

# **The Protected Areas Project**

**Final report on  
work done towards setting up a Protected Area  
at the East Rennell World Heritage Site**

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## EXECUTIVE SUMMARY

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I was engaged by Live and Learn Environmental Education (**LLEE**) to assist with the East Rennell Protected Areas Project, which aims to establish legal protection for the East Rennell World Heritage Site in Solomon Islands. The project was funded by the Department of Sustainability, Environment, Water, Population and Communities (**SEWPAC**). My contract was for six months (March – September 2013). I was based in Live and Learn Solomon Island (**LLSOL**)’s office in Honiara, and I worked alongside Haikiu Baiabe (the LLSOL country manager) and Gwen Tovosia.

### **A. East Rennell**

East Rennell became a World Heritage Site in 1998. However, it is not yet protected under any national law or provincial ordinance. The World Heritage Site is customary land. Four communities are located within the World Heritage Site: Tebaitahe, Niupani, Tegano and Hutuna. In 2009, the Lake Tegano World Heritage Site Association (**LTWWSA**) was set up. It has hundreds of East Rennellese members, and is run by a committee of ten members, comprising two elected members from each of the four communities and two Provincial Government members.

### **B. Solomon Islands’ Protected Areas laws**

The Rennell Bellona Provincial Government has not yet passed an ordinance that could be used to legally protect East Rennell.

In 2012, the *Protected Areas Act 2010* came into force. The law gives the Minister for Environment the power to declare an area such as East Rennell as a ‘Protected Area’. The *Protected Areas Regulations 2012* set out the process that must happen before East Rennell can be registered as a Protected Area. The Minister cannot declare East Rennell to be protected unless the communities submit an application for protection to the Director of Environment. Once a Protected Area is established, new rules apply to the area. Those rules come from the *Protected Areas Regulations* and the Management Plan. One of the rules in the *Regulations* is that no logging or mining can occur in a Protected Area.

No Protected Area has been registered under the *Protected Areas Act* yet, as the law is relatively new. There are several omissions and ambiguities in the Act and the Regulations, which have not yet been resolved because few communities have gone through the Protected Areas application process.

### **C. Work undertaken under this contract**

At the commencement of my contract, I reviewed the Protected Areas laws and developed a work plan. I wrote several summaries of different aspects of the law, many of which have been incorporated into this report or attached to it.

Throughout the contract, I held meetings with numerous stakeholders to try to obtain support for LLSOL’s work, including people within National and Provincial Governments. Haikiu also worked hard to improve relations with stakeholders, in particular the chiefs of East Rennell and the Provincial Government.

I reviewed the 2009 draft *Lake Tegano Natural Heritage Park Ordinance* and wrote a memo about some legal issues that I considered needed to be addressed. I discussed the draft Ordinance and the memo with the legal adviser at the Ministry of Provincial Government and members of the Provincial Government.

I participated in community meetings held in the four East Rennell communities during field trips in May and September 2013. During each field trip, formal community meetings were held as well as informal discussions. In August, I facilitated a meeting with some East Rennell people living in Honiara.

I wrote a short booklet with a summary of Protected Areas laws for the people of East Rennell. Copies of the booklet were distributed to the communities during the September field trip. I also prepared a more comprehensive Protected Areas Guide for the LTWHSA committee, to help committee members complete the Protected Areas process. The Guide will be distributed to committee members next month.

**D. *Setting up a Protected Area at East Rennell under the Protected Areas Act: Progress***

Under the *Protected Areas Regulations*, the following must occur before the East Rennell people can submit an application for protection to the Director of Environment:

1. The four East Rennell communities must each hold a meeting and reach a consensus in support of the application.
2. The leaders of the East Rennell communities must notify the Lughu communities that own land close to the boundary of the proposed Protected Area, and those communities must hold meetings to discuss the application.
3. The landowners on either side of the boundary must make an agreement about where the boundary is, because the Minister cannot declare the area to be protected if there is a boundary dispute.
4. The Management Plan for East Rennell must be revised so it complies with the Protected Areas law, and a copy of the Management Plan must be included in the application. The *Protected Areas Regulations* say that a broad range of activities are prohibited in a Protected Area unless they are authorised in the Management Plan. Therefore the Management Plan is a key document for a Protected Area. It must authorise all of the activities that the East Rennell people want to continue to do in the Protected Area.
5. The East Rennell people must decide who they want as the Management Committee for the Protected Area. The LTWHSA could become the Management Committee. Significant work will need to be done if the communities want to set up a new group to be the Management Committee. If the communities have concerns with the current LTWHSA committee, it may be possible to address those concerns through amending the Constitution of the LTHWSA. This would avoid the need to set up an entirely new group.
6. The Management Committee must choose rangers.

With guidance from Haikiu Baiabe, I attempted to approach the project in a way that respected the social protocols of the East Rennell communities. We had many discussions with stakeholders both in Rennell and in Honiara throughout the duration of the project. While this meant our progress was somewhat slow, we considered that this approach was more likely to achieve results in the long term.

I had hoped that during the term of my contract I would be able to facilitate the four communities to reach a consensus in support of a Protected Area (step 1 above). However, the communities were not ready to make this decision by the end of my contract. This was partly due to the fact that the communities were reluctant to agree to a Protected Area before they had seen the Management Plan and therefore before they knew precisely what rules would apply in the Protected Area. The review of the Management Plan only started in September and will not be completed until December 2013.

Notwithstanding the above, progress has been made towards setting up a Protected Area at East Rennell. The key outcomes of this project were:

- **LLSOL staff:** LLSOL staff members (particularly Haikiu Baiabe and Gwen Tovosia) now have more knowledge about World Heritage Sites and the Protected Areas process, and are better equipped to answer questions from the communities and stakeholders about these issues.

