): 23-38.

<sup>37</sup> Carew-Reid, Jeremy. "Conservation and protected areas on South-Pacific Islands: the importance of tradition." *Environmental Conservation* 17.1 (1990): 29-38.

Part one of the study will focus on human rights and the environment in the Solomon Islands. By that, I will look at whether, in the Solomon Islands, the right to a clean, safe, healthy, and sustainable environment for Indigenous people and local communities is recognized and acknowledged.

In the quest to find out, if there is already a human right to a clean, safe, healthy, and sustainable environment for Indigenous People in the Solomon Islands, in chapter one, I will first look at the basis for the protection of Indigenous human rights in the Solomon Islands.

By that, in the first section, I will examine the Solomon Islands Constitution and see if weather or not, indigenous human rights are recognized in the Solomon Islands. That is, I will look at if the right to a safe, clean, healthy, and sustainable environment for Indigenous Peoples and local communities is recognized in the Constitution. Furthermore, I will look at how can the right to a healthy environment, be used as a means to help Indigenous Peoples and local communities preserve, protect, and promote the use of indigenous knowledge and practices in the Solomon Islands.

Having looked at if the right to a clean, safe, healthy and sustainable environment is recognized in the Constitution, I will then look at the rights and roles of Indigenous Peoples and local communities in the Solomon Islands. As mentioned earlier, 80 of the resources are customary owned, therefore, Indigenous Peoples and local communities' rights and roles are very much important to note in relation to conservation or protection of the environment. Furthermore, the Constitution states that the resources are vested in the people. Therefore, in the next section of chapter one, I will look at the rights and roles of indigenous communities in the Solomon Islands, as a matter of human rights. However, the discussions will focus on how indigenous practices and traditional knowledge has define, shape, and sustain natural resources use within local communities, as a matter of human rights, in the Solomon Islands.

Having looked at the basis for the protection of indigenous human rights, the rights to a safe, clean, healthy, and sustainable environment for Indigenous Peoples and local communities in the Solomon Islands, in chapter two, I will focus the discussion on the basis for the protection of the environment in the Solomon Islands. The Constitution provides for the provision for the protection of the environment. In the first section of chapter two, I will discuss the protection of

the environment as a matter of human rights, the rights to a healthy environment in the Solomon Islands.

As in the FMA 2015, it acknowledges the multiple users of the resources. Therefore, in the second section of chapter two, I will examine the threats to the environment which is consequently because of or related to the increasing multiple users. This includes threats to indigenous practices and traditional knowledge in the Solomon Islands.

In the second part of the study, I will discuss what are some of the best practices to address the threats to the environment. In doing so, I will also discuss the potential existing ways to address the loss of traditional knowledge and indigenous practices in the Solomon Islands. Although there are many potential ways, I will look at what options and resources are available and can be compatible to assist communities in maintaining and promoting the role of indigenous practice and traditional knowledge in the Solomon Islands.

However, first, in chapter one of part two, I will focus on conservation in the Solomon Islands. Although conservation has been practiced for centuries in the Solomon Islands, in section one of chapter two, I will look at the rights and obligations the Solomon Islands, as an ocean state has to conservation. First, I will look at, what are some of the state's obligations to the protection, preservation, and conservation of its natural resources. Having looked at the state's obligation to the protection, preservation and conservation of its natural resources, I will look at, what role, do indigenous practices and traditional knowledge, by integrating them with CBRM, strengthen community identity, and promote cultural diversity in the Solomon Islands.

In the next section, I will examine the challenges to conservation in the Solomon Islands. The discussions will emphasis on CBRM, as a potential way to promote, preserve and protect natural resources, at the same time, help promote the recognition of indigenous and traditional knowledge in the Solomon Islands. Additionally, I will also look at some of the challenges to conservation efforts that local communities face in sustaining and promoting indigenous practices and traditional knowledge, regarding natural resource development in the Solomon Islands.

In the final chapter, I will present the intersection between conservation, traditional knowledge, and human rights. That is, attempting to each of the features discussed, and see, if whether,

CBRM can be a potential approach, which can be used to effectively protect the environment from natural resource development. Not only that, but be used to help promote, preserve, and protect indigenous people's human rights, the right to a healthy environment as part of the EA.

However, to have an overview of the importance and basis of conservation, I will before the first chapter of the first part, look at the international regimes on conservation and protection of the environment, and how it is interlinked with human rights and the right to a clean, safe, healthy and sustainable environment for Indigenous Peoples and local communities in the Solomon Islands. By understanding such connections, it will be helpful to understand the national duties and obligations of the Solomon Islands on the conservation and protection of the environment.

Despite the challenges that continue to confront the country, in terms of protection of the environment, as state parties to international obligations such as UNCLOS, 2022 United Nations General Assembly resolutions, United Nations Human Right Council resolutions 2021, and CBD, it provides the opportunity for some innovation and creative thinking on conservation pathways. One of the pathways that has gained much attention recently is the recognition of Indigenous Peoples and local communities conservation efforts. In the Solomon Islands, people are continuously configuring and reconfiguring their livelihoods and adapting to changes in the environment that impact their economic and social well-being<sup>38</sup>. Therefore, the potential of using CBRM as a means to promote the recognition of indigenous practices and traditional knowledge in the face of continuous changes, subsequently, will lead to the promotion and the recognition of indigenous human rights, the rights of Indigenous Peoples to a healthy environment.

### **International regimes on conservation and human rights**

The protection of the marine environment, including the protection and preservation of natural resources, conservation of living resources, and equitable and efficient utilization of the

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<sup>38</sup> Penderverana, 2021



resources<sup>39</sup> are objectives of the 1982 UN Convention on the Law of the Sea (UNCLOS). This comprises the first attempt to develop an international law framework in response to the deterioration of, and threats to<sup>40</sup>, the resources, and to implement measures to protect the marine environment and conserve natural resources<sup>41</sup>. Part XII of the UNCLOS obligates states to protect and preserve the marine environment and the sovereign right to exploit their natural resources<sup>42</sup>. This shows the extent of the state's responsibility in protecting, preserving and managing the use of the ocean including its resources/ the environment.

Despite state's obligations to preserve and protect the marine environment under UNCLOS, there has been a growing sensitivity and challenges concerning the protection of the environment. Therefore, to encourage actions for a sustainable future, the Convention on Biological Diversity<sup>43</sup> (CBD) was adopted (in 1992) and entered into force in 1993. It focuses on the conservation of biological diversity (Article 8), the sustainable use of its components (Article 10), and the fair and equitable sharing of benefits arising out of the utilization of genetic

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<sup>39</sup> United Nations Convention on the Law of the Sea, articles 61, 62, 119, 145, 192, 193, 194, and 237

<sup>40</sup> McConnell, Moira L., and Edgar Gold. "The Modern Law of the Sea: Framework for the protection and preservation of the marine environment." *Case W. Res. J. Int'l L.* 23 (1991): 83.

<sup>41</sup> De La Fayette, Louise. "The Marine Environment Protection Committee: the conjunction of the Law of the Sea and international environmental law." *The International Journal of Marine and Coastal Law* 16.2 (2001): 155-238.

<sup>42</sup> Ibid (UNCLOS articles 192 and 193)

<sup>43</sup> Convention on Biological Diversity 1760 UNTS 79; 31 ILM 818 (entered into force 29 December 1993) (CBD)

resources (Article 1) and adapts a broad ecosystem approach<sup>44</sup> to biodiversity conservation and sustainable use<sup>45</sup>.

Although the CBD does not reference human rights, it invokes human rights and recognizes the dependency of Indigenous Peoples and local communities on biological diversity and their unique role in conserving life. For example, Article 8(j) of the CBD Convention, commits to respect, preserve, and maintain knowledge by Indigenous peoples and local communities' innovations and practices embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity. Not only to respect, preserve and maintain Indigenous peoples' innovations and practices, but also, as mentioned in Article 10(c), commits to protect, and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.

By encouraging customary use of biological resources with traditional practices, the conservation efforts and practices of Indigenous People and local communities are recognized and are implicitly being incorporated into a wider application of the CBD. It recognizes that humans, with their cultural diversity, are an integral component of many ecosystems, and that Indigenous Peoples and other local communities living on the land are important stakeholders and their right and interests, including the use of traditional knowledge and for the customary sustainable management and conservation of natural resources<sup>46</sup> should be recognized<sup>47</sup>.

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<sup>44</sup> COP 5 Decision V/6

<sup>45</sup> Koh, Niak Sian, Claudia Ituarte-Lima, and Thomas Hahn. "Mind the Compliance Gap: How Insights from International Human Rights Mechanisms Can Help to Implement the Convention on Biological Diversity." *Transnational Environmental Law* 11.1 (2022): 39-67.

<sup>46</sup> Morgera, Elisa. "The need for an international legal concept of fair and equitable benefit sharing." *European Journal of International Law* 27.2 (2016): 353-383.

<sup>47</sup> Part of Principle 1 of the Ecosystem approach: The objectives of management of land, water and living resources are a matter of societal choice. Accessed: <http://www.cbd.int/convention>.

Furthermore, the use of Indigenous Peoples and local communities' traditional knowledge serves to recognize the relationship between the stewardship of traditionally occupied used natural resources and the production and dissemination of traditional knowledge. This embodies traditional lifestyles, based on the link between communities shared cultural identity, the biological resources they use, and their customary rules on traditional knowledge and resource management<sup>48</sup>. This also means a healthy biodiversity and ecosystem represent a core substantive element of the human rights<sup>49</sup>, the fulfilment of a broad range of human rights, including rights to a safe, clean, and healthy environment. All this depends on the thriving biodiversity and healthy habitats and ecosystems<sup>50</sup>. Therefore, biodiversity and a healthy ecosystem are integral for the enjoyment of a broad of human rights, and in turn, the realization of human rights is beneficial for the conservation and sustainable use of biodiversity and the ecosystem<sup>51</sup>.

Therefore, the CBD as a treaty that provides the basis for the EA, presents helpful guidance for the interpretation and implementation of international human rights<sup>52</sup>, help preserve<sup>53</sup>, promote, and maintain knowledge, innovation, and practices (CBD Article 8j) and establish genuine

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<sup>48</sup> Ibid (Morgera 2016)

<sup>49</sup> Boyd, David R. "The constitutional right to a healthy environment." *Environment: Science and Policy for Sustainable Development* 54.4 (2012): 3-15.

<sup>50</sup> Swedish International Development Cooperation Agency (SIDA), *Human Rights, Biodiversity and Ecosystems*, (SIDA, 2017).  
<https://publikationer.sida.se/contentassets/d03c42ac8dd24988bc43b404b46aca62/22339.pdf>

<sup>51</sup> [A/HRC/34/49](#).

<sup>52</sup> Morgera, Elisa. "Dawn of a New Day: The Evolving Relationship between the Convention on Biological Diversity and International Human Rights Law." *Wake Forest L. Rev.* 53 (2018): 691.

<sup>53</sup> Ibid (Yeboah, et al, 2020)

partnership<sup>54</sup> and cooperation within communities to the conservation and sustainable use of biodiversity and ecosystems<sup>55</sup>. Consequently, this promotes and acknowledges the rights of Indigenous Peoples to maintain, protect, and control their culture and traditional ecological knowledge<sup>56</sup>. The CBD, therefore, affirms the recognition of international human rights on the interrelationship of rights to food security, subsistence resources, cultural heritage<sup>57</sup> and the right to a healthy environment.

Therefore, the loss of biodiversity, the decline in services provided by the ecosystems, and environmental damage interfere with the enjoyment of a safe, clean, healthy, and sustainable environment, having implications for the effective enjoyment of all human rights<sup>58</sup> and implementation and enforcement of environmental laws.

A potential genuine partnership is through the CBRM. The CBRM concept encompasses decentralization, and has evolved through complex interactions, encompasses community-driven initiatives, participatory approach, community empowerment, engagement, inclusive, decision-making<sup>59</sup> and integrating resource management approaches<sup>60</sup> as a matter of societal choice.

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<sup>54</sup> Robinson, Jake M., Nick Gellie, Danielle MacCarthy, Jacob G. Mills, Kim O'Donnell, and Nicole Redvers. "Traditional ecological knowledge in restoration ecology: a call to listen deeply, to engage with, and respect Indigenous voices." *Restoration Ecology* 29 (4), (2021): e13381.

<sup>55</sup> Hill, Rosemary, et al. "Working with indigenous, local and scientific knowledge in assessments of nature and nature's linkages with people." *Current Opinion in Environmental Sustainability* 43 (2020): 8-20.

<sup>56</sup> United Nations Declaration on the rights of Indigenous peoples, Article 31

<sup>57</sup> Coombe, Rosemary J. "The recognition of indigenous peoples' and community traditional knowledge in international law". *Thomas L. Rev.* 14 (2001): 275.

<sup>58</sup> A/HRC/RES/34/20

<sup>59</sup> Thaman, R., R. Gillett, and M. Pelasio. "Community-based marine biodiversity surveys and marine resources management plans (MRMPs) as a basis for the conservation and sustainable

Article 192 of the UNCLOS sets the primary obligation of States to protect and preserve the marine environment, and is given force in Article 194, which clarifies the scope of the regulated subject. Apart from other measures to prevent, reduce and control pollution of the environment, Article 194 (5) specifies states shall include those measures necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other form or marine life. Although UNCLOS does not state CBRM as a pathway to protect the environment, Article 235(1) provides that, states are responsible for the fulfilment of their international obligations concerning the protection and the preservation of the marine environment. Therefore, where the biodiversity of coral reefs and associated marine ecosystems is usually controlled and best understood by the local, often Indigenous People<sup>61</sup>, the CBRM is a potential for implementation at the resource owner and user level<sup>62</sup>. The CBRM therefore, is a potential pathway to support states implement and achieve states obligation as stated in Article 194 of UNCLOS, to adapt, implement and enforce the cooperatively agreed upon standards at the national level.

However, in the CBD, it explicitly states the appropriate action to the conservation and sustainable use of resource. Article 8(a) of the CBD state, as far as possible and as appropriate, each contracting Party shall establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity. In establishment of the protected areas, in Article 8(j), it obligates states to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

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use of coral reef ecosystems in the Pacific Islands." *coral reefs in the Pacific: status and monitoring, resources and management* (2000)

<sup>60</sup> Ibid (Thaman et al, 2000)

<sup>61</sup> Ibid (Thaman et al, 2000)

<sup>62</sup> Ibid (Thaman, et al, 2000)

Therefore, although UNCLOS does not explicitly mentioned CBRM, it obligates states on the protection and preservation of the environment. On the other, the ecosystem approach under CBD which aims at achieving conservation and sustainable use of biodiversity using the system of protected areas, recognizes and obligates state parties to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities. This in principle, equates CBRM. Consequently, both UNCLOS and CBD promotes the protection, preservation and conservation of the environment, recognizes the need for an integrated approach to protect the environment and acknowledges the sustainable use of the resources.

In addition, the decision at COP5 encourages parties to support indigenous and community conservation areas and territories, community-based management, customary sustainable use and community governance of biodiversity, and ensure the full and effective participation of indigenous and local communities in the decision-making process<sup>63</sup>.

However, would CBRM enable a balance of competing rights and interests within communities, and be conceived as a tool to protect communities against ‘third parties’ natural resource development? If so, would this lead to meeting indigenous peoples’ needs through sustainable use and benefit sharing by protecting customary sustainable use by indigenous peoples and local communities<sup>64</sup>. This forms the basis of the objectives of the study, and by that, conclude by seeking answers to these questions.

## **Research objectives**

Therefore, in this study, I will examine under which conditions can CBRM promote the recognition of indigenous practices and traditional knowledge, as part of the ecosystem approach

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<sup>63</sup> UNEP/CBD/COP/DEC/12/5, para 11

<sup>64</sup> Ibid (Coombe, R. J., 2001)

(EA), and/or as a way for the integration of indigenous practices and traditional knowledge as a basis for sustainable development in Solomon Islands.

As discussed earlier, the CBRM concept is a potential means to preserve, protect, and promote the recognition of indigenous practices and traditional knowledge in implementing the EA, and to see the protection of indigenous and traditional knowledge linkage with international human rights law. The study, therefore, suggests that from the definition of CBRM, CBRM not only is a potential means of promoting *in situ* conservation, the conservation of ecosystems and natural habitats and the maintenance of recovery of viable populations of species in their natural surroundings<sup>65</sup> but also a potential to encourage and promote the use and application of indigenous practices and traditional knowledge<sup>66</sup> as a basis for sustainable resource use and development in the Solomon Islands. The study suggests that, through CBRM, it will also help in promoting and recognizing indigenous people's rights, the rights to a healthy environment, and therefore, be conceived as a tool to protect communities against 'third parties' natural resource development<sup>67</sup>.

Therefore, in this study, the objectives will be to examine under which conditions can CBRM as a matter of human rights:

- 1) Help preserve and protect indigenous and traditional knowledge (including practices) for the use and benefit of local indigenous communities in the Solomon Islands
- 2) Promote actions to recognize indigenous practices from traditional knowledge to enhance conservation and management of natural resource and to help protect communities from third parties' natural resource development in the Solomon Islands.

The study will serve as a basis to understand that through integrating indigenous knowledge and practices, true and lasting conservation can be achieved, not only for biodiversity conservation, but as a matter of human rights as well.

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<sup>65</sup> Ibid (CBD, 1993)

<sup>66</sup> Ibid (Thaman et al, 2000)

<sup>67</sup> Ibid (Morgera, 2016)





## **PART ONE: HUMAN RIGHTS AND THE ENVIRONMENT IN SOLOMON ISLANDS**

The UN Special Rapporteur on Human Rights and the Environment clarified in 2017 that the protection of our human rights is intertwined with the protection of the environment in which we live<sup>68</sup>. It further suggests that the right to a healthy environment contribute to improved implementation and enforcement of environmental laws. In part one of the study, I will therefore, examine the connection between human rights and the environment in the Solomon Islands.

First, in chapter one of part one, I will look at the basis of Indigenous Peoples' human rights in Solomon Islands. Despite having 95 percent of people Indigenous, the discussion will be based on the question; does the Solomon Islands recognize and protect Indigenous People's human rights?

As such, in section A of chapter one, I will examine the recognition of Indigenous Peoples' human rights in the midst of increasing environmental degradation, increasing environmental threats combined with the impacts of climate change in the Solomon Islands. In doing so, the discussion will be based on the question; how this activity affects Indigenous Peoples human rights, their rights to a healthy environment.

Having examined that, in the second section of chapter one, I will discuss the roles of Indigenous peoples/communities in the Solomon Islands. The discussion will be based on the perception<sup>69</sup> that by recognizing the rights and roles of indigenous people to a healthy environment, it will promote sustainable use of the resources and fosters the recognition of Indigenous Peoples human rights, recognizing their right to a healthy environment. In addition, I will also examine

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<sup>68</sup> Ibid (A/HRC/34/49)

<sup>69</sup> Sjöstedt, Britta, (2020). 'Rights of Indigenous Peoples and Environmental Protection in Jus Post Bellum', in Carsten Stahn, and Jens Iverson (eds), *Just Peace After Conflict: Jus Post Bellum and the Justice of Peace* (Oxford, 2020; online edn, Oxford Academic, 18 Mar. 2021), <https://doi.org/10.1093/oso/9780198823285.003.0012>.

how Indigenous peoples' practices and traditional knowledge define, shape, and sustain natural resources use within local communities in the Solomon Islands.