- **Stakeholders:** There is greater awareness among key stakeholders (including chiefs, committee members of the LTWHSA, the Provincial Government, and the National Government) about the idea of setting up a Protected Area at East Rennell. We have helped to put this issue on all of their agendas.
- **Communities:** Communities in East Rennell have been provided with information to help them understand the process of setting up a Protected Area and the effect of doing so. This will hopefully help the communities to make an informed decision about their area, when they are ready to do so. We have also laid the groundwork for the review of the Management Plan, which will be done by Anna Price over the next few months.
- **LTWHSA:** LLSOL helped facilitate Annual General Meetings of the LTWHSA at which elections for new committee members were held. The committee has been 're-legitimised' through these elections, which will hopefully mean it has more influence and support within the communities in the future.
- **LTHWSA Committee:** The LTWHSA committee now has a better understanding of its role in the Protected Area process, and what steps it needs to take to complete the process. A detailed guide on how to complete the Protected Areas process has been prepared for the committee. Most committee members now have a reasonable understanding of the process, although they will need further assistance to complete all of the steps.

#### ***E. Setting up a Protected Area at East Rennell under a Provincial Ordinance: Progress***

In 2009, a consultant prepared the *Lake Tegano Natural Heritage Park Ordinance*, which would effectively set up a Protected Area at the East Rennell site. The Ordinance is still in draft, and has not been passed by the Provincial Government. In my view, some legal issues need to be resolved before the ordinance is passed. Early in my contract, I discussed my concerns with the legal adviser for the Ministry of Provincial Government, who sought instructions from the Provincial Government.

During the term of my contract, the Provincial Government has not shown clear support for LLSOL to develop a Protected Area Ordinance for East Rennell. Without instructions from the Provincial Government or its legal adviser about whether the Provincial Government wanted LLSOL to amend the draft ordinance and/or whether the Provincial Government intended to pass the ordinance, it was difficult for me to progress this ordinance any further.

As the national *Protected Areas Act* has now been passed, it is not legally necessary for any ordinance to be passed in order to protect East Rennell. Therefore, there may be little impetus for the Provincial Government to pass the *Lake Tegano Natural Heritage Park Ordinance*, particularly because it only applies to East Rennell and therefore cannot be used by other communities in the Province.

#### ***F. Conclusion and recommendations***

Setting up a Protected Area under the *Protected Areas Act* is not a quick process. Many discussions with the East Rennell communities must be held before an application is submitted. In addition to attending consultation meetings about the process, people in the communities need time between the meetings to 'absorb' the information and discuss amongst themselves.

In general, the people of East Rennell are somewhat disenchanted with the World Heritage program, which has not delivered the financial benefits that they had hoped for. They appear to be wary of any new 'conservation' programs, particularly those that are not necessarily going to deliver direct tangible benefits

to the communities. Notwithstanding this, I think most people in the communities support the idea of protecting East Rennell under the *Protected Areas Act*.

The East Rennell communities have not yet formally reached a consensus in support of setting up a Protected Area. However, through this project they have obtained some knowledge which will hopefully enable them to make an informed decision. Ideally, they will be able to reach a decision in December, when the revised Management Plan is completed (assuming the plan can be completed by then).

The East Rennell people will require further help to complete the steps required for a Protected Areas application (see the six steps in section D. above), particularly if they decide that they do not want the LTWHSA to be the Management Committee. Funding will also be needed to help with the management of the Protected Area once it is registered. Future funding could be directed at:

- **Finalising the Protected Areas Application.** The steps in the Protected Areas are relatively simple, and the LTWHSA committee has reasonable knowledge of the process. However, the committee may not have all of the skills and initiative required to resolve any issues that arise along the way. Funding could be sought to employ someone to help the LTWHSA work through this process. In my view, it would be more beneficial for an environmental management expert (rather than a lawyer) to be engaged to work with the committee on the Protected Area process. However, a lawyer may still be required for technical advice.

In conjunction with the Landowners' Advocacy and Legal Support Unit (**LALSU**) at the Public Solicitor's Office, I have prepared a submission to the Minister of Environment. The submission sets out several amendments to the *Protected Areas Regulations* which I and LALSU think should be made. If the Minister amends the Regulations, the LTWHSA will need help to understand the implications of those changes, as they may affect the process for setting up a Protected Area and the effect of doing so.

- **Strengthening the LTHWSA.** The LTWHSA is functioning relatively well, and is a credit to those who assisted with its establishment. However, it suffers from poor financial management and lack of leadership and direction. Funding could be sought to:
  - Help the LTWHSA amend its Constitution, which is required if the LTWHSA becomes the Management Committee for the Protected Area. If the LTWHSA does not become the Management Committee, the communities will need help to establish a new organisation to become the Management Committee.
  - Help the LTWHSA fill the gaps and resolve the ambiguities in its Constitution. This would help the LTWHSA committee to run the LTWHSA more smoothly, which would reduce disputes among and between the communities.
  - Help the LTWHSA to develop a strategic plan and funding applications.
  - Help the LTWHSA committee with the financial management of the LTWHSA, which would improve accountability and reduce the communities' distrust of the committee (which is a significant problem at the moment).
  - Help the LTWHSA understand and carry out its roles and responsibilities under the Protected Areas law and the Management Plan, including helping it to understand the mechanisms available to enforce the various rules of the Management Plan.
- **Implementing the Management Plan.** The legal protection of East Rennell will have little impact unless the Management Plan is implemented and the rules of the Protected Area are enforced. Funding should be sought to implement the recommendations in the Management Plan. It should also be sought to train the rangers and fund their monitoring and enforcement work.

It should also be noted that the Ministry of Environment currently has few resources and staff to implement and enforce the Protected Areas law. The Ministry should be encouraged to seek assistance with this.

Finally, I wish to acknowledge the input of Haikiu Baiabe in this project. In addition to providing me with invaluable information about the customs of Rennell, Haikiu was able to explain the Protected Areas concepts to people from East Rennell in a way that an expat never could.

## ACRONYMS

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<b>AGM</b>	Annual General Meeting
<b>IUCN</b>	International Union for the Conservation of Nature
<b>LALSU</b>	Landowners' Advocacy and Legal Support Unit (of the Public Solicitor's Office, Solomon Islands)
<b>LLEE</b>	Live and Learn Environmental Education, Australia
<b>LLSOL</b>	Live and Learn Environmental Education, Solomon Islands
<b>LTWHSA</b>	Lake Tegano World Heritage Site Association
<b>PPSLP</b>	Pacific Public Sector Linkages Program
<b>SEWPAC</b>	Department of Sustainability, Environment, Water, Pollution and Communities
<b>SIG</b>	Solomon Islands Government
<b>WWF</b>	World Wide Fund for Nature

## REPORT

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### 1. INTRODUCTION

This report summarises the key outcomes of my work with Live and Learn Environmental Education (**LLEE**) between March and September 2013. I was engaged to assist with the East Rennell Protected Areas Project, which aims to establish legal protection for the East Rennell World Heritage Site. I worked from the LLEE Solomon Islands' office (**LLSOL**). I worked alongside Haikiu Baiabe (the country manager of LLSOL) and Gwen Tovosia, both of whom provided invaluable help with this project.

Section 2 of the report contains some background information about East Rennell. Section 3 of the report describes the Protected Areas Project. Sections 4 - 6 of the report contain information about how East Rennell could become legally protected under Solomon Islands law. Section 7 contains a summary of the consultations that were carried out as part of this project. Sections 8 and 9 set out the progress that has been made towards setting up a Protected Area under the *Protected Areas Act* and a provincial ordinance respectively. Section 10 contains some concluding comments and recommendations.

In addition to this final report, I have written a 'Protected Areas Guide'. The Guide has been written for the committee of the Lake Tegano World Heritage Site Association (**LTHWSA**) to help them complete the Protected Areas process. This final report refers to some documents that are attached to the Protected Areas Guide. In an attempt to avoid confusion, attachments referred to with letters (e.g. Attachment A, Attachment B...) are attached to this final report. Attachments referred to with numbers (e.g. Attachment 1, Attachment 2...) are attached to the Protected Areas Guide.

### 2. EAST RENNELL

#### 2.1 East Rennell communities and land ownership

The following comments are based on the reports I have read and my discussions with people from East Rennell. Please note I am not an archaeologist or an expert in the customs of East Rennell.

East Rennell is located in the Province of Rennell-Bellona, Solomon Islands. There are four villages within East Rennell: Hutuna, Tegano, Niupani and Tebaitahe. Estimates vary, but it appears that between 500 and 800 people live in these communities. Members of the four communities come from 13 tribes, each of which has a chief. The 13 chiefs make up the Council of Chiefs. In some tribes, the position of chief is hereditary, and in others the chief is appointed. The head of the Council of Chiefs is the Paramount Chief. The chiefs have significant power in East Rennell communities, although some people have commented that their authority is often not respected by the younger generations.

Like most land in Solomon Islands, land in East Rennell is under customary ownership. However, in East Rennell the rules regulating land ownership are different to those in many other parts of Solomon Islands. In East Rennell, some land has been allocated by chiefs or first born males to individuals (males) within the communities. These individuals have the right to do certain things on their land, such as build a house. Therefore, a form of individual ownership exists in East Rennell.

However, the East Rennell chiefs or first born males still maintain control over 'big' decisions relating to the land. As a result, the form of individual ownership that exists in East Rennell is not akin to the concept of individual ownership of land in the common law system. In East Rennell, males in the community have been allocated land and own that land as individuals. However, they do not have complete control over what happens on that land, particularly in relation to decisions about development and funding.

Most land in East Rennell is passed down from males to their sons and nephews. However, some land has been passed down to females, and some land has been gifted to other relatives. There appears to be different opinions about whether females and people who have been gifted land are ‘true’ landowners.

The rules regulating the ownership of and rights in customary land are relevant to Protected Areas, because under the *Protected Areas Act* all people ‘with rights and interests in the land’ must agree before the area can be declared as a Protected Area. Which people have rights and interests in the land is a question of customary law. In addition, the Protected Areas law says that the four East Rennell communities must each reach a ‘consensus’ in support of a Protected Area before they can make an application. The law does not state how the community must reach a consensus, for example whether 100% agreement or majority agreement is required.

## 2.2 The East Rennell World Heritage Site

East Rennell was inscribed on the World Heritage List in 1998 on the basis of natural criteria (ii) (which is now known as criteria (ix)). This means the site is an outstanding example representing ‘major stages of earth’s history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features’.

The major feature of East Rennell is Lake Tegano, the largest lake in the Pacific outside of New Zealand and Australia. The World Heritage Site includes the lake and the surrounding forest areas. It extends for three nautical miles into the sea.

The inscription of East Rennell on the World Heritage List was unique for several reasons. It was the first site under customary ownership to be inscribed on the basis of ‘natural’ (as opposed to ‘cultural’ criteria). In addition, when the site was listed it did not have legislative protection under national or provincial law<sup>1</sup> or a Management Plan.<sup>2</sup>

## 2.3 Key events since listing of the site

Since East Rennell was included on the World Heritage List, a number of stakeholders have done significant work to attempt to comply with the requirements of the World Heritage Convention with respect to the site. Key events are summarised below, because they help to explain why setting up a Protected Area at East Rennell is a priority at this time.

- **Pre 2003:** Little World Heritage work was done before 2003, partly because of the ‘tensions’ in Solomon Islands.
- **2003:** The World Heritage Committee requested that the International Union for the Conservation of Nature (IUCN) gather information about the state of conservation at East Rennell, the status of the preparation of a World Heritage Bill to protect the site, and the state of preparation of a Management Plan for the site.
- **2004:** The World Heritage Committee requested that IUCN conduct a mission to East Rennell to determine the state of conservation at the property and assess progress towards preparation of the Management Plan and achieving legislative protection.

<sup>1</sup> When the site was listed, the *Operational Guidelines for the Implementation of the World Heritage Convention* (February, 1997) stated that natural sites should have ‘adequate long-term legislative, regulatory or institutional protection’ (guideline 44(b)(vi)). When deciding to list East Rennell, the World Heritage Committee also decided to revise the Operational Guidelines to state that ‘traditional protection’ of a site could be sufficient for it to be included on the list.