Having looked at Indigenous Peoples human rights and their roles in the Solomon Islands, in chapter two, I will focus the discussion on the protection of environment in the Solomon Islands. First, I will look at what are the threats to the environment, and discuss, how does the threats impact Indigenous peoples' livelihood. Having discussed the threats to the environment, I will then discuss, how has the environment been protected in the Solomon Islands.

Next, in section B of chapter two, I will further discuss protecting the environment and examine how can the protection of the environment, by using the CBRM, promotes the recognition of Indigenous peoples' practices and traditional knowledge in Solomon Islands.

However, I will first provide definitions using international law and the Solomon Islands Constitution for a number of key terms and concepts including traditional knowledge, human rights and the protection of the environment that will be used throughout the thesis.

### **Definition of traditional knowledge in Solomon Islands**

The Convention on Biological Diversity (CBD), to which the Solomon Islands are party to, refers to traditional knowledge as .... "traditions, innovations, and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity" (article) 8(j). This definition may be seen as know-how, practices, and innovations by indigenous and local communities.

In the Constitution of the Solomon Islands, there is no specific mention of or definition of traditional knowledge. However, the preamble of the Constitution does mention "the wisdom and the worthy customs of our ancestors, mindful of our common and diverse heritage and conscious of our common destiny", which may be referred to as traditional knowledge. This may be seen as wisdom, customs and consciousness, by ancestors, which indigenous peoples and local communities inherit, learn through common experience, and continue to practice and use in

decision-making, planning, and the management of resources that are critical and beneficial to life in subsistence local communities<sup>70</sup> in the Solomon Islands.

Although the Constitution does not explicitly mention traditional knowledge, the preamble of the Constitution does mention that the state shall cherish and promote the different cultural traditions within the Solomon Islands. By stating that, the Constitution recognized customary law as part of the formal law<sup>71</sup>. In support of that, Section 75 of the Constitution states that parliament shall make provisions for the application of laws, including customary law with the principles and rules of the common law and equity. In doing so, the Constitution embraces the worthiness, and the value of customary law which includes the application and use traditional knowledge as part of the law in Solomon Islands.

However, in the Solomon Islands National Ocean Policy (SINOP) of 2018, traditional knowledge is defined and referred to as “a living body of traditional knowledge, spiritual beliefs, innovations and practices of different tribal groups, lines, or communities, related to resource use and management of indigenous Solomon Islanders”. The definition approximates existing traditional practices, beliefs, and knowledge of the concept of sustainable development and resource management, of a particular tribal group or its territory.

The definition is very much adapted from the CBD, where the focus is more on biodiversity conservation and sustainable use of resources. Not only that, but the definition goes on and acknowledges those who traditionally own the resources and have practiced sustainable use and management of the resources through indigenous practices, innovations, and cultural norms, and are connected very much to the resources.

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<sup>70</sup> Mercurieff, Larry. "Linking traditional knowledge and wisdom to ecosystem-based approaches in research and management: supporting a marginalized way of knowing." *Ethnobiology and biocultural diversity: Proceedings of the 7th International Congress of Ethnobiology, Athens, Georgia, USA, October 2000*. International Society of Ethnobiology, c/o University of Georgia Press, 2002.

<sup>71</sup> Ibid (Constitution 1978) Chapter V11, section 75 and 76

## Definition of human rights in Solomon Islands

The fundamental rights and freedom of the people of the Solomon Islands<sup>72</sup> are protected by the Constitution, which is based on the Universal Declaration of Human Rights and the European convention for the protection of human rights and fundamental freedoms<sup>73</sup>. At the time of the writing the Constitution, the Solomon Islands has yet to ratify any of the human rights convention, therefore, it adopts mostly the European treaty, as a means of capturing human rights. This includes freedom of conscience, of expression and of assembly and association, and protection for the privacy of property and from deprivation of property without compensation.

The Constitution goes on to state that, these rights and freedoms are subject to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

In affirming these rights and freedoms, in the preamble of the Constitution, the government agree and pledges to respect and enhance human dignity, strengthen, and build common solidarity, ensure the participation of people in the governance of their affairs, and provide within the framework of national unity for the decentralization of power.

Not only that, but the Constitution also specifies the duty of the state to protect the customs of the clan and tribal communities, including rights to customary ownership of land and natural resources and their customary and intellectual properties, uphold fundamental rights and freedoms, and promote participation. However, despite such provisions, it is apparent that existing acts and procedures are inadequate for protecting or enabling efficient protection of the

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<sup>72</sup> Ibid (Constitution 1978) Chapter 2, section 3

<sup>73</sup> Corrin Care, Jennifer. "Customary Law and Human Rights in Solomon Islands: A Commentary on *Remisio Pusi v James Leni and Others*." *The Journal of Legal Pluralism and Unofficial Law* 31.43 (1999): 135-144

customs of the clan and tribal communities. Although it has been established and applied to alienated land-government and privately owned, but generally not to customary land<sup>74</sup>.

Despite such, the Constitution, recognizes that Indigenous Peoples are the customary custodian of land and natural resources, stating that the resources belong to the people. This can therefore be argued that, by protecting the fundamental rights and freedoms of the people, it provides for the provision to protect the resource, which is the land and natural resources from damage<sup>75</sup>, by which Indigenous Peoples depend on for livelihood and survival. Therefore, by protecting the resources, it also protects Indigenous Peoples human rights, their right to a healthy environment.

Furthermore, the Constitution respects and acknowledges the contribution of the clan and tribal communities including their knowledge, innovations, and practices. By such, the Constitution recognizes that customary law is part of the Constitution.

### **Protection of environment in Solomon Islands**

The natural resources of the Solomon Islands are vested in the people and the government of the Solomon Islands<sup>76</sup>. Furthermore, the Constitution provides for the protection of the environment in circumstances where it is reasonably necessary so to do because the property is in a dangerous state of injurious to the health of human beings, animals, or plants, and for so long as may be necessary for .... work of soil conservation or conservation of other natural resources<sup>77</sup>. The protection of the environment, therefore, substantiate the recognition of the fundamental rights and freedoms of the people, the rights to customary ownership of the land and resources and right to a safe, clean, and healthy environment.

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<sup>74</sup> Sullivan, Marjorie. (2018). "Recognition of customary land in the Solomon Islands: status, issues and options."

<sup>75</sup> Ibid (Draft Constitution 1978) Chapter 2, section 11

<sup>76</sup> Ibid (Constitution 1978) Preamble)

<sup>77</sup> Ibid (Constitution 1978) Section 8(2)(v)(vii)

The Constitution can also be seen to accord the protection of the environment to Indigenous Solomon Islanders both concerning the environment as a whole and regarding their customary lands and resources, a right for all persons to an environment that is not harmful. See for instance, the case between Nesa v Mas Solo Investment Ltd (2019) SBHC 58; HCSI-CC 492 of 2017 (31 July 2019).

Therefore, the Constitution not only provides for the protection of the environment but also provides for the provision that Indigenous Solomon Islanders have the right to the conservation, restoration and protection of the total environment and the productive capacity of their customary lands and resources<sup>78</sup>.

### **Is there currently a right to an environment of a particular quality in Solomon Islands?**

To give context to the right to a healthy environment for Indigenous Peoples in the Solomon Islands, I will first examine international declarations, which the Solomon Islands is part of and committed to, starting from the Stockholm Declaration, which is generally seen as the beginning of modern environmental law<sup>79</sup>. Principle One of the Stockholm Declaration states:

“man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations”.

The Stockholm Declaration, in recognizing the relationship between humans, and the environment, places the solemn responsibility on humans to protect and improve the environment. The environment is then seen as a pre-condition for the realization of human

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<sup>78</sup> Ibid (Constitution 1978) Chapter 3

<sup>79</sup> Glazebrooks, S. (2009). Human rights and the environment. Victoria University of Wellington Law Review, 40(1), 293-350

rights<sup>80</sup>, enabling the right to a healthy environment that permits a life of dignity and well-being for the present and future generations.

The Rio Declaration (1992) expressed focus on a sustainable development approach to environmental rights. It states that human beings are at the center of concern for sustainable development and that they are entitled to a healthy and productive life “in harmony with nature”. Therefore, it can be argued that human rights to a quality environment became a right to sustainable development rather than the environment in its own right, with the assumption that the environment is only for (proper) human use. As such, despite failing to recognize that humans are the center for sustainable development, the Rio Declaration did pave the way for inclusion of certain rights in international agreements<sup>81</sup>.

Although not so very much well-known, the Hague Declaration on the environment (1989) expressed a strong connection between the environment and human rights. This was expressed where the fundamental duty to preserve the ecosystem was recognized and the right to live in dignity in a viable global environment. However, the Solomon Islands is not a signatory of the Hague Declaration.

The Stockholm Declaration, Rio Declaration and the Hague Declaration recognized the interlink of human rights, an ecologically sound environment and sustainable development. Arguably, sustainable development requires that different societal objectives (economic, environmental, and human rights) be treated in an integrated manner<sup>82</sup>. As such, human rights and the protection of the environment contribute to human wellbeing, enjoyment of human rights, and both are

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<sup>80</sup>Akyuz, Emrah. (2021). "The Development of Environmental Human Rights." *International Journal of Environment and Geoinformatics* 8.2 (2021): 218-225.

<sup>81</sup> Knox, John. H. (2018). The Past, Present, and Future of Human Rights and the Environment. *Wake Forest Law Review*, 53(4), 649 666.

<sup>82</sup> Abernethy, K.E., Bodin, Ö., Olsson, P., Hilly, Z. and Schwarz, A., 2014. Two steps forward, two steps back: the role of innovation in transforming towards community-based marine resource management in Solomon Islands. *Global Environmental Change*, 28, pp.309-321.

essential for the achievement of sustainable development<sup>83</sup>. Also, it could be an appropriate mechanism for articulating in some form the controversial notion of a right to a decent environment<sup>84</sup>.

To complement and support the 2030 agenda for sustainable development, and to ensure synergistic delivery of benefits from all the agreements for the planet and people, the recent “theory of change<sup>85</sup>” of the draft global biodiversity framework under the CBD assumes transformative actions are taken to deploy solutions to reduce threats to biodiversity<sup>86</sup>. These actions should ensure that biodiversity is used sustainably to meet people’s need and recognizes the principle of intergenerational equity.

Similarly, at the regional level, the agreement establishing the South Pacific regional environmental program<sup>87</sup> (SPREP) speaks of the importance of protecting the environment and conserving the natural resources of the South Pacific region and the responsibility of preserving the natural heritage of the region for the benefit and enjoyment of present and future generations. This terminology can be seen as supporting the existence of a human right to the environment.

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<sup>83</sup> A/HRC/RES/46/7

<sup>84</sup> Alan Boyle, 2012. Human Rights and the Environment: Where Next?, *European Journal of International Law*, Volume 23, Issue 3, August 2012, Pages 613–642, <https://doi.org/10.1093/ejil/chs054>

<sup>85</sup> CBD/WG2020/3/3

<sup>86</sup> There are eight targets to ensure reduce of threats to biodiversity. See CBD/WG2020/3/3, for the targets.

<sup>87</sup> Established originally as a small programme attached to the South Pacific Commission in the 1980’s. It was created to serve as the facilitator for regional environmental action to signal the deep commitment of the Pacific islands region and to provide assistance in order to protect and improve the environment and to ensure sustainable development for present and future generations.



The narratives, however, stem from sustainable development, which requires that different societal objectives, such as economic, environmental, and human rights, be treated in an integrated manner<sup>88</sup>. It further encourages on states to continue to share good practices in fulfilling human rights obligations relating to the enjoyment of a clean, healthy and sustainable environment, including by exchanging knowledge and ideas, building synergies between the protection of human rights and the protection of the environment, bearing in mind an integrated and multisectoral approach and considering that efforts to protect the environment must fully respect other human rights obligations<sup>89</sup>.

However, the definitions of traditional knowledge, human rights and the protection of the environment in the Solomon Islands, is seen as recognizing environmental protection is a precondition to recognize human rights, the rights of indigenous Solomon Islander to a healthy environment.

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<sup>88</sup> Ibid (A/HRC/34/49)

<sup>89</sup> A/HRC/RES/48/13

## CHAPTER ONE: THE BASIS OF INDIGENOUS PEOPLES' HUMAN RIGHTS IN SOLOMON ISLANDS

The rights specific to Indigenous peoples and members of Indigenous Peoples are enshrined in Convention No:169<sup>90</sup> of the International labor Organization (ILO) and the UN Declaration on the rights of Indigenous Peoples (UNDRIP)<sup>91</sup>. Although the Solomon Islands is a signatory to the ILO Convention No:169, the Solomon Islands have yet to endorse and ratify some of the provisions recognizing Indigenous Peoples despite 95 percent of the population, Indigenous.

However, the Solomon Islands, supports and adapts the UNDRIP although it is not legally binding. The UNDRIP manifests many of the rights expressed in the ILO Convention No:169, but it also develops some of the rights. For instance, it pushes for the recognition and respect that Indigenous Peoples shall maintain their own institutions and customs, calls for equitability in their relationship with the state, and prohibits any forced assimilation or destruction of Indigenous culture<sup>92</sup>. Additionally, the UNDRIP calls on member States to respect the rights of Indigenous Peoples to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions<sup>93</sup>. Article 1 of the UNDRIP states, Indigenous Peoples have the right to a full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms.

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<sup>90</sup> International Labour Organization Convention (ILO) No:169 on indigenous and tribal peoples is an international treaty, adopted by the international labor conference of the ILO in 1989. See more in ILO handbook, "Understanding the Indigenous and Tribal People Convention", 1989 (No. 169). Handbook for ILO Tripartite Constituents / International Labour Standards Department. International Labour Organization. – Geneva, 2013.

<sup>91</sup> Henriksen, John B. "The continuous process of recognition and implementation of the Sami people's right to self-determination." *Cambridge Review of International Affairs* 21.1 (2008): 27-40.

<sup>92</sup> Ibid (Britta Sjöstedt, 2020)

<sup>93</sup> United Nations Declaration on the rights of indigenous peoples, article 5

Therefore, the Solomon Islands being a signatory to UNDRIP, should respect and recognized the provisions related to Indigenous Peoples human rights, the right to clean, safe and healthy environment<sup>94</sup>, rights to their ancestral land and the equitable sharing of benefits arising from the utilization of resources<sup>95</sup>.

Furthermore, the UNDRIP distinguish between Indigenous Peoples' rights within the realm of their right to self-determination, and their rights in the larger political order of the state. The Declaration affirms Indigenous Peoples have the right to self-determination, to freely determine their political status, freely pursue their economic, social and cultural development<sup>96</sup>, to develop and maintain their decision-making institutions, freely participate....at all levels of decision-making<sup>97</sup> and shall have the right to decide their priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use.

Similarly, the rights and freedom of the people of the Solomon Islands are protected by the Constitution. The Constitution contains a Bill of Rights chapter<sup>98</sup>, which includes the fundamental rights and freedoms of the individual, freedom of conscience, of expression and of assembly and association, and protection for the privacy of home and other property and protection from deprivation of property without compensation. The Constitution although states that every person in the Solomon Islands is entitled to the fundamental rights and freedoms, however, the fundamental rights and freedoms are subject to respect for the rights and freedoms of others and for the public interest. This is to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public

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<sup>94</sup> United General Assembly Resolution A 67/300

<sup>95</sup> Ibid (John Knox, 2018)

<sup>96</sup> Ibid (UNDRIP, Article 3)

<sup>97</sup> Ibid (ILO No:169, Article 6 (1)(b))

<sup>98</sup> Ibid (Constitution, 1978)

interest. This then, can be viewed as a provision that leads to recognizing and protecting the human rights of Indigenous Peoples, their rights to enjoy a clean, safe, and healthy environment.

In addition, in the preamble of the Constitution, the government agree and pledges to respect and enhance human dignity, strengthen, and build common solidarity, ensure the participation of people in the governance of their affairs, and provide within the framework of national unity for the decentralization of power. Therefore, the Constitution recognizing the fundamental rights and freedom, and recognizing that customary law is part of the Constitution, also provides for the provision as the basis for the recognition of the rights of Indigenous Peoples in the Solomon Islands.

To elaborate further the basis of Indigenous Peoples' human rights in the Solomon Islands, in section A of this Chapter, I will look at how has Indigenous Peoples' human rights is being practically recognized in the Solomon Islands. The focus of my discussion will be centered around the question, how has Indigenous Peoples in the Solomon Islands been recognized of their rights to a safe, clean, healthy, and sustainable environment.

Next, in section B, I will examine, the importance of Indigenous People's local environmental knowledge with regards to the management of the environment or resources in the Solomon Islands. However, a key question is, can indigenous practices and traditional knowledge remain viable in the face of modernization and commercialization of productive systems, the increasing levels of resources exploitation caused by population pressure and integration into market systems?<sup>99</sup> By examining this questions, we can see how indigenous practices face the changing environment. Therefore, by the end of this chapter, one can see if Indigenous People's human rights to a safe, clean, healthy and sustainable environment is acknowledged, and recognized in the Solomon Islands. That is to see if Indigenous conservation efforts, local knowledge and indigenous practices is recognized and acknowledged as a means to help protect the environment

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<sup>99</sup> Hviding, Edvard and Baines, Graham. B.K, *Fisheries Management in the Pacific: Tradition and the Challenges of Development in Marovo, Solomon Islands*, (1992). United Nations Research Institute for social development. Geneva, Switzerland.

from natural resource development and enhance sustainable development in the Solomon Islands.

## **SECTION A: RECOGNITION OF INDIGENOUS PEOPLES' HUMAN RIGHTS IN SOLOMON ISLANDS**

In the Solomon Islands, 80 percent of the land, significant marine areas and resources are subject to traditional tenure, built on principles of allocation and cooperation within hereditary groups<sup>100</sup>. This are often based on traditional knowledge, indigenous practices, or historical myths. Traditional land and marine areas are largely governed by traditional resource management strategy based on customary law, focusing on maintaining the stability of local communities by protecting and managing the use of the resources they depend on for life. Historically, traditional resource management have been able to maintain productivity by preventing over-exploitation of any particular resource at any particular time<sup>101</sup>.

However, although customary law is recognized and is part of the legal system in the Solomon Islands, the recognition of Indigenous human rights in the Solomon Islands is limited<sup>102</sup>. The Constitution makes few references to the rights of Indigenous Peoples although traditional rights are understood and are always respected by local communities in Solomon Islands<sup>103</sup>. For instance, in the Solomon Islands, traditional land rights have helped local communities or

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<sup>100</sup> Baines, Graham. B.K., Traditional resource management in the Melanesian South Pacific: a development dilemma. (1989) pp 273-295: In Community-based Sustainable Development: the ecology of communal property resources. F.Berkes (ed). Belhaven Press and IUCN.

<sup>101</sup> Ibid (Hviding Edward and Baines, Graham B.K, 1992)

<sup>102</sup> Carla, Fredericks, 2020. United Nations Human Rights Council: Universal Periodic Review: Observation on the state of Indigenous Human Rights in the Solomon Islands. The American Indian Law Clinic. University of Colorado.