<sup>2</sup> When the site was listed, the *Operational Guidelines for the Implementation of the World Heritage Convention* (February, 1997) stated that sites should have a Management Plan before they are inscribed on the list. However, if they do not yet have such a plan the State Party should indicate when such a plan will be available and provide other documents that will guide the management of the site until the Management Plan is finalised (guideline 44(b)(v)). East Rennell did not have a Management Plan when it was listed. However, a document called ‘East Rennell Resource Management Objectives and Guidelines’ had been prepared and submitted to the World Heritage Committee with the nomination documents. This document was taken to be sufficient to comply with guideline 44(b)(v).

- **2005:** IUCN conducted a mission to East Rennell.
- **2005:** The World Heritage Committee expressed concern about the lack of support for the property from the Solomon Islands Government (**SIG**). The Committee requested that the SIG complete and pass a World Heritage Protection Bill and prepare a Management Plan for the property. The Committee also recommended that a landowners association be established.
- **2007:** The East Rennell Management Plan was prepared and endorsed by the local communities.
- **2007:** The World Heritage Committee commended the fact that the Management Plan had been prepared, but reiterated its concern that the World Heritage Protection Bill had not been finalised. It requested that the Management Plan be reviewed to include more specific policies addressing the threats to East Rennell, including mining, logging and the over-exploitation of marine resources.
- **2008:** Logging began in West Rennell.
- **2008:** LLSOL conducted an assessment of community attitudes within the East Rennell communities towards the World Heritage program.
- **2009:** The LTWHSA was registered under the *Charitable Trusts Act*. Members of the LTWHSA belong to the East Rennell communities. The Association is run by a committee of elected members.
- **2009:** The World Heritage Committee expressed concern that the World Heritage Protection Bill had not been passed and the Committee had not been provided with up-to-date information on the other issues facing the property.
- **2009-2010:** Australian Volunteers International placed two volunteers at East Rennell. The volunteers assisted with work such as establishing the LTWHSA, governance training and ranger training.
- **2009:** A consultant engaged by World Wide Fund for Nature (**WWF**) conducted consultations with communities about legislative protection of the World Heritage Site. Following the consultations, the consultant prepared a draft *Lake Tegano Natural Heritage Park Ordinance*. The Ordinance has not yet been passed by the Rennell-Bellona Provincial Government.
- **2010:** The World Heritage Committee noted with concern that logging may be threatening the East Rennell site. The Committee recommended that SIG seek international assistance from the World Heritage Fund for the establishment of a more effective protection and management system for the property.
- **2011:** LLSOL conducted sustainable livelihood workshops in East Rennell.
- **2011:** An application was lodged with the Ministry of Forestry for a licence to conduct logging over extensive areas of East Rennell.
- **2012:** The *Protected Areas Act 2010* and the *Protected Areas Regulations 2012* came into force.
- **2012:** LLSOL conducted sustainable livelihood workshops in East Rennell.
- **2012:** The World Heritage Committee expressed concern about the applications for logging rights within the World Heritage Site and the impacts of logging on West Rennell. The Committee called on the SIG to ban all commercial logging from Rennell. The Committee requested that the SIG invite an IUCN reactive monitoring mission to the property.
- **2012:** The IUCN conducted a reactive mission to East Rennell and subsequently recommended that the site be placed on the 'World Heritage in Danger List'.
- **2013:** SIG submitted a State Party report to the World Heritage Committee. The report noted that no logging is currently occurring in East Rennell, but logging in West Rennell is causing environmental damage.
- **2013:** LLSOL commenced implementation of livelihood projects at East Rennell, a review of the East Rennell Management Plan, and conducted community consultations about making East Rennell a Protected Area.
- **2013:** The World Heritage Committee decided to put East Rennell on the 'World Heritage in Danger List'. The Committee urged SIG to apply the *Protected Areas Act* and the draft 2009 *Rennell-Bellona Province Lake Tegano Heritage Park Ordinance*, to ensure full and strict legal protection of the property. The Committee also called on SIG to ban logging on East Rennell, assess the impact of logging in West Rennell on the World Heritage values of East Rennell, assess the impact of invasive species, and address the over-exploitation of coconut crab and marine resources.

- **2013** (October): A Timber Rights Hearing will be held in East Rennell to consider an application for a logging licence over an area, which includes a part of the World Heritage Site.

### **3. THE PROTECTED AREAS PROJECT**

#### **3.1 Background to the Protected Areas Project**

The Pacific Public Sector Linkages Program (**PPSLP**) is an Australian Government funded program that provides funding to Australian government departments and other organizations to address development issues in Pacific island nations. The Department of Sustainability, Environment, Water, Pollution and Communities (**SEWPAC**) designed an activity under the PPSLP entitled *Strengthening World Heritage and Protected Area Governance: Solomon Islands and Papua New Guinea*. This activity aims to, among other things, strengthen protected area governance and natural resource management at East Rennell in Solomon Islands.

SEWPAC entered into a contract with LLEE to deliver aspects of its PPSLP activity. I was engaged by LLEE to implement the 'Protected Areas' aspects of the 2013 work plan for this activity ([see Attachment A](#)).

SEWPAC and LLEE prepared a Terms of Reference for my position based on its work plan for the *Strengthening World Heritage and Protected Area Governance* activity. A more detailed work proposal was then prepared to address those Terms of Reference ([see Attachment B](#)).

Other activities that formed part of SEWPAC's workplan for East Rennell included initiating livelihood projects in each of the four East Rennell communities, and reviewing and updating the East Rennell Management Plan.

#### **3.2 Aims of the Protected Areas Project**

The aims of the Protected Areas Project were:

- to inform and involve all stakeholders involved with the East Rennell site (in Honiara and in Rennell) with the Protected Areas process;
- to provide the East Rennell communities with information about Protected Areas;
- if the communities supported the creation of a Protected Area, to help them make the agreements required for an application under the *Protected Areas Act*;
- to assist with the review of the East Rennell Management Plan, from a Protected Areas law perspective;
- to assist with the completion of a Protected Areas Ordinance, if this was supported by the Rennell-Bellona Provincial Government and the East Rennell communities.

#### **3.3 Context for the Protected Areas Project**

The people of East Rennell are somewhat disenchanted with the World Heritage program. This is evident from my own discussions with people in the communities and from previous reports.

For example, a 2008 report prepared for LLSOL states that the World Heritage program has led to high expectations, widespread misconceptions, disillusionment and attrition of community motivation to participate. The program has not delivered significant financial benefits to the communities, and communities are feeling let down and are suspicious of those who have control over the program (Zikuli and Clothier, 2008).

Anita Smith (2011) writes ‘there is a general perception that in agreeing to have East Rennell nominated to the World Heritage List the community has given their island to the international community for which they are entitled to expect something in return, particularly economic benefits, which have not materialised. Associated with this is considerable mistrust and anger directed at the Solomon Islands Government and the Rennell-Bellona Provincial Government, which the communities feel are not providing them with the support and infrastructure to which they consider their World Heritage status entitles them’ (at 597).

A 2013 report prepared for LLSOL on livelihood projects in East Rennell states that the communities have had many outsiders come and speak to them about livelihoods and this may have built some unrealistic expectations, especially in terms of tourism and the money and people that would come to the site. The report states there is a strong sense of frustration within the communities (Jady Smith, 2013).

When the Protected Areas Project commenced in March 2013, there had been a significant delay in LLEE and LLSOL initiating livelihood projects in the four communities which had been promised the year before. The communities were unhappy with the delay, adding to the frustration that they already felt about the failure of the World Heritage Program to deliver financial benefits. As a result, our first field trip in May 2013 was necessarily focused on mending the relationship between the communities and LLSOL and making progress on the livelihood projects, rather than on Protected Areas.

Early in my contract it became clear that any field trips for the Protected Area Project would need to fit in with LLSOL’s schedule for delivery of the livelihood projects. We also had to plan our field trip schedule around other commitments that the communities had, including elections for the LTWHSA and church events. Therefore, although I had originally planned at least three field trips to East Rennell, I was only able to travel to East Rennell twice (in late May and early September).

In addition, with guidance from Haikiu Baiabe, I attempted to approach the project in a way that respected the social protocols of the East Rennell communities. Haikiu and I sought to gain the support of key stakeholders (including the chiefs, the LTWHSA, the National Government and the Provincial Government) early in the process, so that those stakeholders would be more likely to continue the Protected Areas process when LLSOL’s project funding ends. Therefore, we had many discussions with stakeholders both in Rennell and in Honiara throughout the duration of the project. While this meant our progress was somewhat slow, we considered that this approach was more likely to achieve results in the long term.

It should also be noted that no Protected Area has been registered under the *Protected Areas Act* yet. The law only came into force in 2012, and the Ministry of Environment has provided little guidance on how the law should be implemented. There are a number of omissions and ambiguities in the Act and the Regulations, which have not yet been resolved because few communities have gone through the Protected Areas application process. Some of the ambiguities in the law are discussed in this report.

#### **4. OPTIONS FOR LEGAL PROTECION OF EAST RENNELL**

Although East Rennell is a World Heritage Site, it is not yet protected under national or provincial legislation. The creation of a Protected Area at Rennell under legislation could help to maintain the environmental values of the area which made it eligible for World Heritage status.

On 29 March 2010, the SIG passed the *Protected Areas Act 2010*. The *Protected Areas Regulations* were approved by the Minister for Environment in 2012. Both laws came into force on 27 February 2012. These laws give the Minister for Environment the power to create Protected Areas over areas of land and sea in Solomon Islands.

Provincial Governments also have the power to enact Ordinances about environmental matters, including the creation of Protected Areas. Therefore, the declaration of East Rennell as a Protected Area could

potentially occur under a Provincial Ordinance in addition to, or as an alternative to, registration under the *Protected Areas Act*.

## 5. CREATING A PROTECTED AREA UNDER THE PROTECTED AREAS ACT

The process for setting up a Protected Area is summarised in a booklet I prepared for the East Rennell communities. A copy of the booklet is attached as [Attachment C](#).

### 5.1 Process for creating a Protected Area under the Protected Areas Act

Under the *Protected Areas Act*, the Minister for Environment can declare an area of land and/or sea to be a Protected Area. The Minister cannot declare an area as a Protected Area unless he is satisfied that approval has been obtained from the people 'with rights and interests in the area'. He must also be satisfied that there is an appropriate Management Plan in place and there are no disputes about the boundary of the proposed Protected Area.

The *Protected Areas Regulations* set out the process that must occur before East Rennell can be declared to be a Protected Area. Table 1 summarises these steps:

<b>Table 1: Summary of process for setting up a Protected Area at East Rennell under the Protected Areas Act</b>	
<b>Step 1:</b>	<p>The East Rennell communities submit an application to the Director of Environment. An application for a Protected Area must contain the following documents and information:</p> <ul style="list-style-type: none"> <li>• Application form</li> <li>• Map</li> <li>• Minutes of meetings held in the four East Rennell communities. (I also recommend that the application contain other evidence that the people with rights and interests in the area agree)</li> <li>• Minutes of meetings held in neighbouring communities</li> <li>• Boundary agreement</li> <li>• Management Plan</li> <li>• Names of Management Committee members</li> <li>• Names of rangers</li> <li>• Budget</li> <li>• Category of Protected Area.</li> </ul> <p>More details about each of these documents / information is contained in section 8 of this report.</p>
<b>Step 2:</b>	<p>When the Director receives an application, he will review it to check that it is complete and it complies with the requirements of the Protected Areas law.</p> <p>The Director will verify who has rights or interests in the area, consult with Government, and assess the area's environmental values. The Director will also put a notice in the newspaper about the proposed Protected Area. People will have <b>30 days</b> from the date of the newspaper notice to send a letter to the Director either supporting the establishment of the Protected Area or objecting</p>

	to it.  The Director will then make a recommendation to the Minister for Environment about whether the area should be protected.
<b>Step 3:</b>	The Minister for Environment then decides whether the area should become a Protected Area.