<sup>103</sup> Ibid (Foukona 2007)

individuals make legal settlements. The Constitution, in section 110 also states that, the right to hold or acquire a perpetual interest in land shall vest in any person who is a Solomon Islander<sup>104</sup>. That mentioned, the Constitution recognizes Indigenous human rights, the rights of indigenous Solomon Islander to their ancestral lands. Also, the fact that indigenous move or make settlements in their customary boundaries for convenience or development purpose reflects the understanding by the Indigenous Peoples of their fundamental rights and freedoms, their rights to the land and their right to decision-making that affects their life and well-being.

On the other, the UNDRIP, states, all people have the right to self-determination<sup>105</sup>. By that right, Indigenous Peoples can freely determine their political status and freely pursue their economic, social, and cultural development. Similarly, the Constitution's Bill of Rights chapter, provides for Solomon Islanders' rights to self-determination, to freely participate and pursue their economic, social, and cultural development, despite the Solomon Islands having yet to ratify ILO Convention 169.

The Constitution's preamble states that; "the State shall cherish and promote the different cultural traditions within Solomon Islands". Although this itself, provides the provision for Solomon Islanders to cherish and promote their different cultural traditions related to resources management, the Constitution fails to explicitly acknowledge everyone's right to a safe, clean, healthy, and sustainable environment.

Despite that, the Constitution's preamble can be viewed as essential to acknowledge and promote indigenous practices and traditional knowledge. Since, 95 percent of the populace, Indigenous, by promoting to continue the practice and use of indigenous practices, subsequently, Indigenous human rights can be recognized in the Solomon Islands. In context, most Indigenous Peoples and local communities continue to practice/exercise local governance and management over the use

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<sup>104</sup> Ibid (Constitution 1978, section 110) For the definition of indigenous Solomon Islander, Section 26 of the constitution defines indigenous Solomon Islander as, any person who is, or one of whose parents is, or was, a British protected person and or a group, tribe or line indigenous to Solomon Islands.

<sup>105</sup> Ibid (UNDRIP) Article 3

of and access to natural resources within their respective customary land and sea estates<sup>106</sup>. In some practices, the chore of management of these resources is palimpsests of history, built around the premises of idioms and beliefs associated with the construction of social identity, encoding cultural memories and history<sup>107</sup> of ancestors and ancestral beings in one's traditional jurisdiction. In addition, cultural "management", for most Indigenous Peoples and local communities in the Solomon Islands, is for relatively short periods to control the use and access to resources for social objectives, e.g., to mark the death of a prominent community member, protect sacred sites, or "save up" stocks before harvests for feasts or trading<sup>108</sup>.

Furthermore, some Indigenous People and local communities, even integrate indigenous practices and traditional knowledge to contemporary conservation efforts to address social and political stability threats that affects their environment and well-being. Roviana communities in the Western Solomon Islands for instance, actively involved in negotiating rules governing not only their own resource extraction, but also have proved capable of influencing and restricting resource exploitation by outsiders. By doing so, it ensures social and political stability within their community with successful results<sup>109</sup>. The success of these practice perspectives is due to the inclusive, participatory, and integrated approach, based on local ecological knowledge than relying on cognitive models and recognizes that Indigenous Peoples are important and integral component of the environment. This signifies that true depth and breadth of traditional

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<sup>106</sup> Lauer, Matthew, and Shankar Aswani. "Indigenous ecological knowledge as situated practices: understanding fishers' knowledge in the western Solomon Islands." *American Anthropologist* 111.3 (2009): 317-329.

<sup>107</sup> Ibid (Walter R.K and R.J Hamilton 2014)

<sup>108</sup> Cohen, Philippa, Louisa Evans, and Hugh Govan. "Community-based, co-management for governing small-scale fisheries of the Pacific: A Solomon Islands' case study." *Interactive Governance for Small-Scale Fisheries*. Springer, Cham, 2015. 39-59.

<sup>109</sup> Ibid (Lauer, M., & Aswani, S. 2009)

knowledge only become evident when villagers (Indigenous peoples) were actively and truly engaged.

More to that, it also captures the different range of concerns and interests within local communities. By involving and engaging Indigenous Peoples or the locals, decisions made are adaptive and reflects the indigenous perceptions of the cultural landscape or resources that underpins conservation efforts or programs. For instance, when locals chose places or areas for seasonal closers or “taboos”, the decision of choosing the place or area is based on cultural significance of the area or resource, recognizing the ecosystem value of the area using traditional knowledge. This is because, Indigenous Peoples and local communities have different range of concerns and interests, only some of which relate to biodiversity<sup>110</sup>. Therefore, by involving and acknowledging Indigenous Peoples and local communities, it enables and enhances the incorporation of cultural, ideational, and spiritual values alongside other ecosystems services.

The Constitution’s preamble mentioned, “participation of people in the governance of their affairs and provide within the framework of national unity for the decentralization of power”. Although decentralization of power is still a debate in the context of Solomon Islands<sup>111112</sup>, the fact that Indigenous Peoples and local communities participate in the governance of their own affairs clearly shows that indigenous human rights, is seemingly recognized in the Solomon Islands. For instance, recognizing that the environment is important for their livelihood and well-being, some Indigenous Peoples and local communities in the Solomon Islands have initiated community conservation initiatives. One of which is the Mai-Maasina Green Belt Initiative, a conservation initiative that covers tribal forest boundaries of the agreed communities in West

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<sup>110</sup> Ibid (Walter, R.K and R.J Hamilton 2014)

<sup>111</sup> Siota, Jerry B., Paul J. Carnegie, and Matthew G. Allen. "Big Men, wantoks and donors: A political sociology of public service reform in Solomon Islands." (2021).

<sup>112</sup> Suluia Tapakea Gloria, 2012. Decentralization and Central-local Relations: A Solomon Islands Case Study on the Negotiations of Relations between National and Provincial Governments. Massey University, Palmerston North, New Zealand



Are'are, Waisisi, Malaita province<sup>113</sup>, the Tarevalata “kastom” conserved area in Chivoko, Choisuel province<sup>114</sup>, and Malaulalo protected area in Makira province<sup>115</sup>, in the Solomon Islands. Although these are community initiatives, the Solomon Islands government, recognizing the need to enhance conservation efforts to reach biodiversity targets, through responsible institutions has continuously supported conservation efforts by local communities. To date, there has been an increase in communities wanting to establish conservation areas or protected areas within their customary land. For many years, several initiatives have sought to support community initiatives such as CBRM across the country<sup>116</sup> to which, the national government through relevant ministries are facilitating.

The continuous use of indigenous knowledge and practices by local communities in the Solomon Islands have proven resilient to external pressure from post colonization, Christianity, ethnic conflict, and international development agendas where these have acted to undermine traditional arrangements<sup>117</sup>. For instance, although laws undermine or unsupportive of Indigenous Peoples and local communities, or laws not legally recognizing conservation efforts by Indigenous Peoples, the continuous practice and use of indigenous knowledge in the management and use of the resource showcases its resilience.

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<sup>113</sup> <https://environment.islesmedia.net/environmental-protection-can-create-new-jobs-and-businesses/>

<sup>114</sup> Nguyen, Dao, and Jimmy Kereseka. "Tarevalata ‘Kastom’ Conserved Area Chivoko, Lauru Island, Solomon Islands." Lauru Land Conference of Tribal Communities, Solomon Islands. IUCN, Switzerland. 2008.

<sup>115</sup> <https://solomons.gov.sb/malaulalo-island-soon-to-gain-marine-protected-area-status/>

<sup>116</sup> MFMR/WorldFish (2022) Community Based Fisheries Management in Solomon Islands: Provincial Snapshots 2022. Edited by J. Saeni Oeta. MFMR/ WorldFish.

<sup>117</sup> Hviding, Edvard. "Contextual flexibility: present status and future of customary marine tenure in Solomon Islands." *Ocean & Coastal Management* 40.2-3 (1998): 253-269.

Despite that, the Constitution does have provisions that enables the recognition of indigenous human rights in the Solomon Islands.

Noting that the Constitution has provisions that recognizes indigenous human rights, the next discussion will be on, the rights and roles if Indigenous People and local communities in the Solomon Islands.

## **SECTION B: IMPORTANCE OF INDIGENOUS PEOPLES LOCAL ENVIRONMENTAL KNOWLEDGE IN SOLOMON ISLANDS**

Increasing pressure exerted by mankind on the environment have resulted in many strategies to mitigate or reverse the degradation of the environment that is increasingly evident in the Solomon Islands. One of the strategies that is receiving growing attention and happens to be amongst the most ancient is the Indigenous Peoples' conservation practices by local communities. Indigenous Peoples have for millennia played a critical role in conserving natural environment. These Indigenous Peoples and local communities have been living in equilibrium with their landscapes, depend very much on natural resources and have had a low long-term impact on their environment<sup>118</sup>. They have done so for a variety of purpose; livelihood, cultural, spiritual, aesthetic and security related<sup>119</sup>.

As mentioned earlier, in the Solomon Islands, the Constitution recognizes the right of Solomon Islander to exercise control over their land and resources. Since 80 percent of the land and resources is customary, the exercise control over their land and resources includes the Indigenous conservation efforts or the protection of the environment. However, upscaling this kind of Indigenous actions to achieve international commitments to development and biodiversity conservation agendas represents even more of a challenge in the Solomon Islands.

Despite not directly mentioning Indigenous Peoples' human rights, like the Stockholm Declaration that bears solemn responsibility on man to protect and improve the environment, the Constitution also places the duty on Solomon Islanders to protect and conserve natural resources, the right to uphold their local customs and cultures, right to own, develop, control, and use their customary lands including the total environment of their land, air, waters, coastal areas, minerals, and other resources that they customary owned or otherwise occupy.

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<sup>118</sup> Ibid (Walter, R.K and R.J Hamilton 2014)

<sup>119</sup> Ibid (Govan, H, et al, 2009)

Furthermore, the Constitution states, Indigenous Solomon Islanders have the right to decide their priorities for the development, use or exploitation of their customary lands and resources as it affects their lives, beliefs, institution, and spiritual well-being<sup>120</sup>.

The Constitution, therefore, specifies the important roles Indigenous Solomon Islanders have to the right to conservation, restoration and protection of the total environment and the productive capacity of their customary lands and resources. Not only that, but the Constitution recognizes and acknowledges the importance of using indigenous practices and traditional knowledge in managing and conserving the resources.

Although the importance of indigenous practices and the roles of Indigenous People have towards the environment are mentioned in the Constitution, by tradition, Indigenous Peoples by way of living with the environment, have practiced sustainable utilization, protection of the environment and management of the resources in the face of increasing threats from natural resources development. However, if such practices and way of living with the environment by the Indigenous People has the capacity to adapt to changing circumstances is something interesting to further research on. However, traditional resource management is a case in which local people, from a basis of tradition, “common property” control over the sea and its resources handles a multitude of development issues<sup>121</sup>. It focuses on subsistence needs and is based on cooperate ownership. For instance, in the rich rainforest land belonging to communities in the ‘Are’ area of South Malaita, Solomon Islands, communities resisted continuous target by a Malaysian logging company, by exercising their rights within their traditional land and successfully developed their conservationist organization, “the Are’Are Ruhahihanua”. This is an example of community-initiated conservation, recognized and supported by the relevant stakeholders and the National government. The community-initiated conservation focuses on cultural survival, recognizing Indigenous Peoples efforts to the sustainable use of the

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<sup>120</sup> Ibid (Constitution, 1978, Chapter 3 (14)(15)(17))

<sup>121</sup> Ibid (Hviding Edward and Baines, Graham B.K, 1992)

resources<sup>122</sup> and in preventing natural resource development that threatens their way of life or the environment they depend on.

Another example is the collaborative work of the Lauru Land Conference of Tribal Communities and The Nature Conservancy<sup>123</sup>, working in communities in Choiseul Province, Solomon Islands. This was a collaborative work in creating a connected protected area within Lauru tribal land. However, the governance of the protected area is based on indigenous practices and traditional knowledge.

In addition, the Roviana communities landscape program, the Mai-Maasina Green belt initiative, the Tarevalata “kastom” conservation area, and the Malaulalo marine protected area, discussed previously are all examples that showcase the importance of integrating Indigenous People’s local environmental knowledge and practices to modern conservation concepts as way to preserve, and promote indigenous practice and the importance, indigenous environment knowledge is to sustainable development. To be effective, information on locally significant features is vital to drive the outcomes since they use local knowledge to identify areas on customary owned lands and seas that are of high conservation value<sup>124</sup>.

This shows the compatibility of the integration of indigenous practices and traditional knowledge into systematic conservation plans, to address human factors. As human factors more than ecology dictate conservation opportunities and the subsequent success of implementation. This is

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<sup>122</sup> Baines, Graham B. K. "Asserting traditional rights: Community conservation in Solomon Islands." *Cultural Survival Quarterly* 15.2 (1991): 49-51.

<sup>123</sup> Game, Edward T., Geoffrey Lipsett-Moore, Richard Hamilton, Nate Peterson, Jimmy Kereseka, William Atu, Matthew Watts, and Hugh Possingham. "Informed opportunism for conservation planning in the Solomon Islands." *Conservation Letters* 4(1) (2011): 38-46.

<sup>124</sup> Peterson, N., Hamilton, R., Pita, J., Atu, W. and R. James (2012). Ridges to Reefs Conservation Plan for Isabel Province, Solomon Islands. The Nature Conservancy IndoPacific Division, Solomon Islands. Report No. 1/12. 61 pp.

particularly true and a better approach, in places such as the Solomon Islands where most terrestrial and coastal marine areas remain in indigenous community ownership.

Not only that integration, partnership, recognizing community needs, and inclusive is important to address issues of community interest, community participation and consultation of Indigenous Peoples in matters related to their environment is very much vital. For instance, in Rendova community, Western Province, Solomon Islands, the community-based approach involves engaging and consulting the local communities to identify priorities, needs, and challenges that they face in relation to the environment. With such approach, it recognizes that local community members are the managers of the resources they use daily, have direct knowledge of the status of key local resources and have direct influence over ongoing resource governance<sup>125</sup>. With such integrative participatory community-based approach, it fosters Indigenous People to make decisions on the use of natural resources.

Nevertheless, despite Indigenous Peoples' continuous practicing of traditional practices, the Constitution state that, the customary practice shall not apply to the extent that it is inconsistent with the Constitution or any legislative enactment<sup>126</sup>. This provision in the Constitution, is usually a barrier to recognize Indigenous Peoples customary practices. Although not often the case in a multicultural nation like the Solomon Island, the possibility of indigenous practices being inconsistent with the Constitution is likely possible. For instance, the Solomon Islands government in September 2021 made a moratorium on the harvesting of sea cucumber. However, Indigenous resources owners, in communities like Lord Howe Islands, in Malaita Province, continue to harvest the sea cucumber on the view that, the resources belong to them, they have the right to harvest it, and they have harvested the sea cucumber using traditional practices. Another example is the harvesting of dolphins. Although it is prohibited, for some

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<sup>125</sup> Basel, Britt, Gillian Goby, and Johanna Johnson. "Community-based adaptation to climate change in villages of Western Province, Solomon Islands." *Marine Pollution Bulletin* 156 (2020): 111266.

<sup>126</sup> Ibid (Constitution 1978)

communities in the Solomon Islands, especially in Malaita Province, harvesting dolphins is a traditional ritual and part of the society norms.

Nevertheless, the Constitution also states that customary practice shall be applied where appropriate that it is in the interests of substantive fairness and justice that the common law and equity prevail<sup>127</sup>. In the Solomon Islands, although dolphin harvesting is prohibited, the use of traditional harvesting methods and for cultural purposes likely has been compromised. The long-term resource management has meant that the role of Indigenous Peoples and the importance of indigenous practices has largely been ignored<sup>128</sup>. Therefore, common property-type systems of customary tenure successfully regulate access to and use of resources, and so function as traditional management systems<sup>129</sup>. This indicates the premise that customary practices are or are only being recognized as an *ad hoc* concept with certain limits and jurisdictional boundaries.

Although recognized as *ad hoc*, for Indigenous Peoples and local communities in the Solomon Islands, their rights to the resources, as indigenous owners by practice, beliefs, cultural norms, and traditional knowledge within their local jurisdictional boundary, is a capital inheritance<sup>130</sup>. It is something that is passed on, from past generations to current generations by way of deeds, practices, cultural myths, and traditional knowledge and is still relatively intact within indigenous communities in the Solomon Islands. Therefore, local communities continue to practice and use their rights, within their local jurisdictional boundary, despite, lack of effective legal recognition of their rights and responsibilities; this includes the rights to self-determination and self-governance, customary laws, and traditional institutions, and to use, access and protect their territories, lands, waters and natural resources<sup>131</sup>. Subsequently, in the Solomon Islands,

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<sup>127</sup> Ibid (Constitution 1978)

<sup>128</sup> Ibid (Hviding Edward and Baines Graham B. K, 1992)

<sup>129</sup> Ruddle and Johannes, 1990

<sup>130</sup> Kuruk, Paul. "The role of customary law under sui generis frameworks of intellectual property rights in traditional and indigenous knowledge." *Ind. Int'l & Comp. L. Rev.* 17 (2007): 67.

<sup>131</sup> Ibid (James Clifford Meimana and Holly Jonas, 2015)

communities commonly criticize modern governance structures as top-down, lacking consultations, unresponsive to local needs, bureaucratic and inadequate in managing conflicts<sup>132</sup>.

Therefore, from the discussions, whatever the concepts and initiatives towards conservation or sustainable use of the resources, participation, consultation and involvement of Indigenous Peoples has an important role towards the success of any conservation concept or efforts. And that, recognizing their human rights, is key to sustainable development, especially in countries like the Solomon Islands, where 80 percent of the resources are under customary tenure, and 95 percent people, Indigenous.

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<sup>132</sup> Ibid (Govan H, et al 2009)



## CHAPTER TWO: THE BASIS FOR PROTECTION OF THE ENVIRONMENT IN THE SOLOMON ISLANDS

Prior to colonization, the usage and ownership of customary land was regulated by custom<sup>133</sup>. Therefore, the protection of the resource in one's traditional jurisdictional area is by the Indigenous people themselves, according to their own indigenous practices using local knowledge. However, when the Solomon Islands become a British Protectorate, the ownership and protection of the resources by the Constitution, is vested to the people and the government of Solomon Islands. Either way, before colonization and post colonization, protection of the environment<sup>134</sup> in the Solomon Islands is by the people. However, the Constitution fails to mention "Indigenous people", which have the greatest potential for effectively and equitably protecting biodiversity, are not adequately prioritized. This is because, whilst the term protection of the environment sounds more rigid and formal, conservation and sustainable use of the resources are part of the surviving concepts of indigenous knowledge in most Indigenous communities in the Solomon Islands. For centuries, Indigenous communities have protected/conserved their environment using traditional knowledge and indigenous practices as the basis for decision-making about food security, use of the resource within their traditional jurisdiction, and to recognize and response to changes to the environment<sup>135</sup>. This indigenous knowledge has an insight into sustainable resource management, maximizing resource availability by forfeiting short-term gains<sup>136</sup>, and adaptive local knowledge of ecological

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<sup>133</sup> Ibid (Foukona J D, 2007)

<sup>134</sup> Ibid (Constitution 1978, Section 8) This is on the protection from deprivation of property.