## 5.2 Effect of creating a Protected Area under the Protected Areas Act

### 5.2.1 Activities that are prohibited in a Protected Area

When an area becomes a Protected Area under the *Protected Areas Act*, new rules will apply to how people (including the people of East Rennell) can use the area. The rules are contained in the *Protected Areas Regulations* and the Management Plan.

Table 2 below sets out the activities prohibited in Protected Areas. As explained below, the activities that will be prohibited in the East Rennell Protected Area largely depend on the content of the revised Management Plan for East Rennell.

The *Protected Areas Regulations* say that some activities are prohibited in all Protected Areas (e.g. logging and mining) (see rows A and B in the table). These rules cannot be changed by the communities or the Management Committee.

The *Protected Areas Regulations* also say that some activities are prohibited unless the Management Committee or the Management Plan authorises those activities (see row C in the table). Therefore, these activities will be lawful, provided that they are authorised by the Management Committee or the Management Plan.

The prohibitions in row C are very broad, and cover a wide range of activities. This means that the new Management Plan for East Rennell will need to be drafted carefully so that it specifically authorises all of the activities that the East Rennell communities want to be able to carry out in the Protected Area (provided that they are consistent with the objectives of the Protected Area).

The Minister for Environment also has the power under the *Protected Areas Regulations* to make additional Regulations containing rules for the area (reg 72) (see row E in the table). The East Rennell communities may wish to consider applying for additional Regulations in the future.

<b>Table 2: Activities that are prohibited in Protected Areas</b>		
<b>A.</b>	<b>The <i>Protected Areas Regulations</i> say that these activities are prohibited in <u>all</u> Protected Areas (see reg 61)</b>	<ul style="list-style-type: none"> <li>• Logging</li> <li>• Mining</li> <li>• ‘commercial’ or ‘industrial’ extraction of timber, round logs, non-timber forest products or minerals. [See section 5.2.1 of this report for discussion of this issue].</li> </ul>

B.	<p><b>The <i>Protected Areas Regulations</i> say that these activities are prohibited in <u>all</u> Marine Protected Areas (see regs 49, 50, 52, 53, 54, 55, 56 and 57).</b></p>	<ul style="list-style-type: none"> <li>• Travelling more than 5 knots through a MPA, except: <ul style="list-style-type: none"> <li>○ in an emergency</li> <li>○ in areas that are at least 15 m deep and at least 20 m from the edge of a reef or reef flat.</li> </ul> </li> <li>• Harvesting of fish or other aquatic resources within clearly identified spawning aggregations or during spawning seasons.</li> <li>• Dredging, trawling or dragging of nets or wire mesh on the sea floor.</li> <li>• Dumping waste or a polluting substance from a vessel.</li> <li>• Doing any terrestrial activity or development (including an activity or development outside the Protected Area) that may release into the MPA material that is harmful to the environment, except with the approval of the Minister for Environment.</li> <li>• Removing live coral, except for scientific research.</li> <li>• Anchoring a vessel except in a place designated for that purpose by the management committee.</li> <li>• Grounding a vessel on a reef.</li> </ul>
C.	<p><b>The <i>Protected Areas Regulations</i> say that these activities are prohibited <u>unless</u> they are authorized by the Management Plan and/or Management Committee (see regs 62, 63 and 64).</b></p> <p><b>So these activities will be legal if they are authorised by the Management Plan and/or Management Committee.</b></p> <p><b>The Management Plan / Management Committee can authorise the activities, subject to conditions (eg, they could authorise the taking of an animal of a particular size).</b></p>	<ul style="list-style-type: none"> <li>• Taking any organism from a Protected Area.</li> <li>• Agricultural or gardening activities.</li> <li>• Building a house or unlawfully occupying the area.</li> <li>• Lighting an open fire.</li> <li>• Dumping any effluent, sewage, refuse, rubbish or toilet waste.</li> <li>• Allowing or introducing any species.</li> <li>• Putting up a billboard, advertisement or promotional material.</li> <li>• Cutting down, destroying or removing any plant or tree, or taking firewood.</li> <li>• Removing or excavating any soil or gravel.</li> <li>• Killing or hunting any creature.</li> <li>• Damaging any cultural object or monument of biodiversity and cultural significance.</li> <li>• Removing or being in possession of any cultural artefact or sacred object.</li> <li>• Introducing an exotic or invasive species.</li> <li>• Significantly altering the flow of a water source or closing the opening of a tidal lagoon, river or other waterway.</li> <li>• Using a vehicle, bulldozer, or heavy machinery that does not comply with the specifications decided by the Management Committee.</li> <li>• Parking a vehicle in an area not designated for parking.</li> <li>• Organising or participating in a public meeting,</li> </ul>

		<p>demonstration or gathering.</p> <ul style="list-style-type: none"> <li>Flying over a Protected Area at a height of less than 500m unless one of the exceptions in the Regulations applies.</li> </ul>
D.	<b>Activities may be prohibited under the Management Plan</b>	The East Rennell Management Plan can specify other activities that are prohibited in the Protected Area. [See section 5.2.2 below for discussion about the enforceability of these additional rules in the Management Plan]
E.	<b>Activities may be prohibited under Regulations made specifically for the Protected Area</b>	The Minister has the power to make Regulations specifically for the East Rennell Protected Area that contain rules for the area (reg 72).

### 5.2.2 Enforcement of the rules

#### ***Breach of the Protected Areas Regulations***

It is an **offence** to carry out an activity that is prohibited under the *Protected Area Regulations* (i.e. rows A, B, C and E in Table 2). If a person commits an offence, an inspector can serve that person with an infringement notice. An inspector is a person appointed by the Minister for Environment to help with the enforcement of the Act. If the person served with the infringement notice does not pay the fine specified in the infringement notice, the person can be prosecuted and the Court can impose a larger fine. These fines are paid to the Solomon Islands Government.