<sup>135</sup> Kupika, O. L., Gandiwa, E., Nhamo, G., & Kativu, S. (2019). Local ecological knowledge on climate change and ecosystem-based adaptation strategies promote resilience in the Middle Zambezi Biosphere Reserve, Zimbabwe. *Scientifica*, 2019.

<sup>136</sup> Thornton, T. F., and Scheer, A. M. (2012). Collaborative Engagement of Local and Traditional Knowledge and Science in Marine Environments: a Review. *Ecology and Society* 17(3): 8.

processes gained through indigenous knowledge<sup>137</sup> that needs to be preserved, recognized, and promoted, and a potential basis for sustainable development in the Solomon Islands.

This indigenous practice has helped promote the recognition of the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles<sup>138</sup>. Although in the Constitution, it recognizes the right to culture, stating “shall cherish and promote the different cultural traditions within the Solomon Islands”, it does not specifically mention Indigenous peoples. It fails to acknowledge Indigenous Peoples and other rural rights holders who successfully steward vast portions of the world’s biodiversity as vital conservation partners whose human, land, and resources rights must be recognized and respected if biodiversity loss is to be stopped and reversed<sup>139</sup>.

The potential contribution of traditional knowledge is crucial for environmental protection and human rights, especially in the Solomon Islands, where customary law is part of the Constitution, 80 percent of the resources are under customary tenure, and 95 percent of the locals, Indigenous Peoples. Furthermore, Solomon Islands as a member state of the CBD, Article 8(j) and related provisions of the CBD measures, recognize the role of indigenous and their traditional knowledge, practices, innovations, creations, and inventions.

This chapter will shed light on the protection of the environment in the Solomon Islands, focusing on indigenous practices and traditional knowledge as a response to environmental change. Such an approach<sup>140</sup>, make use of, in most cases, existing community strengths in traditional knowledge and governance, combined with a local awareness of the need for

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<sup>137</sup> Berkes, F., Cyoungering, J., and Folke, C. (2000). Rediscovery of Traditional Ecological Knowledge as Adaptive Management. *Ecological Applications* 10: 1251–1262

<sup>138</sup> Ibid (CBD Preamble, 1993)

<sup>139</sup> Boyd, D. R., and S. Keene. "Human rights-based approaches to conserving biodiversity: Equitable, effective and imperative." A Policy Brief from the UN Special Rapporteur on Human Rights and the Environment (2021).

<sup>140</sup> Ibid (Kupika et al 2019)

transformative action<sup>141</sup>. A transformative action that ensures the use of and encourages the use of indigenous practices being integrated into modern concepts. An assumption that, with such integrative approaches, it can contribute to environmental justice and sustainable development in the Solomon Islands.

Therefore, in section one of this Chapter, I will first look at the threats to the environment in the Solomon Islands. Community-based management approaches from traditional knowledge is active in most Indigenous communities in the Solomon Islands. Sadly, the environmental threats to indigenous practices and traditional knowledge are increasing enormously, creating political and ethical dilemmas with Indigenous communities in the Solomon Islands<sup>142</sup>. Therefore, not only that the community-based approaches be business as usual, but to address the environmental threats, there must be an adaptive and transformative change and action to the protection of the environment. A potential approach is by integrating and using indigenous knowledge and practices to the modern concepts of protecting the environment, making use of the strong community sociality in the Solomon Islands.

In section B, I will look at the protection of the environment. Here I will look at some of the existing indigenous practices of protecting the environment. However, the focus will be on the community-based management approach, as it has been successful in Indigenous communities<sup>143</sup> that have faced enormous challenges to food security, biodiversity loss, and to climate change in the Solomon Islands. In addition, I will also look at what possible pathways that could be developed to enhance the protecting of the environment in light of the increasing threats to the environment.

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<sup>141</sup> Govan, H. et al. 2009. Status and potential of locally managed marine areas in the South Pacific: meeting nature conservation and sustainable livelihood targets through widespread implementation of LMMAs. SPREP/WWF/WorldFish-Reefbase/CRISP. 95pp + 5 annexes

<sup>142</sup> McDougall, Debra. "The unintended consequences of clarification: development, disputing, and the dynamics of community in Ranongga, Solomon Islands." *Ethnohistory* 52.1 (2005): 81-109.

<sup>143</sup> Ibid (Govan, H. et al. 2009)

Therefore, by the end of this chapter, one could understand what the threats to the environment are and how, community-based management approaches, and by integrating and using indigenous practices can also help protect the environment from the natural resources' development and promote sustainable development in the Solomon Islands.

## **SECTION A: THREATS TO THE ENVIRONMENT IN SOLOMON ISLANDS**

This section will shed some light on the threats to the environment in the Solomon Islands despite the many efforts and initiatives to protect and conserve the environment.

The main driver of environmental threat in most Indigenous communities in the Solomon Islands, apart from climate change, is a community desire to maintain or improve livelihoods, often related to food security or local economic revenue<sup>144</sup>. The UN Framework Convention on Climate Change (UNFCCC) has identified extreme weather events, conflict<sup>145</sup>, land degradation, desertification, water scarcity and rising sea levels as particular drivers of food insecurity<sup>146</sup>. On the other hand, market access, lack of sustainable alternative income<sup>147</sup> and increasing needs are drivers to increasing local economics within Indigenous communities.

That being mentioned, Solomon Islands, as a sovereign nation, depend very much on its resources for its economy, specifically, forestry, fisheries, and recently, the mining industry creeping slowly into the country's narrow economic base. All these are extractive industries, that

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<sup>144</sup> Ibid (Govan, H. et al. 2009).

<sup>145</sup> Food and Agriculture Organisation of the United Nations (FAO), World Food Programme. 2020 UN food agencies warn of rising levels of acute hunger with potential risk of famine in four hotspots. See <http://www.fao.org/news/story/en/item/1325054/icode/>

<sup>146</sup> United Nations Framework Convention on Climate Change. 2018 UN warns climate change is driving global hunger. See <https://unfccc.int/news/un-warns-climate-change-is-driving-global-hunger>

<sup>147</sup> Ibid (Rohe, et al 2017)

causes deforestation, loss of biodiversity<sup>148</sup>, severe loss of critical habitats for many species<sup>149</sup>, the exploitation and loss of ancestral lands, and the loss of key ecosystems services and resources<sup>150</sup> that Indigenous communities depend on for livelihood and survival. Although, it serves the country's economy, this often result in further inequality and marginalization<sup>151</sup> that hinders sustainable development, overlooking the fundamental fact that all human beings depend on a safe, clean, healthy and sustainable environment.

As a developing nation, the Solomon Islands strive for economic growth through the so-called sustainable development. Consequently, the notion of “sustainable development” continue to threaten on-going efforts to protect the environment or natural resource development. The increasing prevalence of industrialized extraction of natural resources undermine the rights and livelihoods of Indigenous People and local communities as these industries operate on or near customary territories<sup>152</sup>.

Despite the many efforts to protect and conserve the environment, sadly, only 0.28 percent of the terrestrial ecosystems of the Solomon Islands are formally protected<sup>153</sup>. Although the Constitution guarantees customary control over the land and forests, the vast natural resources with the biodiverse Indigenous land attract private investors that engage in the exploitation of

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<sup>148</sup> Pikacha, P., Boseto, D., Tigulu, I., Boseto, H., Hurutarao, J., & Lavery, T. (2022). An Indigenous perspective on the conservation of an insular endemic: The prehensile-tailed skink *Corucia zebrata* on the Solomon Islands. *Oryx*, 1-10. doi:10.1017/S0030605321001253

<sup>149</sup> Global Witness Report, (2018) *Paradise Lost*. Global Witness, London, UK.

<sup>150</sup> Katovai E, Edwards W, Laurance WF. Dynamics of Logging in Solomon Islands: The Need for Restoration and Conservation Alternatives. *Tropical Conservation Science*. 2015;8(3):718-731. doi:10.1177/194008291500800309

<sup>151</sup> Ibid (A/HRC/RES/46/7, paragraph 12)

<sup>152</sup> Ibid (James Clifford Meimana and Holly Jonas, 2015)

<sup>153</sup> Ibid (Pikacha et al, 2022)

such resources<sup>154</sup>. In addition, there is lack of effective legal recognition and support for Indigenous conservation efforts and rights, including rights to self-determination and self-governance.

Notably in the Solomon Islands, in the logging and mining sector, companies often fail to comply with conditions or regulations set forth to safeguard such developments. Additionally, ineffective compliance and monitoring by relevant stakeholders/institutions have led to unsustainable resource development. As a result, logging and unsustainable land-based activities have enormously impacted important ecosystems along with the inter-linked serial depletion of resources<sup>155</sup> that Indigenous Peoples and local communities depend very much on.

Linked to the failures to comply to conditions/code and the ineffective compliance and monitoring, is also the meaningful participation and consent of local communities affected by natural resource development, especially, logging plans and operations. This is the most critical threat to the environment in the Solomon Islands. Although the Constitution provides for the protection of the environment<sup>156</sup> and ensure participation of the people in the governance of their affairs and provide within the framework of national unity for decentralization of power<sup>157</sup>, inclusive participation and consent are still an issue. For instance, in the Nagoibo community, Central Bughotu, Isabel Province, in March 2020, a logging company named Burwood Limited Company set up its machines for logging. The license for logging in that area was granted in 2016 by the Isabel Provincial Executive, despite objections from the Central Bughotu

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<sup>154</sup> Ibid (Britta Sjöstedt, 2020)

<sup>155</sup> Govan, H.A Schwarz and D. Doso. 2011. Towards Integrated Island Management: Lessons from Lau, Malaita, for the implementation of a national approach to resource management in Solomon Islands. WorldFish Center Report to SPREP.

<sup>156</sup> Ibid (Constitution 1978, Section 8)

<sup>157</sup> Ibid (Constitution 1978, Preamble)

public<sup>158</sup>citing that no proper consultations due to the lack of representation and participation to decision-making process was done. However, resource development in the Solomon Islands, specifically logging, when it involves monetary incentives, supported by corrupt practices, guidelines and proper procedures are not followed.

Another of the threats to the environment is fishing. Fishing, to most local Indigenous communities in the Solomon Islands, is more than just livelihood. It is what defines life to most coastal communities who depend very much on the coastal ecosystems. Although the fishing industry focuses much on offshore fishing, the tuna fisheries, coastal small-scale fishing had been impacted by the offshore fishing industry. A case of interest is for instance, the domestic fishing boats fishing within the Solomon Islands coastal waters. The domestic fishing boats have access to catch bait which are areas close to the coast (within 6 nautical miles from the coast), normally traditional fishing grounds for Indigenous communities and locals. Although Indigenous Peoples and local communities have called for the government to address such issues, the Indigenous communities or fishing communities are either neglected or not involved into decision-making for establishing and managing fishing zones that domestic fishing boats fish in.

Furthermore, increasing fishing efforts, increasing number of boats licensed to fish within Solomon Islands waters, and the high demand on the tuna stocks, the fishery risk being over-exploited that will impact Indigenous peoples/communities who depend very much on the coastal ecosystems. Over the five-year period 2015 -2020, tuna export values increased by 47 percent<sup>159</sup> in the Pacific region. Though this is positive for the economic, consequently, results in loss of biodiversity, imbalance of fish stocks, and affects local fishermen as stocks (resources)

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<sup>158</sup> UPR 38 – Solomon Islands, accessed:

[https://franciscansinternational.org/fileadmin/media/2021/Asia\\_Pacific/UN\\_Submissions/UPR38\\_Solomon\\_Islands.pdf](https://franciscansinternational.org/fileadmin/media/2021/Asia_Pacific/UN_Submissions/UPR38_Solomon_Islands.pdf)

<sup>159</sup> Tuna fishery report 2021. FFA.

<https://www.ffa.int/system/files/Tuna%20Fishery%20Report%20Card%202021.pdf>

continue to decline. This, then, also undermines the international goal to conserve and use the ocean for sustainable development<sup>160</sup>, which is a threat to the environment.

Combined with the effects of climate change, fishing is expected to remain a leading driver in worsening the state of marine biodiversity<sup>161</sup> that will impact Indigenous Peoples' in the Solomon Islands. On the other, like other small island states, the Solomon Islands ecosystems are extremely vulnerable to climate change and its impacts. The impacts of climate change such as rise in sea level, saltwater intrusion, and change in weather patterns continue to be a significant threat to the environment that Indigenous people in the Solomon Islands, continue to rely on for their daily needs from food to constructing houses, building canoes to generating income. More so, climate change also leads to Indigenous Peoples risking of losing their cultural identity, heritage, and life as whole. For instance, due to sea level rise, Indigenous communities risk losing their freshwater catchments and more, their islands (land) that they live and survive on. Therefore, apart from human activities that affects Indigenous Peoples, climate change also poses a significant risk to the full enjoyment of individual and collective rights by Indigenous peoples.

Despite the continuous and enormous threats to the natural resources, sustainable development is always echoed for development in Solomon Islands. However, the paradox of meeting sustainable development aims for economic growth without adequately addressing needs of Indigenous communities<sup>162</sup>. This includes, recognizing and acknowledging Indigenous practices

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<sup>160</sup> A/RES/70/1, 2015; A/ RES/60/31/2006

<sup>161</sup> IPBES (2019). Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. Bonn: IPBES Secretariat.

<sup>162</sup> Niner, Holly J., Noel C. Barut, Tom Baum, Daniela Diz, Daniela Laínez del Pozo, Stuart Laing, Alana SN Lancaster et al. "Issues of context, capacity and scale: Essential conditions and missing links for a sustainable blue economy." *Environmental Science & Policy* 130 (2022): 25-35.



and traditional knowledge. Sadly, much of the sustainable resource use practices, including indigenous practices and traditional knowledge is fast becoming lost, forgotten, or unrecognized. Furthermore, the continued decline in the transfer of traditional knowledge and practices and the acceptance<sup>163</sup>, and promotion of its value to finding solutions for sustainable development and for the future is an issue either not recognized or acknowledged.

The gradual loss of traditional knowledge is evident by the way many communities perceived and managed their environment. For instance, logging in Solomon Islands. This loss of forest result in change in human behavior which is a shift in interpretation in the value of resources (forest). Instead of perceiving the forest (resource) as a “bio-garden”, where indigenous know more about in terms of its biodiversity values, distinguish edible plants from medical ones, and acknowledging many other culture values of the resources, it is greatly now perceived more as “valueless” unless tamed<sup>164</sup>. A common expression often used by some locals in Solomon Islands, saying, “the forest that grows by itself, and we earn from nothing”.

Despite the threats, the use of community-based initiatives has been promoted and has the potential to address the issue of protection of the environment. Not only that it will address the protection of the environment, but also empower locals to understand the influence and impact, “development” has to the resources and help decision-making to address lessen the consequences. Also, by empowering and giving indigenous the power of decision-making, it will instigate curiosity on alternative sustainable development and trigger the promotion of indigenous practices to sustainable development which can lead to increasing resilience towards the threats to the environment and climate change.

The negative impacts these threats have on local communities are becoming worse than improved. However, complications of customary tenure are commonly cited as a major constraint against development in the Solomon Islands<sup>165</sup>. Furthermore, it is argued that

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<sup>163</sup> Ibid (Pikacha et al 2022)

<sup>164</sup> Ibid (Thaman et al, 2000)

<sup>165</sup> Ibid (Racelis & Aswani 2011)

customary tenure buffers changes steaming from policy reform or external development initiatives<sup>166</sup>. As such, with the complication of customary tenure, and deep-rooted customary practices or regimes, and as a way to buffer natural resource loss or development<sup>167</sup>, integration of indigenous practices and knowledge is a potential. Such should not only be used to promote conservation and sustainable use in an equitable way, but also to help recognize that cultural identity is integral component of the ecosystem. Additionally, customary laws regulate matters such as access to land and natural resources use can also contribute to the protection of the natural environment. However, in the Solomon Islands, customary protection has its limits, particularly in response to contemporary threats such as logging and mining<sup>168</sup>.

Furthermore, where capacity and capability of the relevant stakeholders on enforcement are perceived as in need to be strengthened<sup>169</sup>, the integration of indigenous knowledge and practice can be an alternative to enhance compliance and enforcement to the threats on the environment. Not only that but it will also ensure that resources are co-managed with define roles and responsibilities.

On the other, the state in trying to mitigate and lessen the changes, continue to initiate, and partner with international and regional institutions in an effort to raise awareness on the impacts, this change has to the environment and Indigenous communities. Not only that the state is trying to mitigate and lessen the changes to the environment, but it is the state's obligation to protect

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<sup>166</sup> Barsimantov, James, Alexis Racelis, Grenville Barnes, and Maria DiGiano. "Tenure, tourism and timber in Quintana Roo, Mexico: land tenure changes in forest ejidos after agrarian reforms." *International Journal of the Commons* 4.1. (2009).

<sup>167</sup> Bayliss-Smith, Tim, Edvard Hviding, and Tim Whitmore. "Rainforest composition and histories of human disturbance in Solomon Islands." *AMBIO: A Journal of the Human Environment* 32.5 (2003): 346-352.

<sup>168</sup> Kiddle, G. L. (2020). Achieving the desired state of conservation for East Rennell, Solomon Islands: Progress, opportunities and challenges. *Asia & the Pacific Policy Studies*, 7(3), 262-277.

<sup>169</sup> Ibid (Rohe, et al 2017)

the environment and further protect the human rights of Indigenous people in the Solomon Islands. However, this will be discussed in the next section.

## **SECTION B: THE PROTECTION OF THE ENVIRONMENT AS A HUMAN RIGHTS ISSUE IN THE SOLOMON ISLANDS**

In its 2018 Framework Principles on Human rights and the environment, John Knox mentioned that human beings are part of nature, and our human rights are intertwined with the environment in which we live. Therefore, any harm to the environment interferes with the full enjoyment of human rights, and the exercise of human rights helps to protect the environment and to promote sustainable development. The report further suggests that the right to a healthy environment contributes to the improved implementation and enforcement of environmental laws.

The 2021 Human Rights council resolution<sup>170</sup> recognises, for the first time at the global level, the human right to a clean, healthy, and sustainable environment (Resolution 48/13)<sup>171</sup>. Recently, in 2022, the UN General Assembly finally adopt resolution A 76/300 on “the right to a clean, healthy, and sustainable environment, declaring it as a human right, recognizing that the right to a clean, healthy, and sustainable environment is important for the enjoyment of full human rights and to other rights and existing international law.

The recognition of the new universal human rights however, has important implications for international efforts to promote and protect the full enjoyment of human rights, and address the three interlinked environmental crises facing the planet—the climate, biodiversity and pollution crises—mark the end of a journey begun with the adoption of the Stockholm Declaration and

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<sup>170</sup> A/HRC/RES/48/13

<sup>171</sup> HRC, The right to a clean, healthy and sustainable environment: non-toxic environment. Report of the Special Rapporteur on the issue of Human Rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, adopted on January 12, 2022, (A/HRC/49/53), para. 1,

Action Plan for the Human Environment in 1972 and given renewed impetus by a Small Island Developing State, the Maldives, from 2008<sup>172</sup>.

The UNHRC is responsible for “promoting universal respect for the protection of all human rights and fundamental freedoms of all, without distinction of any kind and in a fair and equal manner”. In addition, the UNGA resolutions 60/251 states that the Council shall “make recommendation with regards to the promotion and protection of Human rights<sup>173</sup>. Crucially, however, the Human right Council has struggled to complete the transition from an era of declaration to an era of implementation <sup>174</sup>. Despite, the HRC resolutions is more enforceable<sup>175</sup>, and it indicates that something is changing in the necessary intercedence between having a healthy environment and the fulfilment of human rights<sup>176</sup> although not binding.