Rangers are nominated by the Management Committee. They can be people from the East Rennell communities or people employed by the Management Committee. Their primary role is to help enforce the rules of the Protected Area, although they may have other jobs under the Management Plan such as monitoring. Rangers have powers under the Protected Areas law, including the power to search vehicles and seize objects taken from the Protected Area in breach of the *Protected Areas Regulations*. A ranger can also be appointed by the Minister for Environment to be an inspector. If this happens, the ranger has the powers of an inspector, including the power to issue infringement notices.

The *Protected Areas Regulations* set out the maximum penalties for the various offences. For example, the maximum penalty for carrying out logging or mining in a Protected Area is a fine of \$100,000. If a company commits an offence, it is liable to pay a fine of up to five times the fine payable by an individual, and the director of the company may also be found to be liable.

#### ***Breach of the rules in the Management Plan***

The Protected Areas laws do not say that it is an offence to breach a rule in the Management Plan. Therefore, in my opinion a rule in a Management Plan is unlikely to be enforceable in a Court. However, if someone has broken a rule in the Management Plan it is possible that they have also broken one of the rules in the *Protected Areas Regulations*, which is an offence.

For example, regulation 62 says that no one may take an organism from a Protected Area without the authorisation of the Management Committee. If the Management Plan states that no one can take a coconut crab that is less than 10cm, and somebody takes a 5cm coconut crab, in my opinion that person will have taken an organism from a Protected Area in breach of regulation 62. This is because they do not have the Management Committee's authorisation to take a 5cm coconut crab. Therefore, the person could be served with an infringement notice and required to pay a fine.

Regulation 23 says that a Management Plan should include 'proposed penalties to proposed rules'. This suggests that the Management Plan can include additional penalties for the breach of rules (i.e. in addition to the penalties in the *Protected Areas Regulations*). In my opinion, it is unlikely that any additional penalties in the Management Plan could be enforced through the Court system. In due course, the LTWHSA will need help to understand the mechanisms that can be used to enforce the different types of rule and penalties.

### **5.3 Prohibition on commercial extraction of forest products (regulation 61)**

Regulation 61 of the *Protected Areas Regulations* states:

- (1) *Subject to sub-regulation (2), no industrial or commercial extraction of timber, round logs, non-timber forest products or minerals (including quarry or gravels) by whatever means or method shall be carried out in a protected area or within a distance of not more than 1 kilometre of the defined boundaries of such area, as determined by the Director taking into account the nature of the protected area.*
- (2) *The management committee may, subject to the management plan of the area, authorize limited non-commercial extraction of timber for the construction of office buildings of the committee or meeting the minimal housing needs of owners of the area.*
- (3) *A person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding 100,000 penalty units.*

The terms 'industrial' and 'commercial' are not defined in the *Protected Areas Act* or the *Protected Areas Regulations*. Therefore, it is not clear what types of extraction are prohibited by regulation 61. For example, does 'commercial' extraction mean any extraction of resources done for the purposes of selling those resources, regardless of the scale of the extraction? If so, then any such extraction would be prohibited even if it is authorized by the Management Plan or the Management Committee and even if it is necessary to meet the sustainable livelihood needs of the local communities. In other words, a person who took some pandanus leaf from a Protected Area to make a basket and then sold that basket at the market could be found to have breached regulation 61. This was unlikely to be the intention of the person who wrote the Regulations.

I have raised this issue with the Ministry of Environment in meetings and in letters. [Attachment D](#) is a letter written to the Minister of Environment raising the issue. Following this meeting, Haikiu Baiabe and I met with the Minister, and the Minister agreed that LLSOL should provide some suggestions on how regulation 61 could be amended.

[Attachment E](#) is a submission with suggested changes to the Protected Areas Regulations, which I prepared in conjunction with the Landowners' Advocacy and Legal Support Unit (LALSU) at the Public Solicitor's Office. It includes our suggested changes to regulation 61, to address the issue discussed above, and other suggestions to improve the Regulations. In the Protected Areas Guide, I have recommended that the LTWHSA committee discuss the amendment of regulation 61 with LALSU and the Ministry of Environment before it submits a Protected Areas application for East Rennell.

## 5.4 Cancellation of a Protected Area

If East Rennell becomes a Protected Area, and the people of East Rennell later decide that they do not want the area to be protected, they could apply to the Minister to have the Protected Area declaration cancelled.

However, under the law, the Protected Area could not be cancelled for at least **10 years** after the area was declared to be protected. In addition, the Minister **cannot** approve an application if it would negatively affect the implementation of the Management Plan or if it would allow activities that are detrimental to the environment of the Protected Area.

This means that the Minister can only lawfully cancel a Protected Area in a narrow range of circumstances. In other words, even if the people of East Rennell applied for cancellation of the Protected Area, the Minister might not approve the application.

Although the Protected Area declaration cannot be cancelled for 10 years, the Management Plan can be amended by the Management Committee (after consultation with the East Rennell people) at any time. For example, the Management Plan could be amended to change the activities that are authorised in the Protected Area, provided that the Plan still complies with the *Protected Areas Regulations*.

## 6. CREATING A PROTECTED AREA UNDER A PROVINCIAL ORDINANCE

### 6.1.1 Process for creating a Protected Area under a Provincial Ordinance

Rennell-Bellona does not yet have an Ordinance that allows for the creation of Protected Areas. A draft Ordinance was prepared by a consultant in 2009 (the draft *Lake Tegano Natural Heritage Park Ordinance – Attachment F*). However, it has not been passed by the Provincial Government.

The process for setting up a Protected Area under an Ordinance depends on how the Ordinance is drafted. The draft *Lake Tegano Natural Heritage Park Ordinance* establishes the *Lake Tegano Natural Heritage Park*. In other words, the Park would be set up when the Ordinance is passed by the Provincial Assembly. There is no legal requirement for any further community consultations or agreements before the Park is established. The Ordinance states that the boundaries of the Park are to be determined by the Lake Tegano Natural Heritage Park Authority, which is also established by the Ordinance.