In the Solomon Islands, there is hardly any doubt that environmental degradation combined with the impacts of climate change threaten the enjoyment of a wide range of human rights<sup>177</sup>.

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<sup>172</sup> Limon, Marc. "United Nations recognition of the universal right to a clean, healthy and sustainable environment: An eyewitness account." *Review of European, Comparative & International Environmental Law* 31, no. 2 (2022): 155-170.

<sup>173</sup> A/RES/60/251, 2006. Op5(i)

<sup>174</sup> ‘Secretary General’s Address to the Commission on Human Rights’, April 7, 2005, <https://www.un.org/sg/en/content/sg/statement/2005-04-07/secretary-generals-address-commission-human-rights>

<sup>175</sup> Ibid (A/RES/60/215)

<sup>176</sup> Saura-Freixes, Núria. "Environmental human rights defenders, the rule of law and the human right to a healthy, clean, and sustainable environment: last trends and challenges." *UNIO–EU Law Journal* 8, no. 1 (2022): 53-79.

<sup>177</sup> Cima, Elena. "The right to a healthy environment: Reconceptualizing human rights in the face of climate change." *Review of European, Comparative & International Environmental Law* 31, no. 1 (2022): 38-49.

Although the UNGA makes recommendation with regards to the promotion and protection of human rights, the lack of legal binding framework endangers the action and decisions which undermine the right to a healthy environment. For island systems like in the Solomon Islands, the natural state of the environment tends to be finely tuned making the ecology vulnerable to rapid and irreversible changes resulting from human activities. For instance, despite conservation efforts by some Indigenous people and local communities to protect their environment, the lure of monetary benefits, weak enforcement by relevant authorities, combined with increasing needs, logging continues operated steadily in the Solomon Islands. Hence, logging in Solomon Islands directly affects the quality of the environment Indigenous peoples and local communities live close to, impacting Indigenous Peoples to the right to a safe, clean, and healthy environment, sustainable development, and the full enjoyment of human rights for Indigenous peoples.

In order to change the business-as-usual approach, there is a need for a transformative approach to what “conservation” entails, and how conservation efforts are designed and implemented. Although a potential integrated approach is mentioned in Article 8(a) of the CBD, “the establishment of a system of protected areas or areas where special measures need to be taken to conserve biological diversity”, according to the Boyd and Keene 2022 policy brief on human rights and the environment, there is a need to implement more inclusive conservation approaches, better integrate support for biological and cultural diversity, and explicitly reject underlying ethnic and racial prejudices. However, despite circumstances of marginalization and minimal external assistance, the potential of Indigenous Peoples and other rural people with recognised, adequately supported tenure rights contribute to area-based conservation targets<sup>178</sup> is a must.

This is a call that further supports the CBD conservation target to protect at least 30 percent of the planet and placing at least 20 percent under restoration by 2030. However, such approach and framework (CBD) is ill-positioned to catalyse such a transformation because human rights-based

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<sup>178</sup> Ibid (Boyd and Keene, 2021)

approaches and the specific rights of Indigenous Peoples, which have the greatest potential for effectively and equitably protecting biodiversity, are not adequately prioritised<sup>179</sup>.

The CBD although does not explicitly reference human rights, however, several of its provisions implicitly invoke human rights. For example, Article 8(j) of the CBD commits to respect, preserve, and maintain the contributions of Indigenous Peoples and local communities and their knowledge, innovations, and practices to the conservation and sustainable use of biodiversity.

Similarly, the Solomon Islands Constitution states that “the natural resource of the country is vested in the people and government of the Solomon Islands, pledges to uphold the principles of equality, social justice and the equitable distribution of incomes, promote the different cultural traditions and ensure the participation of the people in the governance of their affairs”.

Furthermore, in upholding the fundamental rights and freedoms with regards to the environment, section 8 of the Constitution, provides for the protection of the environment stating,

“no property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired...nothing in circumstances where it is reasonably in a dangerous state or injurious to health of human beings, animals, or plants or for long as may be necessary for the purpose .... of conservation of other natural resources<sup>180</sup>”

Although the Constitution does not plainly mention the environment, referring to it as property, the mentioning of “...reasonably in a dangerous state or injurious to health of human beings, animals or plants” ...., the Constitution recognises that the protection of the environment enhances human dignity, social justice and the right to a clean, healthy and sustainable environment<sup>181</sup> for individuals in Solomon Islands.

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<sup>179</sup> Ibid (Boyd. R.D and Keene. S, 2021)

<sup>180</sup> Ibid (Constitution 1978, Section 8(2))

<sup>181</sup> Ibid (A/HRC/RES/48/13)

However, the Constitution does fails to require human rights of Indigenous Peoples due diligence in conservation planning, finance and fails to call for the recognition of Indigenous Peoples.

Despite that, by exercising their fundamental rights and freedoms, having retained strong customary ownership over their lands and seas, and maintaining the many customs relating to the use of their natural resources, some Indigenous communities in the Solomon Islands have engaged in community conservation initiatives, either from their establishment, in partnership or support from outside institutions. This effort enables them the protection, conservation and management of their land, resources, and the environment. One example of such engagement is the Luru Land Conference of Tribal Community, through community engagement, established a provincial-wide protected area network, with support from the Nature Conservancy and the Government<sup>182</sup>. It was a successful community engagement and implementation of the conservation plan. However, what stands out the most is that the conservation plan was based on traditional knowledge, community engagement, identification of community needs, and communal decision-making through the integration of indigenous practices and traditional knowledge into contemporary conservation efforts. This shows how community partnership, in relation to protecting the environment, enables the promotion and the recognition of indigenous practices and traditional knowledge, can be an inclusive and integrative approach.

More to that, by engaging Indigenous Peoples and local communities through the CBRM, therefore, is an opportunity where traditional knowledge within Indigenous communities can be used to successfully conserve and manage biodiverse ecosystems more effectively than governments<sup>183</sup>. By recognising and respecting the efforts and practice of Indigenous Peoples, it

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<sup>182</sup> Kerseka, J. (2014). Successful community engagement and implementation of a conservation plan in the Solomon Islands: A local perspective. *Parks*, 20(1), 29-38.

<sup>183</sup> Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) (2019), Summary for Policymakers of the Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. S. Díaz and others (eds.). IPBES Secretariat, Bonn, Germany; Rights and



is a potential to better integrate support for biological and cultural diversity<sup>184</sup> as a basis to understand the multiple threats within local communities, and where lack of capacity to conduct science is often mentioned as limited. This leads to community empowerment and capacity development within local communities, through the use and promotion of their indigenous practices and traditional knowledge.

Also, encouraging and promoting Indigenous Peoples and local communities to strengthen and maintain capabilities to set and achieve their development objectives over time<sup>185</sup> is a basis of sustainable development in the Solomon Islands. Therefore, this could be an alternative to integrate science and Indigenous and local knowledge<sup>186</sup>.

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Resources Initiative (2020), *Rights-Based Conservation: The Path to Preserving Earth's Biological and Cultural Diversity?*. Rights and Resources Initiative, Washington DC

<sup>184</sup> See, for example, The Convention on Biological Diversity (1992); The Durban Accord: Our Global Commitment for People and Earth's Protected Areas, Vth IUCN World Parks Congress 2003, Durban; The Durban Accord: Action Plan, Vth IUCN World Parks Congress 2003, Durban; UN Environment Programme (2007), *Global Environment Outlook 4*, at p. 160 (noting an "increased recognition that people are part of, not separate from, the ecosystems in which they live", and describing "biodiversity" as encompassing "human cultural diversity, which can be affected by the same drivers as biodiversity, and which has impacts on the diversity of genes, other species, and ecosystems."); Decision Adopted by the Conference of the Parties to the Convention on Biological Diversity at its Tenth Meeting, *The Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets*, Aichi Biodiversity Target 11. October 29, 2010, UN Doc. UNEP/CBD/COP/DEC/X/2; and UN Resolution Adopted by the General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, Sustainable Development Goal Targets 14.b, 15.6 and 15c. October 21, 2015, UN Doc. A/RES/70/1.

<sup>185</sup> UNESCO-IOC 2021a

<sup>186</sup> CBD Decision V/6, 2000 Principle 11

However, traditionally, in the Solomon Islands, the relationship to the area with which someone's hereditary social group is associated is more custodial, though changes occurred due to resource development. Chiefs plays a fundamental role to resource use, management, protection and access to resources, and as a symbol of custom and identity, usually for communal interests based on indigenous practices and traditional knowledge<sup>187</sup>. For instance, in most Solomon Islands local communities, Chiefs often calls for the non use or closure of any fishing ground which is based on a concept of communal property, with rules and regulations established are enforced through a variety of social and legal mechanisms, with rights of resources utilization, although not of individual ownership but based on kinship<sup>188</sup>.

Therefore, devolving power to the traditional custodian of the resources, and by empowering communal participation, it ensures effective enforcement, compliance and prevents the overexploitation of any resource, especially where resources are customary owned. Despite eroding practices by Chiefs, due to Chiefs being exclusionary, making unsustainable decisions, in Marovo, Solomon Islands, the communities successfully addressed the challenge of accommodating commercial development within a customary framework. As such, the Marovo communities including chiefs, actively involved in the negotiation of rules governing not only their own resource extraction, but also have proved capable of influencing and restricting resource exploitation by outsiders<sup>189</sup> through indigenous knowledge. These adds to the literature that the involvement of Indigenous Peoples has showed lower and less-variable annual deforestation rates and land degradation<sup>190</sup>. This is despite the fact that, chiefs' roles in some

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<sup>187</sup> Geoffrey M White, 1992. *The Discourse of Chefs: Notes on a Melanesian Society*. The Contemporary Pacific, Volume 4, Number I, 73-108. The University of Hawaii Press

<sup>188</sup> Ibid (Edvard Hviding and Graham B.K. Baines, 1992)

<sup>189</sup> Ibid (Edvard Hviding and Graham B.K. Baines, 1992)

<sup>190</sup> Ted J. Lawrence, Richard C. Stedman, Stephen J. Morreale and Sarah R, Taylor (2019). *Rethinking Landscape Conservation: Linking Globalized Agriculture to changes to Indigenous Community-managed landscapes*. Tropical Conservation Science. Vol 12: 1-9.

local communities are disputed, often related to unsustainable decision making and being individualistic.

Still, although the Constitution has provisions that protect the environment and recognize the need to safeguard the environment and biodiversity, the influence of sustainable development and with the notion of “sustainable”, resource development continues to threaten efforts to protect the environment. This is because, natural resource developments use sustainable development frameworks as guiding principles, yet compliance and monitoring are an issue, especially in the Solomon Islands. However, as mentioned in the Rio Declaration, and more recently, in the Framework Principles on Human rights and the environment, inclusiveness and participatory approach are of great importance to sustainable development. Principle 10 of the Rio declaration states:

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

The Rio declaration recognises that environmental issues are best handled through the implementation of rights to access to information, participation in decision-making, and effectiveness access to judicial and administrative proceedings.

However, in the Framework Principles on Human rights and the environment, Principles 1 and 2 asserts that States:

Should ensure a safe, clean, healthy, and sustainable environment in order to respect, protect and fulfil human rights, and should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment.

In ensuring such to be implemented effectively with Indigenous Peoples, Principle 15 of the Framework on Human rights and the environment further states that, States:

Should ensure that they comply with their obligations to Indigenous Peoples and members of the traditional communities.

The recognition of the protection of fundamental rights and freedoms of the individuals in the Constitution is inclusive enough for the Solomon Islands. This includes the provisions for the rights of environmental human rights defenders<sup>191</sup> – in the case of Solomon Islands, the Indigenous Peoples and local communities who strive to protect their environment that they depend on for livelihood and survival, from logging and other natural resource development. The case shows the connection between environmental degradation and human rights. The failure to enact and enforce environmental laws, have all been identified as violations of various human rights, including the rights to life, health, water, culture, and a healthy environment<sup>192</sup>.

However Indigenous Peoples are often marginalised, not recognising them or either ignoring them their rights to participate in decision-making and pursue legal remedies for environmental harm. This has been an on-going issue in the Solomon Islands. The notion of participation and inclusive is something just to tick the boxes or to ensure, formalities are adhered to. For instance, the Solomon Islands Protected Areas Act 2010 does not explicitly recognise such practices or grand Indigenous peoples and local Communities the power to declare, govern and manage their own protected conserved areas<sup>193</sup>. This has contributed to increasing threats to the protection of the environment.

Another challenge to the protection of the environment is the lack of capacity to conduct science<sup>194</sup>. Although, Indigenous Peoples have always had “science” in their indigenous practices and traditional knowledge, these practices are often not accepted, recognised, and

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<sup>191</sup> See *Nesa v Mas Solo Investment Ltd* (2019) SBHC 58; HCSI-CC 492 of 2017 (31 July 2019)

<sup>192</sup> Boyd, D., Knox, J. and Limon, M., 2021. *The Time Is Now: The Case for Universal Recognition of the Right to a Safe, Clean, Healthy and Sustainable Environment*. Universal Rights Group.

<sup>193</sup> *Ibid* (James Clifford Meimana and Holly Jonas, 2015).

<sup>194</sup> A/71/733

acknowledged, even if these practices had been for centuries and of great success to indigenous communities. A great disconnect is missing between the protection of the environment, and sustainable development, and those who will protect the environment and make sustainable development achievable.

Nevertheless, Indigenous Peoples and local communities have their own traditional mechanisms for determining and enforcing protection of the environment and conservation of certain areas and resources, based on practices developed over many generations and centuries.

In order to address the threats, a transformative change towards protection of the environment and sustainable development<sup>195</sup>, with a view to preserve, protect and promote indigenous practices and traditional knowledge in local communities is needed. A transformative change that creates a fundamentally new system when ecological, economical, or social, including political conditions make the existing system untenable<sup>196</sup>. A change that enables a radical inclusive and meaningful participatory approach that must identify the unique environmental, social, cultural, and economic realities of each community and using their cultural values and practices to address these realities. Consequently, this would make more explicit the relationship between the environment, human rights, and sustainable development, and address the conservation and sustainable use of nature and natural resources<sup>197</sup>.

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<sup>195</sup> Erinosho, Bolanle, Hashali Hamukuaya, Claire Lajaunie, Alana Lancaster, Mitchell Lennan, Pierre Mazzega, Elisa Morgera, and Bernadette Snow. "Transformative governance for ocean biodiversity." *Transforming Biodiversity Governance (Cambridge University Press, forth 2021)* (2021).

<sup>196</sup> Walker, Brian, Crawford S. Holling, Stephen R. Carpenter, and Ann Kinzig. 2004. "Resilience, adaptability and transformability in social–ecological systems." *Ecology and society* 9, no. 2 (2004).

<sup>197</sup> Ibid (Alan Boyle, 2012)

Not only that, but by recognizing and adequately supporting Indigenous Peoples rights, it enables the recognition of the intrinsic link between the environment, and the realization of a range of human rights, such as the right to life, to health, to food, to water and to housing<sup>198</sup>.

This is because environmental issues are interconnected, impacting both human and the environment, and, by using cultural values and practices of the communities, a true meaningful inclusive and integrated approach can be achieved.

## **PART TWO: CONSERVATION OF THE ENVIRONMENT AND THE RIGHTS OF INDIGENOUS IN SOLOMON ISLANDS**

In part two of the study, I will discuss the potential actions that is needed to promote in-order for indigenous conservation practices and traditional management of the resources are to be recognized, promoted and being used as a means of protecting the environment. As from the previous chapter, we can note that a safe, clean, healthy environment and sustainable development is necessary for the full enjoyment of many human rights<sup>199</sup>. That in mind, in the first chapter of part two, the focus of the discussion will be on conservation of the environment as a means of protecting human rights in the Solomon Islands. First, in section one of chapter one, I will discuss the general obligations to conservation, focusing on UNCLOS and CBD.

UNCLOS reflects to the interrelatedness of the problems of the ocean space and the need to consider them as a whole, especially for large ocean states like the Solomon Islands. On a similar spectrum, CBD calls for a more inclusive and integrative approach, including addressing human

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<sup>198</sup> UN HRC, Report of the OHCHR on the Relationship Between Climate Change and Human Rights (hereafter ‘OHCHR 2009 Report’), UN Doc. A/HRC/10/61, 15 Jan. 2009, at para. 18

<sup>199</sup> Report by Knox. H, John, 2018. UN Special Rapporteur on Human Rights and the Environment. Frameworks Principles on Human Rights and the Environment, 2018

activities that pose challenges to biodiversity conservation and sustainable use<sup>200</sup> of the environment. In doing so, the CBD addresses concerns of Indigenous Peoples'/communities and recognizes the importance of their knowledge<sup>201</sup> and the contributions indigenous practices has to conservation. Furthermore, the 2022 UN General Assembly resolutions recognizes the right to a safe, clean, healthy, and sustainable environment is important for the enjoyment of full human rights and to other rights and existing international law. Therefore, in this section, I will look at the conservation and management of the resource's obligations under UNCLOS and the CBD ecosystem approach and see how this approaches be used as a provisions to protect human rights.

In section B of chapter one, I will then look at some of the challenges to conservation in the Solomon Islands. As discussed previously, the full enjoyment of Indigenous human rights includes the rights to life, health, food and water, depends on the services provided by ecosystems. Therefore, challenges to conservation undermine the ability of Indigenous Peoples to enjoy their full human rights<sup>202</sup>, rights to a safe, clean and healthy environment, and rights to life.

Having discussed the challenges to conservation, I will look at what approach can help address the challenges and at the same time, promote the use of indigenous knowledge and practices as a matter of human rights in the Solomon Islands.

First, in section A of chapter two, I will look at a potential action to recognize the preservation of and promotion of indigenous practices and traditional knowledge in the Solomon Islands.

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<sup>200</sup> CBD Article 6b and 10a

<sup>201</sup> Morgera, E., Switzer, S., and Geelhoed, M. (2020). Study for the European Commission on 'Possible ways to address digital sequence information – legal and policy aspects'. Available from [https:// bit.ly/3Jb0tJQ](https://bit.ly/3Jb0tJQ).

<sup>202</sup> Knox, J.H. and Morgera, E. 2022. Human rights and the environment – The interdependence of human rights and a healthy environment in the context of national legislation on natural resources. FAO Legal Papers No. 109. Rome, FAO. <https://doi.org/10.4060/cb9664en>

Next, in section B of chapter two, I will examine, the potential of using community-based approach as way to promote, preserve and protect indigenous practices and to recognize the conservation contributions of Indigenous Peoples that will enable effective conservation of the resources and sustainable development in the Solomon Islands.

## **CHAPTER ONE: CONSERVATION IN THE SOLOMON ISLANDS**

As mentioned in the introduction, conservation in Solomon Islands is governed and managed in accordance with the Solomon Islands national Constitution, Solomon Islands community based coastal and marine resource strategy 2021-2035, the Fisheries Management Act 2015 (FMA 2015), Solomon Islands National Ocean policy (SINOP), Solomon Islands National Fisheries policy 2019-2029, and other national and provincial related regulations (legislations).

For this study, I will focus on the rights and obligation to conservation under UNCLOS, to which the Solomon Islands is a party to. The focus on UNCLOS is necessary because, the Solomon Islands, as an ocean state, and its people are inextricably linked to the coastal ecosystems and rely very much on the ocean, to which UNCLOS is the main international governance framework.

However, as discussed and mentioned earlier, 95 percent of Solomon Islands are Indigenous Peoples. Therefore, I will also look at CBD as it addresses the specific concerns of Indigenous Peoples' and local communities. The CBD ecosystem approach<sup>203</sup> which is also used to interpret UNCLOS in relation to marine biodiversity, aims at integrating the management of land, water and living resources, and balancing the three objectives of the Convention, as well as integrating different legal and management strategies, depending on local, national, regional or global conditions.<sup>204</sup> Not only that, but I will also look at how, the conservation of the environment is linked to, Indigenous human rights, the Indigenous Peoples right to a clean, safe and healthy environment in the Solomon Islands. This is because of the belief that fairer conservation, which

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<sup>203</sup> CBD Decisions V/6, 2000; VII/11, 2004

<sup>204</sup> CBD Decision V/6, 2000, Annex, para. 5



includes recognizing and acknowledging Indigenous Peoples right, is vital for effective conservation as well as human wellbeing<sup>205</sup>.

## **SECTION A: OBLIGATIONS TO CONSERVATION IN SOLOMON ISLANDS**

UNCLOS reflects some extent the evolution of natural sciences and ecosystem management by referring to the interrelatedness of the problems of the ocean, thus, early attempts at integrated ocean governance. It forms the basis of a general obligation to protect and preserve the marine environment. Article 192 sets forth the general (legal) obligation to conserve, manage and protect marine biodiversity, applicable to all maritime zones (including territorial waters). Article 21, under the right for innocent passage, reaffirms states “Article 21(d), obligations on the conservation of living resources, and Article 21(f), on the preservation of the environment in relation to innocent passage.

Therefore, Solomon Islands as a member state of the UNCLOS convention, have the obligation to protect and preserve the marine environment (Part X11)<sup>206</sup>with the provisions and conditions mentioned above.

In order to implement the provision under UNCLOS to protect and preserve the marine environment, the Solomon Islands government, in its continuous effort to conserve, manage and protect the ocean resources, in 2018 embarked on the Solomon Islands National Ocean Policy (SINOP), an integrated approach to ocean resource management. This approach bears a resemblance to an approach echoed in the Preamble of the UNCLOS, stating:

“the problems of ocean space are closely interrelated and need to be considered as a whole”

Furthermore, the Rio Declaration, the 2022 UN General Assembly resolution, the 2021 human rights council resolutions and the 2018 Framework Principles on Human rights and the

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<sup>205</sup> Franks, P et al. (2018) Understanding and assessing equity in protected area conservation: a matter of governance, rights, social impacts and human wellbeing. IIED Issue Paper. IIED, London.

<sup>206</sup> Ibid (UNCLOS)

environment, recognizes and acknowledges that inclusiveness and participation of all, and respecting and protecting human rights, especially the rights of Indigenous Peoples and other rural rights holders, is an obligation under international law and an effective, equitable and cost-efficient conservation strategy that should be applied to all efforts to safeguard nature<sup>207</sup>.

Therefore, in a country like the Solomon Islands, where 95 percent of the population, Indigenous Peoples who depend very much on the natural resources for livelihood, and survival, and where indigenous practices and traditional knowledge are part of the Indigenous people's daily life, inclusiveness and participatory approach should go beyond just the normal stakeholders. It must capture those who are impacted the most, the Indigenous Peoples. And this is where CBD comes in. Article 8(j) of the Convention commits to respect, preserve, and maintain the contributions of Indigenous Peoples' and local communities and their knowledge, innovations, and practices to the conservation and sustainable use of biodiversity.

In appreciating such, the CBD acknowledges the concerns and the importance of Indigenous Peoples and local communities knowledge and practices. The CBD ecosystem approach, therefore, emphasizes the integration of modern science and Indigenous and local knowledge<sup>208</sup> as well as equity concerns, recognizing that human beings and their cultural diversity are an integral component of many ecosystems<sup>209</sup>.

Therefore, it calls for an inclusive and integrated approach to the governance<sup>210</sup> of the environment including the use of management strategies (practices). A potential approach to the inclusive and integrated narrative is the obligations under article 8(a) of the CBD, the provision for the establishment of a system of protected areas or areas where special measures need to be taken to conserve biological diversity. By establishing conservation areas, and with the use and

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<sup>207</sup> UN Special Rapporteur on the Rights of Indigenous Peoples, July 29, 2016, UN Doc. A/71/229

<sup>208</sup> CBD Decision V/6, 2000, Principle 11

<sup>209</sup> CBD Decision V/6, 2000, para. 2

<sup>210</sup> Ibid (Erinosho, Bolanle, et al. 2021)

integration of indigenous knowledge and practices as mentioned in Article 8(j), there is a potential that Indigenous Peoples'/communities' voices, conservation practices, and knowledge are recognised, promoted, and protected if biodiversity is to be stopped and reversed<sup>211</sup>.

Furthermore, the UNGA, adapting a resolution<sup>212</sup> obligates and calls on states to recognise the right to a clean, safe, healthy and sustainable environment as a human right. It also obligates and calls on states to respect and protect human rights, as an effective, equitable and cost-efficient conservation strategy that should be applied to all efforts to safeguard nature<sup>213</sup>.

Yet, some establishment of conservation/protected area(s) displaces Indigenous Peoples and other rural right holders, violating human rights, threatens Indigenous cultural rights, instigate conflicts between communities, fails to protect nature<sup>214</sup> and fails to ensure Indigenous People/communities equitable benefits from economic activities, fails to provide them equitable opportunities to participate in decision-making and management, and denies fair compensation for evicted persons<sup>215</sup>. This results from conservation concepts that fails to acknowledge and recognise that, the wellbeing of humans, including their rights to full enjoyment of human rights, depends on the environment, and thus, humans and the environment are interrelated and are intricately tied to culture<sup>216</sup>.

To reduce such conservation tragedies, the international guidelines call for the integration of indigenous knowledge, science and the recognition that protecting the environment is also protecting human rights. Such approach notes that the ecological, bio cultural, and spiritual value

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<sup>211</sup> Ibid (Boyd. R. D and Keene. S, 2021)

<sup>212</sup> UN General Assembly Resolution on the Human Right to A Clean, Healthy and Sustainable Environment, Doc A/RES/76/300 (2022).

<sup>213</sup> UN Special Rapporteur on the Rights of Indigenous Peoples, July 29, 2016, UN Doc.A/71/229

<sup>214</sup> Ibid (Boyd R. D and Keene. S, 2021)

<sup>215</sup> Ibid (A/71/229)

<sup>216</sup> Ibid (Ted J. Lawrence, et al. 2019)

of the biodiversity stewarded by Indigenous Peoples and other rural rights holders is infinite<sup>217</sup>. Infinite in a sense that such initiatives are built upon customary forms of governance, integrating scientific advice and management principles in collaboration with external partners<sup>218</sup>. This is in view that scientific guidance enhances conservation and management measures, and by integrating with customary forms of governance, it ensures compliance and effective enforcement of management measures.

However, despite that international call for integration, there needs to be a transformative change in view of the environment and human rights. For instance, to address the atrocities and violations of human rights towards conservation efforts, implementing of transformative biodiversity conservation measures<sup>219</sup> is important. Transformative measures that ensure false notion of the environment is not accepted. For instance, emphasising that nature is not a commodity created for human exploitation, but an extraordinary diverse community to which we all belong.

Despite that, modern conservation efforts emphasises that benefits from external input are more efficient<sup>220</sup>. This view of conservation, however, overlooks the required partnership, institutions, and co-learning<sup>221</sup> necessary for transformative changes.

However, how could such integration overlook vital approaches necessary for transformative changes? An explanation points to that, interdisciplinary or integrated approach results from the

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<sup>217</sup> Ibid (Boyd and Keene, 2021)

<sup>218</sup> Ibid (Rohe, et al 2017)

<sup>219</sup> Ibid (Boyd and Keene, 2021)

<sup>220</sup> Overå, R. (2011). Modernization narratives and small-scale fisheries in Ghana and Zambia. *Forum Dev. Stud.* 38, 321–343. doi: 10.1080/08039410.2011.596569

<sup>221</sup> Hall, A. J., Yoganand, B., Sulaiman R. V., Raina S., Shambu Prasad C., Naik Guru, C., et al. (2004). *Innovations in Innovation: Reflections on Partnership, Institutions and Learning*. Patancheru: International Crops Research Institute for the Semi-Arid Tropics.

political, ecological, and economic nature of the paradigm shift, largely related to the fact that economic and social disparities are often the root causes of resource degradation<sup>222</sup> or threats to the environment. This can be why, although efforts are being made, in the Solomon Islands, only 0.28 percent of the terrestrial ecosystems are formally recognized as legally protected. This, therefore, calls to relook at how the inclusive and integrated approaches have been or should be implemented in the Solomon Islands.

An aspect of interest is to relook at the call by the international community for the integration of traditional knowledge into conservation approaches. The call recognizes that by decentralizing natural resource management or by using traditional knowledge, it is an effort to incorporate Indigenous Peoples and local communities into guardianship of their immediate environment, to meet ecological and social goals, both locally and on global scale<sup>223</sup>.

The integration of traditional knowledge as required by the international community can also be a potential means to address with the excuse of limited scientific guidance, sectorial focus, fragmented and lack of capacity. As a long-term approach, through the holistic environmental approach<sup>224</sup>. This means Indigenous Peoples and other rural rightsholders must be key partners in conservation and restoring biodiversity<sup>225</sup>.

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<sup>222</sup> Thrupp, L. (1993). Political ecology of sustainable rural development: dynamics of social and natural resource degradation. In: Allen, P., ed. *Food for the Future: Conditions and Contradictions of Sustainability* (pp.47-73). New York: John Wiley and Sons.

<sup>223</sup> Agrawal, A. & Gibson, C. (1999). Enchantment and disenchantment: The role of community in natural resource conservation. *World Development*, 27(4), 629-649.

<sup>224</sup> Ibid (Lauer, M., & Aswani, S. 2009).

<sup>224</sup> Burns, William CG. "Potential Causes of Action for Climate Change Impacts Under the United Nations Fish Stocks Agreement." *Sustainable Dev. L. & Pol'y* 7 (2006): 34.

<sup>225</sup> Ibid (Boyd. R. D and Keene. S, 2021)

Not only that but this fosters the promotion, use and recognition of indigenous knowledge and practices which is also vitally important to promote, preserve and protect.

This is because, although the Solomon Islands government recognises that for most Indigenous People and local communities in the Solomon Islands, the land and sea ecological zones and processes are not ontologically separated but, rather, are components of an integrated whole<sup>226</sup>, inclusive of Indigenous Peoples is ad hoc. For instance, although the Solomon Islands have a limited number of (legally) protected areas established under the Provincial ordinance or Customary law, limited support, acknowledgement and recognition of traditional conservation/protected areas to Indigenous Peoples and local communities by relevant stakeholders is an issue. This means, in the Solomon Islands, legally, conservation efforts by Indigenous Peoples and local communities are only ad hoc and are not legally recognised and acknowledged. This is despite that indigenous practices and conservation efforts have always been integrative within Indigenous Peoples and local communities. Furthermore, it is important to note that the participation of Indigenous Peoples and local communities, those that use and understand such practices, is important for the sustainability of any conservation efforts. Therefore, increasing capacity within relevant stakeholders as well as recognising traditional practices is important in establishing an effective conservation/protected area network<sup>227</sup> which leads to sustainable development.

However, challenges to the recognition of Indigenous conservation efforts in the Solomon Islands, is that local leaders are constrained in their capacity to enforce customary tenure rules owing to limited legal mandate or are generally not legally gazetted under national law<sup>228</sup>, challenges by diverse socio-economic developments as well as cultural changes, and the

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<sup>226</sup> Ibid (Lauer, M., & Aswani, S. 2009).

<sup>227</sup> <https://www.reddplussolomonislands.gov.sb/index.php/about-mofr-riu-redd/redd-and-redd/conservation.html>

<sup>228</sup> Ibid (Rohe, et al 2017)

alignment of international and national conservation values with those of the Indigenous communities, whose cooperation and support are vital<sup>229</sup>.

A potential approach to mitigate some of these challenges is engaging in the participatory approach. By engaging the Indigenous Peoples, it gives the opportunity to recognise Indigenous Peoples socio-economic needs, enhance compliance, and enforcement. Furthermore, by engaging Indigenous Peoples and local communities, trust is built, thereby common conservation values are understood by both Indigenous communities and partners.

For example, in the Solomon Islands, many conservation efforts by external partners struggle to harmonise their organizational values with Indigenous Peoples and communities who own the land and sea that the organization wish to protect. Therefore, engaging Indigenous Peoples should trigger the recognition that they and their cultural diversity are an integral component of the ecosystem<sup>230</sup> and that they are key to the success of the conservation effort.

However, conservation efforts, including indigenous practices continue to face many challenges.

## **SECTION B: CHALLENGES TO CONSERVATION IN SOLOMON ISLANDS**

Solomon Islands, for its resourceful archipelagic islands, is remarkably diverse ecologically and culturally. However, the Solomon Islands' economic base is heavily reliant on and primarily sustained by the exploitation of its natural resources. Therefore, its forests and marine resources are continuously under significant threat, mainly from soaring deforestation, rapid coastal development, weak institutional and legal frameworks,<sup>231</sup> and the unsustainable harvesting of resources due to population growth and increasing needs. Furthermore, these threats create diverse socio-economic developments as well as cultural changes, and with limited legal

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<sup>229</sup> Ibid (Walter R.K and Richard. J.H, 2014)

<sup>230</sup> CBD COP Decision XIV/8

<sup>231</sup> Young CA. Belize's Ecosystems: Threats and Challenges to Conservation in Belize. *Tropical Conservation Science*. 2008;1(1):18-33. doi:10.1177/194008290800100102

mandate<sup>232</sup>, challenges conservation efforts and meaningful sustainable development in the Solomon Islands.

All this is exacerbated by some of the worst-known land-use practices, because of insensitive development policies that do not recognize the protection and promotion of Indigenous human rights. For instance, excessive and largely unregulated logging activities threaten food and water sovereignty, violate the right to free, prior and informed consent, and threaten the survival of islands and Indigenous communities<sup>233</sup> in the Solomon Islands.

In addition to the issue of land-use practices, another challenge to the conservation of the environment is the attraction, availability and accessibility of the market economy in the local communities. This has resulted in livelihoods shifts from subsistence towards market-oriented activities<sup>234</sup> because of increasing “needs”. For instance, the harvest of the lucrative sea cucumber, although, there is a moratorium on sea-cucumber in 2009<sup>235</sup>, due to demand for the product, poaching within the managed area for income intensified when new market access opportunities arose<sup>236</sup>. Although this might be unavoidable, empowerment of Indigenous Peoples’ and local communities to trigger curiosity about other livelihood options is equally important. Sustainable livelihood options that are sustainable, and affordable, meeting community needs or based on environment status of the local resource or development

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<sup>232</sup> Ibid (Rohe, et al 2017)

<sup>233</sup> Observations on the State of Indigenous Human Rights in the Solomon Islands Prepared for United Nations Human Rights Council: Universal Periodic Review October 2020

<sup>234</sup> Lawrence TJ, Stedman RC, Morreale SJ, Taylor SR. Rethinking Landscape Conservation: Linking Globalized Agriculture to Changes to Indigenous Community-Managed Landscapes. *Tropical Conservation Science*. 2019;12. doi:10.1177/1940082919889503

<sup>235</sup> Pakoa, K., Masu, R., Teri, J., Leqata, J., Tua, P., Fisk, D.G. and Bertram, I., 2014. Solomon Islands sea cucumber resource status and recommendations for management. Secretariat of the Pacific Community (SPC).

<sup>236</sup> Ibid (Rohe, et al 2017)



concerns<sup>237</sup> of Indigenous Peoples. In recognizing Indigenous Peoples environment and development concerns, it enables the recognition of their human rights to a safe, clean, healthy and sustainable environment.

Consequently, the notion of sustainable development combined with increasing needs, has led locals to view the environment by its monetary value rather than, cultural biodiversity importance. Rather the challenge is on the environment, the challenge, therefore, is on people's behavior towards the environment<sup>238</sup>. Therefore, there is a need for continuous awareness and a need for change in actions or strategy in relation to the protection of the environment. A transformative change that helps individuals or local communities recognize the environment as important for human rights. Noting that efforts should focus on improving the livelihoods of the local people as well as protecting the environments natural values<sup>239</sup>. This is crucial. However, for such change to truly meaningfully happen, a fundamentally crucial approach is to help use and promote what, has already been instilled within the people, something indigenous.

Like in many other developing countries, political influence aided with weak implementation, enforcement, and compliance of government mechanisms to conservation has always echoed as an issue in the Solomon Islands. For instance, the Solomon Islands Wildlife Protection and Management Act 1998 provides legal protection for the conservation and management of wildlife, regulating the trade of animals and plants from the country<sup>240</sup>. However, it is not uncommon in the Solomon Islands for the decisions made for the management, handling, and export of wildlife to be swayed by political and economic gains rather than scientific data<sup>241</sup>.

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<sup>237</sup> Ibid (Govan et al 2007)

<sup>238</sup> Ibid (Thaman R, Gillett R and Pelasio M, 2000)

<sup>239</sup> Ibid (Kiddle G. L. 2020).

<sup>240</sup> South Pacific Regional Environment Program, 2018

<sup>241</sup> Parsons, E.C., Rose, N.A. & Telecky, T.M. (2010) The trade in live Indo-Pacific bottlenose dolphins from Solomon Islands – A CITES decision implementation case study. *Marine Policy*, 34, 384–388.

This is very much like logging in the Solomon Islands, where the regulation of extractive industries is poor given out of date legislation, governance problems such as corruption, and practical issues associated with enforcing legislation on remote islands<sup>242</sup> and lack of compliance are deemed an excuse norm.

Therefore, in the Solomon Islands, the qualitative elements of the Protected Areas (Article 8(a) of CBD), effective and equitable managed, ecological representative and well-connected systems, have received far less attention<sup>243</sup>. For instance, East Rennell's World Heritage listing in 1998 was a milestone in the implementation of the World Heritage Convention. However, the formal reach of the Solomon Islands State is limited in extremely remote East Rennell. Government activities are heavily constrained by a lack of capacity and resources and the political economy of natural resource extraction in the Solomon Islands. Consequently, efforts to strengthen legal protection, such as declaring East Rennell under the Protected Areas Act and improving the site's management plan, have not progressed beyond the initial stages<sup>244</sup>. These shows the comprehensive failure of the national regulatory and technical agencies to plan, or to control to discipline company agencies. Furthermore, the slow progress and bureaucratic within the process to declare an area under protected area is also a challenge. This could be why, less than 1 percent of the ecosystems are protected in the Solomon Islands.

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<sup>242</sup> Allen, M. (2011). The political economy of logging in Solomon Islands. In R. Duncan (Ed.), *The political economy of economic reform in the Pacific* (pp. 277–301). Manila: Asian Development Bank. Retrieved from [https:// www.adb.org/publications/political-economy economic-reform-pacific](https://www.adb.org/publications/political-economy-economic-reform-pacific).

<sup>243</sup> Rees, S., Foster, N. L., Langmead, O., Pittman, S., and Johnson, D. (2018). Defining the qualitative elements of Aichi Biodiversity Target 11 with regard to the marine and coastal environment in order to strengthen global efforts for marine biodiversity conservation outlined in the United Nations Sustainable Development Goal 14. *Marine Policy* 93, 241–250.

<sup>244</sup> Ibid (Kiddle G.L, 2020)

Additionally, the Solomon Islands has its Protected Areas Act 2010 and Protected Areas Regulations 2012 passed by Parliament specifically to govern and provide for the management and protection of protected areas. As mentioned earlier, Indigenous People and local communities have their own traditional mechanisms for determining and enforcing protection and conservation of certain areas and resources based on practiced developed over many generations and centuries. However, the Protected Areas Act does not explicitly recognize such practices or grant indigenous peoples and communities the power to declare, govern and manage their own protected and conserved areas<sup>245</sup>.

The dominance of western scientific frameworks, precluding a meaningful acknowledgement and inclusion of different epistemologies and distinct ways of knowing as part of capacity development<sup>246</sup> is also one of the issues. The alignment of international conservation values with those of the indigenous communities whose cooperation and support are vital<sup>247</sup>. Hence, conservation initiatives by institutions/stakeholders to conservation have been found to pay little attention to social and cultural aspects<sup>248</sup>, which include indigenous practices and traditional knowledge, although it is very much captured in the CBD ecosystem approach. Furthermore, the process may be similar to, or perceived to be, top-down and influenced by outsiders.

Similarly, in an analysis of the challenges of Worldwide Fund for Nature initiatives in Western Province of Solomon Islands, it highlights the extreme difficulty of instilling conservation values

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<sup>245</sup> Ibid (James Clifford Meimana and Holly Jonas, 2015)

<sup>246</sup> Harden-Davies, Harriet, Diva J. Amon, Marjo Vierros, Nicholas J. Bax, Quentin Hanich, Jeremy M. Hills, Maila Guilhon et al. "Capacity development in the Ocean Decade and beyond: key questions about meanings, motivations, pathways, and measurements." *Earth System Governance* 12 (2022): 100138.

<sup>247</sup> Ibid (Walter R.K and Richard J.H, 2014)

<sup>248</sup> Stephenson, Robert L., Alistair J. Hobday, Edward H. Allison, Derek Armitage, Kate Brooks, Alida Bundy, Christopher Cvitanovic et al. "The quilt of sustainable ocean governance: patterns for practitioners." *Frontiers in Marine Science* 8 (2021): 630547.

in remote communities where livelihood and cash earning options are limited—especially in areas where there are lingering tenure disputes. Therefore, the ‘basic (scientific) assumptions underpinning the high value attributed to biodiversity by Western environmentalists are typically not shared by rural Melanesians<sup>249</sup>.

Furthermore, conservation motivated by external conservation objectives<sup>250</sup>, or incentive driven, results in unsustainable outcomes, substantial disappointment or even conflict<sup>251</sup> once funding ends. For instance, on Fanalei community in Malaita Province, Solomon Islands, Earth Islands Institute, a Berkeley based conservation group was working with the local community to stop the traditional dolphin hunt. In 2010, Fanalei community suspended hunting in exchange for financial compensation<sup>252</sup>. However, due to misunderstanding between the villagers and Earth Island, the local community resumed traditional dolphin hunting<sup>253</sup>.

The lack of capacity by local leaders to enforce customary tenure rules owing to limited legal mandate continue to challenge conservation efforts. This is because these rules are generally not legally gazette under national laws despite the Constitution provides that, customary law shall

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<sup>249</sup> Foale, S. (2001). ‘Where's our development?’ Landowner aspirations and environmentalist agendas in Western Solomon Islands. *The Asia Pacific Journal of Anthropology*, 2(2), 44–67. <https://doi.org/10.1080/14442210110001706105>

<sup>250</sup> National Research Council, 2008 National Research Council Increasing Capacity for Stewardship of Oceans and Coasts: A Priority for the 21st Century, National Academies Press, Washington D.C. (2008) <https://doi.org/10.17226/12043>

<sup>251</sup> Ibid (Govan et al 2007)

<sup>252</sup> Oremus M, Leqata J, Baker CS. 2015 Resumption of traditional drive hunting of dolphins in the Solomon Islands in 2013. *R.Soc. open sci.* 2: 140524. <http://dx.doi.org/10.1098/rsos.140524>

<sup>253</sup> <https://www.theguardian.com/environment/2013/jan/24/solomon-islands-villagers-kill-900-dolphins>

have effect as part of the law of Solomon Islands<sup>254</sup>. For instance, in the Solomon Islands, land is an entity that is integral to the people and paramount to their identity as a community or society. Rules related to the ownership and uses of customary land are not codified and they vary between cultural groupings and within the provinces<sup>255</sup> in the Solomon Islands. Therefore, it is difficult to know what that law is and when it applies. Despite these uncertainties, certain customs regarding “ownership” of land, transfer of ownership, and secondary rights to use land are discernible, however, and generally apply to all customary landowning groups<sup>256</sup>.

The lack of effective legal recognition of Indigenous Peoples rights and responsibilities, including rights to self-determination and self-governance, customary laws and traditional institution’s is also a threat to conservation efforts by Indigenous Peoples. Indigenous Peoples and local communities faced continue to face marginalization from colonial and post-independence legislative and judicial systems and state-centric decision-making processes. Indigenous Peoples are often excluded from meaningful participation in government and non-government, conservation programs.

Additionally, although external conservation groups have had success<sup>257</sup>, a reoccurring struggle for them has been harmonizing their organizational values with those of the Indigenous communities who own the lands and seas that they wish to see protected and whose cooperation

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<sup>254</sup> Ibid (SI Const., Sce. 3, Para. 3(1).)

<sup>255</sup> Ibid (James Clifford Meimana and Holly Jonas, 2015)

<sup>256</sup> Graig Corona, 2004. Private Lands Conservation in the Solomon Islands. Natural Resources. Law Center, School. of Law. University of Colorado.

<sup>257</sup> Weeks, R., P. M. Aliño, S. Atkinson, P. Belida II, A. Binson, W. L. Campos, R. Djohani, A. L. Green, R. Hamilton, V. Horigue, R. Jumin, K. Kalim, A. Kasasaiah, J. Kereseke, C. Klein, L. Laroya, S. Magupin, B. Masike, C. Mohan, R. M. Da Silva Pinto, A. Vave-Karamui, C. Villanoy, M. Welly, and A. T. White. 2014. Developing marine protected area networks in the Coral Triangle: good practices for expanding the Coral Triangle Marine Protected Area system. *Coastal Management* 42:183-205. <http://dx.doi.org/10.1080/08920753.2014.877768>

and support is vital <sup>258</sup>. External or International environment organization are focused on biodiversity conservation, but local communities often have different range of concerns and interests, only some of which relate to biodiversity. Therefore, despite the call for meaningful partnership and collaboration to conservation efforts, aligning conservation values to that of local communities is missing.

Another challenge is people's compliance with the resource management regime. Compliance has been linked to the ecological performance of marine protected areas<sup>259</sup>. However, this is due to changes in production and consumption patterns and challenges in management and enforcement<sup>260</sup>, compliance has become an issue to conservation efforts.

As a developing country, Solomon Islands depends very much on its extractive industries, namely logging, fishing and more recently, mining. The increasing prevalence of industrialized extraction of natural resources is a threat to conservation and protection of the environment. These industries undermine the rights and livelihoods of Indigenous Peoples and local communities as they generally occur on or near customary territories, lands and sea, and also contribute to over-exploitation, pollution, and habitat and species loss<sup>261</sup>.

Therefore, there is a need for greater awareness building and capacity development at all levels to secure respect and recognition for conservation efforts by Indigenous Peoples and local communities. This will foster the protection and promotion of traditional knowledge.

Apart from awareness and capacity building, there needs to be strategies that strengthen cooperation and partnership. Strategies that recognize the conservation efforts of Indigenous Peoples and local communities and acknowledges, community needs and local environmental values.

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<sup>258</sup> Ibid (Walter R.K and R.J Hamilton 2014)

<sup>259</sup> Ibid (Rohe, et al 2017)

<sup>260</sup> A/76/311

<sup>261</sup> Ibid (James C.M and Holly J, 2015)

The Constitution provides the provision for the decentralization of power, ensuring the participation of the people in their governance of their affairs. The Constitution therefore provides for the participation of the people, including Indigenous Peoples and local communities, in the governance of their affairs. Not only participation, but the Constitution provides for decentralization of power, meaning, empowering Indigenous Peoples and local communities to practice their beliefs, cultural laws, and practices that are vital and intrinsic part of them. Therefore, the Constitution recognizes that customary law is part the law in recognizing that devolving power to the locals and through participation, the recognition and protection of customary rights of Indigenous Peoples and local communities, as well as; full realization of their culture and cultural life, enables sustainable development. This includes customary practices in relation to conservation of the environment.

Despite recognizing customary law, in-order for a tribe or clan to confirm or establish their rights as true customary owners, the custom itself must be determine in a court of law. However, in the Solomon Islands, areas of customary land and sea can only be formally protected if landowners agree to it and is legally recognized and declared a protected area by the relevant national government authorities. Moreover, the establishment of a protected area does not affect land ownership<sup>262</sup>. There should be provisions pertaining Indigenous Peoples and local communities to the governance or stewards of the resources. Therefore, recognizing Indigenous peoples' and local communities' responsibilities and roles to participate, decide, promote and maintain indigenous practices and traditional knowledge within one's traditional jurisdictional area that may affect them and their resources is vital.

Despite these responsibilities, many of the human-induced ecosystem changes are irreversible; often related to changes in community values and beliefs or loss of traditional knowledge and indigenous practices. For instance, in Chivoko marine protected area in Choiseul Province, Solomon Islands, the community integrated indigenous practices to the community's conservation efforts, gaining prominence, and fits well to the modern protected area definition.

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<sup>262</sup> Ibid (Peterson et al, 2012)

However, some of the management prescriptions are proving difficult to maintain <sup>263</sup> . Furthermore, colonization, increasing urbanization, and population growth, further complicate conservation efforts. However, there needs to be an in-depth study to quantify and document, that this change does have an impact to conservation efforts by Indigenous People/communities.

Therefore, sustainable solutions to these challenges will require innovative, practical, and cost-effective strategies that involve all stakeholders and that seek to improve the socio-economic and recognize the cultural values and conditions of these stakeholders<sup>264</sup>. The essence of integration, inclusive and recognition of conservation efforts by Indigenous People in conservation practices.

## **CHAPTER TWO: THE INTERSECTION: TRADITIONAL KNOWLEDGE AND CONSERVATION OF THE ENVIRONMENT**

Having discussed the challenges to the conservation of the environment, in this chapter, I will illustrate the need for integration and inclusive community-resource management in relations to the conservation of the environment.

First, in section A, I will look at what are the conditions that can enable the recognition, preservation and promotion of indigenous knowledge and practices in the Solomon Islands.

In section B of chapter two, I will examine, the potential of using community-based resource management as an approach to promote, preserve, and protect indigenous knowledge and practices as a matter of human rights in the Solomon Islands.

From the discussions, conditions can be seen on how to ensure solutions to resource management are effective and compatible to local communities' social, economic, and cultural realities. Also, it will help promote the recognition of indigenous conservation efforts, promoting Indigenous human rights in the Solomon Islands.

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<sup>263</sup> Ibid (Nguyen, Dao, and Jimmy Kereseka,2008)

<sup>264</sup> Ibid (Young, C. A, 2008)



## **SECTION A: PRESERVATION AND PROMOTING INDIGENOUS PRACTICES AND TRADITIONAL KNOWLEDGE IN SOLOMON ISLANDS**

The CBD provides for the responsibility at the international level, for the protection of traditional knowledge related to biological diversity. The recent theory of change framework recognizes that urgent policy action is required to transform economic, social, and financial models to that the trends that have exacerbated biodiversity loss stabilizes and allow for the recovery of natural ecosystems to achieve the Convention's vision of "living in harmony with nature by 2050"<sup>265</sup>. In doing so, it set forth action targets. Target 20 ensure that relevant knowledge, including the traditional knowledge, innovations and practices of Indigenous Peoples and local communities with their free, prior, and informed consent, guides decision-making for the effective management of biodiversity, enabling monitoring, and by promoting awareness, education and research. Furthermore, Target 21 ensure equitable and effective participation in decision-making related to biodiversity by Indigenous Peoples and local communities, and respect their rights over land, territories and resources, as well as by women and girls, and youth. However, the international community alone cannot ensure the effective protection of traditional knowledge. In the Solomon Islands, the continuous use of traditional knowledge by Indigenous People and local communities, should be supported by the commitment of national decision-makers to promote and protect traditional knowledge, be clear and adapted within national Constitution and policy for long-term purposes.

Furthermore, in the Solomon Islands, Indigenous peoples' and local communities continue to use indigenous practices, and traditional knowledge pertaining to decision-making to resources, including the use of land and the resources. This century-old practice has deep and historic significance to Indigenous communities. However, these practices are slowly being lost and not practiced within communities largely due to external forces, including colonization, globalization, the influence of organized religion, and the development of new political structures which undermine traditional decision-making authorities.

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<sup>265</sup> CBD/WG2020/3/3, 5 July 2021

In the previous discussions, we have seen the rights of Indigenous communities to the environment, and the obligation of the state to protect the customs of the clan and tribal communities, including the rights of customary ownership of land and natural resources and their customs.

In most local communities in Solomon Islands for instance, as mentioned earlier, chiefs or elders still very much has an influential role in community life. Making use of the traditional governance systems by which chiefs or elders influence indigenous communities is a potential. With the increasing pressure on the environment, and the changing society, the preservation and survival of traditional governance systems, traditional knowledge and indigenous practices is vital to ensure sustainable resource use, sustainable societies and sustainable conservation of resources, especially at the community level<sup>266</sup>.

Since before independence, disputes over customary land have been settled according to the principles of customary law. The Constitution adopted in 1978 continued recognition of custom as a source of law where it is not inconsistent with the Constitution or Acts of the Solomon Islands Parliament and customary law is still the primary source of law for resolving customary land disputes<sup>267</sup>. However, while customary law is recognized in the Solomon Islands Constitution, there are inherent limitations in customary law as a mechanism for protecting traditional knowledge. Particularly, where traditional knowledge has moved outside or control of local indigenous communities jurisdiction. The effectiveness of customary law as a tool to protect traditional knowledge then depends on the extent to which it is recognized and supported by the national law and enforced by relevant authorities, which in this case, the indigenous communities.

Therefore, there is a need for integrative governance and whole of government approaches to ensure policy coherence and effectiveness, political will, and recognition at the highest levels of government. However, it requires a participatory and inclusive whole of society approach that

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<sup>266</sup> Caillaud et al. 2004

<sup>267</sup> Ibid (Graig Corona, 2004)

engages Indigenous Peoples and local communities<sup>268</sup>. By that, the approach identifies, strengthens, or establish functional interface between customary law and national legal regimes, and respective decision-making bodies. With the integration, it enhances effective and efficient promotion, respect and recognition for customary law and traditional authorities including traditional practices and knowledge. These should ensure effective compliance through the strengthening and establishment of cooperation mechanisms.

Integrating traditional knowledge to contemporary conservation has been promoted by the government<sup>269</sup> and has been successful because of the involvement of local communities. However, there needs to be increasing understanding, awareness and appreciation of the values of biodiversity, including the associated knowledge, values and approaches used by Indigenous Peoples and local communities. These means, the integration should be inclusive enough to promote and facilitate in partnership or collaboration, the recognition of Indigenous Peoples customary rights, particularly rights established over customary areas by virtue of historical use and association. Simply, acknowledging the rights by traditional leaders<sup>270</sup>, and recognizing the conservation efforts of Indigenous Peoples and local communities who depend very much on the natural resources for survival and livelihood.

Furthermore, legislation and policy should be designed to empower local communities to manage or co-manage their resources. This include provisions for the need to allow indigenous peoples view of the biodiversity<sup>271</sup> through indigenous knowledge.

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<sup>268</sup> Ibid (CBD/WG2020/3/3)

<sup>269</sup> Ibid (Abernethy, K.E., Bodin, Ö., Olsson, P., Hilly, Z. and Schwarz, A., 2014)

<sup>270</sup> The Solomon Islands Government, Solomon Islands Fisheries Management Act, 2015. Part 1, Section 2.

<sup>271</sup> Aziz, S.A., Clements, G.R., Rayan, D.M. et al. Why conservationists should be concerned about natural resource legislation affecting indigenous peoples' rights: lessons from Peninsular Malaysia. *Biodiversity Conservation* 22, 639–656 (2013). <https://doi.org/10.1007/s10531-013-0432-5>

Although the Constitution provides for the provisions that every person has the right to an environment that is not harmful to his or her health or well-being guided by the need to protect the environment, giving priority to prevention of environmental damage and degradation, providing for restoration in case of damage including unavoidable damage and for compensation, the Constitution should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment. Additionally, the state should provide for and facilitate public participation in decision-making related to the environment and take the views of the public into account in the decision-making process. Not only providing for and facilitating public partnership in decision-making process, the Constitution should ensure the recognition and protection of Indigenous Peoples rights to their lands, territories and resources that they have traditionally own, occupy and use, respect and protect traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories and resources, and make sure that Indigenous Peoples are fairly and equitably share the benefits from activities relating to their lands, territories and resources. This have led to increase in logging in Solomon Islands.

Furthermore, in the Solomon Islands, the Constitution recognizes that the resources belong to the people and that, it shall cherish and promote the different cultural traditions within Solomon Islands provides an avenue for the promotion of and preservation of indigenous knowledge, especially in a country where majority of the people, Indigenous.

However, it places the duty of the state to protect the customs of the clan and tribal communities, including rights to customary ownership of land and natural resources and their customary and intellectual properties<sup>272</sup>, and uphold fundamental rights and freedoms<sup>273</sup>, and recognize its responsibility to future generations in safeguarding the environment and the biodiversity of Solomon Islands, and encouraging sustainable resource utilization and management<sup>274</sup>.

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<sup>272</sup> Ibid (Constitution 1978, Section 8)

<sup>273</sup> Ibid (Constitution 1978, Section 2)

<sup>274</sup> Ibid (Constitution 1978, Preamble)

## SECTION B: ADDRESSING THE LOSS OF TRADITIONAL KNOWLEDGE AND INDIGENOUS PRACTICES

In Solomon Islands, where the Indigenous Peoples and local communities are typically characterized by high dependence on the declining resources, the need to radically transform the business-as-usual conservation efforts towards sustainable trajectories is urgent<sup>275</sup>. This includes developing new governance regimes that support integrated approaches to the management of resources and ecosystems. At the local level, decentralized management approaches that draw on a diversity of sources of knowledge can be more appropriate for integrated resource management than conventional centralized approaches<sup>276</sup>. A potential tool is using Community-based resource management (CBRM). Nonetheless, although, CBRM is not fully supported in the legislation of many countries, there is also wide variability in the cost of supporting community-based approaches<sup>277</sup>. However, the CBRM as a decentralized approach, embraces community-led initiatives, partnership, flexible and adaptive<sup>278</sup>. Therefore, the CBRM can be tailored to place and situation, and is a potential to address the variability costs of supporting community-based approaches. Furthermore, CBRM is also a potential that can provide the support to legally recognize Indigenous Peoples human rights, their rights to a safe, clean, healthy and sustainable environment in the Solomon Islands.

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<sup>275</sup> Burke, L., Reyntar, K., Spalding, M. and Perry, A., 2012. Reefs at risk revisited in the Coral Triangle.

<sup>276</sup> Armitage, D.R., Plummer, R., Berkes, F., Arthur, R.I., Charles, A.T., Davidson-Hunt, I.J., Diduck, A.P., Doubleday, N.C., Johnson, D.S., Marschke, M., 2008. [Adaptive co-management for social-ecological complexity](#). *Front. Ecol. Environ.* 7, 95–102.

<sup>277</sup> Govan, H. et al. 2009. Status and potential of locally-managed marine areas in the South Pacific: meeting nature conservation and sustainable livelihood targets through wide-spread implementation of LMMAs. SPREP/WWF/WorldFish-Reefbase/CRISP. 95pp + 5 annexes

<sup>278</sup> Folke, C., Hahn, T., Olsson, P., Norberg, J., 2005. Adaptive governance of social ecological systems. *Annu. Rev. Environ. Resour.* 30, 441–473

In addition, as stated in Principle 2 of the EA, that "the management of the environment should be decentralized to the lowest appropriate level". Therefore, decentralization to the lowest appropriate level means, the local communities, those that depend very much on the environment for livelihood and survival, the Indigenous Peoples. However, despite mentioning decentralization, the decentralization must be comprehensively inclusive, provides for and supports partnership, and the integration of indigenous practices and knowledge to contemporary conservation efforts. This includes aligning social, economic, and political views to indigenous practices in relation to the management and protection of the environment. Not only that but recognizing conservation efforts by Indigenous Peoples and local communities.

While the inclusion of social, economic, and political influences to CBRM align with regulatory frameworks, it does not make CBRM truly responsive to environmental threats<sup>279</sup> and enables sustainable development. It fails to adapt a rights-based approach and fails to satisfy their intended conservation purpose<sup>280</sup>. Engaging Indigenous Peoples and affirming their cultures and livelihoods strongly correlates with CBRM positive conservation outcomes<sup>281</sup>.

As mentioned earlier, in the Solomon Islands, Indigenous Peoples' have been inclusive when making-decision pertaining food security and resource use within local communities. When Chiefs or elders make season closures to certain areas for cultural ceremonies or other activities, decisions are made from traditional knowledge based on communal needs and cultural beliefs. These decisions, however, are respected by Indigenous Peoples and local communities as culturally inclusive that meets Indigenous Peoples and local community's needs or cultural obligations.

Therefore, meeting peoples' need is another important factor towards the success of CBRM. Needs that adequately reflects Indigenous Peoples' societal wellbeing, livelihood, and which are related to ensuring resilience against cultural changes, future environmental and political shocks,

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<sup>279</sup> Ibid (Abernethy, et al, 2014)

<sup>280</sup> Ibid (A/HRC/34/49)

<sup>281</sup> Ibid (IPBES, 2019)

and capacity development that supports and ensures effective and equitable governance<sup>282</sup> in local communities.

To ensure effective and equitable governance, realizing local aspirations, livelihoods, traditions, and indigenous conservation efforts should be integral to the CBRM. However, to truly realize such, the CBRM needs to emphasis on collaborative and participatory approach<sup>283</sup>. This is because, the capacity to create a fundamentally new system when ecological, economic, or social, including political conditions make the existing system untenable<sup>284</sup>. Therefore, by integrating Indigenous conservation practices and knowledge, CBRM can be tailored to the unique environmental, social, and economic realities of each community, thereby, ensuring effective and equitable governance of the environment.

As previously discussed, in the Solomon Islands, the management of land, water and living resources are a matter of societal choice. Therefore, Indigenous Peoples and other local communities living on the land are important stakeholders who depend very much on the environment/resources for livelihood and survival. Therefore, their rights and interests should be acknowledged, recognized, and integrated into the mainstream integrated approaches. However, societal choices should be expressed as clearly as possible or with guiding principles. This is to minimize resources development that could potentially harm their rights to a safe, clean, healthy, and sustainable environment.

The ecosystems should be managed for their intrinsic values and for the tangible or intangible benefits, in a fair and equitable way.

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<sup>282</sup> Ibid (Niner, Holly J., et al 2022).

<sup>283</sup> Govan, H. 2008. Overview: Reclaiming “Protected Areas” as a Livelihood Tool for Pacific Island People. in: Cohen, P., A.D. Valemei and H. Govan. Annotated Bibliography on Socio-economic and Ecological Impacts of Marine Protected Areas in Pacific Island Countries. WorldFish Bibliography No. 1870. The WorldFish Center, Penang, Malaysia. 36 pp.

<sup>284</sup> Ibid (Walker et al, 2004)

To ensure fair and equitable sharing of benefits, we need not only integration, inclusivity, and active management, but also customary sustainable use practices. These practices, as mentioned earlier, are recognized culturally inclusive which are meant to and are to meet people's needs. However, in order to capture community needs, empowering locals in all process of the decision-making is vital. In doing so, not only that it empowers Indigenous Peoples, but Indigenous Peoples and local communities identity needs, maintain, protect, and promote their traditional knowledge, and indigenous practices. In other words, promoting and recognizing Indigenous conservation efforts and acknowledging the environment they depend for survival and livelihood.

Indigenous Peoples'/communities make social choices based on how they acknowledge the environment. The importance of environmental justice education at the community level cannot be overstated in this case. Education and strengthening human resource development at the community level, the very people who have a very comprehensive understanding of their resources, is very important. Facilitating the recognition and promotion of indigenous practices to natural resources through education that empowers them in decision-making. That is, empowering and enhancing the local's understanding, that they are either responsible for or can contribute to the solution to changes to the resources, loss of traditional knowledge and indigenous practices. Therefore, involvement based on respect for fundamental attributes such as dignity, equality, and freedom and rights, and proper attainment of those who depend on an enabling environment. That is, empowering them to build trust within themselves.

This can also be related to the Stockholm Declaration. Principle one of the Stockholm Declarations recognizes that,

“man has the fundamental right to freedom, equality, and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations”.

Therefore, in the Solomon Islands, realising the full potential of CBRM would be best carried out under the auspices of a partnership or collaboration, as seen in the examples discussed earlier. By partnership or collaborations, indigenous practices and conservation efforts are recognised, respected, and promoted. A partnership that implements rights-based approaches, has its bases from the States legal obligation under international law, and with the provisions that



must be the most equitable, and efficient conservation strategy not only to protect biodiversity<sup>285</sup>, but also acknowledges and recognises the conservation efforts of Indigenous Peoples and local communities.

Additionally, by engaging in meaningful partnership, it would be necessary to reduce costs and ensure an affordable long term resource management strategy and priorities relating to livelihoods such as food security, community and ecosystem resilience and adaptation to climate change. However, in the Solomon Islands, there needs to be a legal acknowledgment, recognition, and implementation of Indigenous right to a safe, clean, healthy, and sustainable environment. This includes, in the Constitution, legislation, and National Biodiversity Strategies.

By way of recognising conservation contributions of Indigenous Peoples in the Solomon Islands, priority should be to empower and substantiate participation of Indigenous Peoples and local communities, involving them in the decision-making process without disparities with equity, creates management practises which is inclusive and integrated, considering cultural values, social, economic and governance of the community with legal recognition and implementation of Indigenous rights, as central to the rights-based framework. Therefore, in the Solomon Islands, there needs to be a provision for a functioning or active institution that facilitates and looks after, specifically, the progress for adapting appropriate legal rights of Indigenous Peoples rights, including legislative and policy responses.

Furthermore, despite the influence of Christianity, the involvement of religious leaders in the marine conservation programs in some communities in the Solomon Islands also serve as a vehicle for reviving traditional systems and strengthening traditional leadership<sup>286</sup>. Though this might cause disparities between Christianity and indigenous knowledge, it shows the importance and recognition of integration to sustainable development and protection of the environment.

However, in the Solomon Islands, the lack of resources has often echoed limitations on effective participation and environmental decision-making. Regardless, continuous education and

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<sup>285</sup> Ibid (Boyd and Keene, 2021)

<sup>286</sup> Ibid (Rohe, et al 2017)

awareness to communities about biodiversity and sustainable development is important. Awareness and educating locals on commitments to the protection of the environment and sustainable use of the resources.

While I believe continuous education about biodiversity and sustainable development is fair, any right to the environment may become intermingled with the right to development, causing uncertainty as to its existence as a standalone right. Due to increasing needs, some Indigenous Peoples and local communities in the rural Solomon Islands view the environment on its monetary value (related to socioeconomic needs) rather than its ecosystem value. Furthermore, Indigenous Peoples see development to improve living standard as an opportunity that provides them their needs, overlooking or ignoring the impact, “development” has to the environment, their right to a clean, safe, and healthy environment. Therefore, education should also include education on human rights in relation to the environment. That is, educating the Indigenous Peoples on their rights to a safe, clean, healthy, and sustainable environment.

However, the issue of resources is often influenced by socioeconomic and environmental issues<sup>287</sup>. Therefore, CBRM has valuable conservation potential not only in inclusive and integrated means, but also, in influencing the needs (socioeconomic) of the community. For example, community-managed forests across the tropics have shown lower and less-variable annual deforestation rates than protected forests<sup>288</sup>. Indigenous or native peoples’ community

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<sup>287</sup> Timsina, Netra, and Harisharan Luintel. "Equity and Social Justice in Natural Resource Management." Forest Resources Studies and Action Team (ForestAction) Ekantakuna, Lawalakhel (2003).

<sup>288</sup> Porter-Bolland L., Ellis E. A., Guariguata M. R., Ruiz-Mallén I., Negrete-Yankelevich S., Reyes-García V. (2012). Community-managed forests and forest protected areas: An assessment of their conservation effectiveness across the tropics. *Forest Ecology and Management*, 268, 6 17.

management has slowed deforestation and land degradation<sup>289</sup>, contribute to environmental protection<sup>290</sup>, and engaged in a sustainable development. Thus, instead of imposing pre-designed policies and plans on local people, conservation efforts should center on those who know the land best, enabling them to tailor solutions to their unique environmental, social, economic, and cultural realities.

## CONCLUSION

Based on the discussions, the Solomon Islands is facing formidable challenges in terms of mounting pressures on finite natural resources development, market forces and the commoditization of natural resources, burgeoning populations, and adaptation to the far-reaching impacts of climate change. All these challenges, further exacerbate by increasing needs, impacts food security and sustainable development. As discussed in the discussion, a likely and feasible approach that can be used to adopt viable strategies to overcome challenges related to food security and achieving sustainable development<sup>291</sup> is the CBRM. Additionally, as a potential building block towards integrated resource management, CBRM can be a mechanism to support, promote, and recognise Indigenous Peoples and local communities' conservation contributions and efforts. This encompasses the EA approach.

As from the discussions, the CBRM showcases and supports increased emphasis on collaboration and participatory approaches. Again, this is in line with the worldwide realization that local aspirations, livelihoods, conservation, and resources management should be

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<sup>289</sup> Blackman A., Corral L., Lima E. S., Asner G. P. (2017). Titling indigenous communities protects forests in the Peruvian Amazon. *Proceedings of the National Academy of Sciences*, 114, 4123–4128.

<sup>290</sup> Ibid (Britta Sjöstedt, 2020)

<sup>291</sup> Reid, H. (2016). Ecosystem-and community-based adaptation: learning from community-based natural resource management. *Climate and development*, 8(1), 4-9.

integrated<sup>292</sup>. This is because, the CBRM is characterised by giving autonomous decision-making power in resource management to Indigenous Peoples and local communities, by an insistence that is seen as introducing resource management initiatives closely adapted to local level needs and aspirations. Furthermore, CBRM can be used as a conviction that traditional knowledge mechanisms and environmental knowledge is a sufficiently solid basis for reaching informed decisions. Consequently, community-based conservation efforts result in particularly favourable biodiversity outcomes where community land and resources rights are adequately recognised, supported, and respected<sup>293</sup>.

Also, based on Principle 1 of the principles for sustainable development, it is very clear that “human beings are at the center of concerns for sustainable development”. Therefore, in communities that lack scientific certainty, social and cultural aspect is of great importance to natural resource management. By acknowledging and recognising the social and cultural aspect to resource management, it affirms that humans are the core to addressing environmental issues. This, then, leads to the recognition of Indigenous Peoples rights, including traditional knowledge and indigenous practices which embodies traditional lifestyle<sup>294</sup>.

Therefore, CBRM contributes to community empowerment, meaningful participation and recognition of Indigenous Peoples and local communities conservation efforts and practices. For instance, as discussed earlier, the case in Roviana, Western province, and the Luru Tribal land in the Choiseul province, in the Solomon Islands, whereby indigenous locals integrate their traditional knowledge and practices, having partnership with relevant stakeholders to collaboratively support protect their land and resources.

In the Solomon Islands, the success of CBRM approaches hinges largely on traditional tenure and governance. This is because, in the Solomon Islands, Indigenous People and local

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<sup>292</sup> Govan. H, 1997, Whittingham et al, 2003

<sup>293</sup> Ibid (Boyd R. D and Keene. S, 2021)

<sup>294</sup> Morgera, E. (2016). The need for an international legal concept of fair and equitable benefit sharing. *European Journal of International Law*, 27(2), 353-383.

communities own and occupy sites, which are often areas of interest to conserve. Therefore, traditional tenure and governance must be strongly regulated under national legislations. However, where regulatory mechanisms are weak or not effectively enforced by relevant stakeholders, as from the examples discussed, a potential is to incorporate customary practices and knowledge systems in management, regulatory and enforcement process<sup>295</sup>. By integrating social, environmental goals, values, and by devolving power and authority to the local communities, it enables the participatory approach. Through such, decision making, and management of the resources are done by the locals. Consequently, empowering the locals who are owners, custodians, and stewards of the natural resources.

Besides, from the discussions CBRM is built upon customary forms of governance integrating management principles based on locals needs. Therefore, to be effective, conservation measures must be aligned with Indigenous Peoples and local communities' aspirations and priorities, which include improving livelihood and preserving culture.

The concept of CBRM is a potential mechanism local communities find ways to adapt traditional practices to modern times and integrating community governance in wider national context. It can be put in place in ways to support and recognise the rights of Indigenous People and local communities. Their rights to a safe, clean and healthy environment. Also, CBRM can be used to acknowledge and recognise the conservation efforts of Indigenous People and local communities and is a basis for the participatory approach.

By engaging in partnership and collaboration with the Indigenous People, it ensures local communities effectively comply in sustainably manage their resources, integration of livelihoods options, equity between social groups in the community, engaging marginalised groups, access of resources, and equity in distribution of resources. In other words, it ensure, meaningful and inclusive participatory approach, and objectives of the conservation based on the right to an

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<sup>295</sup> Robinson, L. W., Eba, B., Flintan, F., Frija, A., Nganga, I. N., Ontiri, E. M., ... & Moiko, S. S. (2021). The challenges of community-based natural resource management in pastoral rangelands. *Society & Natural Resources*, 34(9), 1213-1231.

environment of quality and not to focus on biodiversity conservation only. Not only will this help reduce risk of non-compliance, but also improve both ecological and human resilience.

With the discussion, the study concludes that, CBRM can help promote the recognition of indigenous practises and traditional knowledge in Solomon Islands. However, the study notes that;

- Conservation measures must be aligned with Indigenous Peoples and local communities' aspirations and priorities, which includes improving livelihood, promoting culture, and protecting the environments value.
- Amend legal framework mechanisms and set forth policies that enable the creation, recognition, respect, acknowledge, and management of the resources or conservation efforts by Indigenous Peoples and local communities.
- Design a system of resources governance with clear procedures and mechanism that provides transparent, integrated and adaptive management and decision-making processes including the vulnerable and marginalized, the Indigenous Peoples and local communities by recognizing conservation their efforts and practices.
- There is a need to strengthen, acknowledge, and encourage customary law regimes or community-based initiatives to take into consideration a human rights-based approach in the context of conserving, restoring and sustainably using biodiversity and secure their role in protection of traditional knowledge.
- There is a need to promote the use of CBRM as a way crucial for meeting local and national objectives on conservation and for promoting the recognition of Indigenous Peoples and local communities' conservation efforts.
- There is a need for meaningful collaboration, and partnership in conservation efforts. Collaborations and partnerships that acknowledges, and respects that Indigenous Peoples are key rights-holders and partners in protecting and restoring nature and recognizes Indigenous Peoples conservation efforts.

- The constitutional recognition of customary law provides a basis for realization of rights to self-determination and supports continued local use and promotion of traditional knowledge.
- Make provisions to the Constitution that clarifies the different sources of law which specifies the recognition, acknowledgement, and respect of Indigenous Peoples responsibilities and rights, including rights to a clean, safe, healthy, and sustainable environment, and blend synergizes modern and traditional law.
- CBRM since it encompasses the participatory approach, its recognition contributes to public control over environmental policies and should address compliance with human rights obligations relating to the environment.
- Although customary law is recognized in the Constitution, there needs to be a greater presence of institutions that can mediate between communities and stakeholders, help promote the recognition of Indigenous Peoples rights and have provisions that enables equitable sharing of benefits.

A strong communal tenure system recognized in law and exclusive group rights over land and natural resources on the land is typically considered to be crucial for CBRM. An explicitly participatory approach to CBRM is equally important and it needs to entail flexibility and allow for overlap in authority. At is simplest, planning and action are both at the local level where community members have a direct connection to management and actions. Support to governance and management process at the local level is needed to afford all users the opportunity to participate in decision-making. Finally, decision-making must be nested within the process of negotiation, shared rules, or joint planning.

Although CBRM adapts the concept of inclusive, collaboration, and the participatory approach, considering the needs of Indigenous Peoples and local communities, in the Solomon Islands, there is a need to:

- Formalize clear and compiling relationship between human rights and the environment by ratifying regional treaties that include recognition, respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment. In doing so, the Solomon Islands should amend legislation to include environmental rights and

responsibilities that will improve implementation and enforcement, thereby leads to improved environmental outcomes, particularly for Indigenous Peoples and local communities, those who are marginalized and vulnerable.

- provide education and public awareness on environmental matters, especially the crucial inter-relationship between human rights and the environment down to the marginalized and vulnerable, the Indigenous Peoples and local communities. .
- provide for and facilitate public and inclusive participation in decision-making related to the environment. This includes the views of Indigenous Peoples and local communities.

To conclude, environmental conservation practitioners and planners must look ahead and acknowledge that the environment is no longer static, and the threats to the environment will continue to increase, combined with the effects of climate change advances, people will have to adapt to conditions beyond anything experienced in living memory, if there is no transformative change and an integrated approach to tackle these issues. It requires a radical transformational change that are meaningful and reflects the voices of those who are affected the most, the Indigenous peoples', rather than incremental approaches. Therefore, to achieve sustainable development, and to improve compliance and effective governance of the resources, empowering Indigenous communities through the CBRM is a potential way to protect the environment, as a way of protecting human rights as well. However, it must emphasize true meaningful participatory approach, inclusive, alignment of conservation values, and framing, based on indigenous practices and traditional knowledge.



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