Some other Provinces in Solomon Islands also have Protected Area Ordinances, such as the *Choiseul Province Resource Management Ordinance 1997* and the *Isabel Province Resource Management and Environmental Protection Ordinance 2005*. The process for setting up a Protected Area under these Ordinances is quite different to the process provided for in the draft *Lake Tegano Natural Heritage Park Ordinance*. The Choiseul and Isabel Ordinances allow a landowner group to apply to the Provincial Executive for a ‘Resource Order’ (in the case of Choiseul) or a ‘Resource Management Order’ (in the case of Isabel). An application can only be made by the people who under custom can make rules that are binding on people indigenous to the area and people coming to the area. The application must include a map of the area and the proposed rules for the area. If the Provincial Executive makes the Order, it is an offence to breach the rules in the Order. The Ordinances do not require a landowners’ association to be established to manage the area.

### 6.1.2 Effect of setting up a Protected Area under an Ordinance

The effect of setting up a Protected Area under an Ordinance depends on the wording of the Ordinance. Under the draft *Lake Tegano Natural Heritage Park Ordinance*, the following activities would be prohibited within the Park:

- commercial or industrial<sup>3</sup> extraction of timber or minerals;
- removal of undersized<sup>4</sup> or egg-bearing Kasusu (coconut crab) for commercial or semi-commercial<sup>5</sup> purposes;
- removal of live coral; and
- dumping or discharging any waste or other polluting or harmful material into the waters of the Park.

The draft ordinance purports to give the Lake Tegano Natural Heritage Park Authority the power to make additional by-laws for the Park.

The Choiseul and Isabel Ordinances are drafted differently to the draft Rennell-Bellona Ordinance. Under those Ordinances, the Resource Order / Resource Management Order made by the Provincial Executive sets out rules for the area. The landowners include the rules that they want to apply to their area in their application for the order. The Isabel Ordinance contains some additional rules that apply to all areas covered by a Resource Management Order. For example, the Isabel Ordinance says that logging, land clearing and mining are prohibited in any area covered by a Resource Management Order, unless the order expressly authorises those activities.

## **7. CONSULTATIONS CARRIED OUT AS PART OF THE PROTECTED AREAS PROJECT**

### **7.1 Consultations with East Rennellese**

During the course of this contract, I conducted several consultations with people in Honiara and East Rennell. The aims of the consultations with the East Rennell communities were:

- to inform the East Rennell people about how to set up a Protected Area and what the effect of setting up a Protected Area would be; and
- to determine whether the people with rights and interests in East Rennell want to set up a Protected Area.

#### **May field trip**

The first field trip to East Rennell was between 18 and 28 May 2013. A report of this field trip is [Attachment G](#).

During this field trip, we held a meeting in each community to discuss the livelihood projects and introduce the idea of setting up a Protected Area. The communities were generally supportive of the idea. Many people commented that they thought East Rennell was already protected.

The meetings were facilitated by the Chairman of the LTWHSA, Felix Tahua. As discussed in section 3.1 of this report, the focus of the May field trip was on mending the relationship between LLSOL and the communities and on making progress with the livelihood projects. Therefore, Protected Areas were not the prime focus of this trip.

The Constitution of the LTWHSA states that elections for committee members should be held every year. Elections were held in 2011, but not in 2012. Some people in the East Rennell communities were not happy that elections were overdue. During the May field trip, the LTWHSA committee decided that elections should be held as soon as possible. The committee also proposed some changes to the Constitution of the LTWHSA.

<sup>3</sup> The terms 'commercial' and 'industrial' are not defined.

<sup>4</sup> The term 'undersized' is not defined.

<sup>5</sup> The terms 'commercial' and 'semi-commercial' are not defined.

The LTWHSA decided that it wanted to give the communities two months' notice of the elections and the meeting to vote on the amendment of the Constitution. It also decided that Protected Area consultations should not continue until the new committee was elected. Therefore, we did not travel back to Rennell to continue with the Protected Area consultations until September. Another reason for our second field trip being delayed is that we could not return to East Rennell until materials for the livelihood projects had been purchased and shipped to Rennell. This occurred in late August. I did not work during June, so that my contract could be extended until the end of September, to enable me to attend the second field trip.

### **Consultations in Honiara**

In mid-August, a representative from each East Rennell community came to Honiara to assist with the purchase of materials for the livelihood projects. We encouraged the community representatives to speak to their *wantoks* in Honiara and invite them to a meeting to discuss the upcoming LTWHSA elections and the Protected Areas process. A meeting was held at the LLSOL office on August 8. Unfortunately, only three people attended, in addition to three of the four community representatives.

Minutes of this meeting are attached as Attachment H. We informed the meeting attendees that meetings would be held in early September in the East Rennell communities to give people an opportunity to decide whether they wanted to apply for a Protected Area. We also gave the attendees several copies of the Protected Areas booklet (Attachment C) and asked them to distribute the booklet to East Rennellese people living in Honiara. We had previously asked the committee members to arrange for me to go to the Rennellese settlements in Honiara so that I could talk directly to the people living there, however the committee did not facilitate this.

### **September field trip**

A second field trip to Rennell occurred between 31 August and 14 September 2013. A report of this field trip is Attachment I.

The following meetings were held in East Rennell:

- Annual General Meetings (**AGMs**) of the LTWHSA in Tebaitahe, Niupani, Tegano and Hutuna on 3 September, 4 September, 5 September and 6 September respectively;
- Meeting of the newly elected LTWHSA committee on 9 September; and
- Follow up consultation meetings in Hutuna on 11 September, Niupani and Tebaitahe on 12 September and Tegano on 13 September.

In addition, informal discussions were held with the Provincial Government, chiefs and community members.

The main aims of the meetings and discussions were:

- To help facilitate the AGMs of the LTWHSA, including the election of new members to the LTWHSA committee;
- To explain to the communities the process for setting up a Protected Area;
- To explain to the communities the effect of setting up a Protected Area, including what new rules will apply;
- To give people an opportunity to ask questions and discuss the issues;
- To gauge the level of community support for protection of East Rennell; and
- If supported by the communities, to help the communities to formally reach a consensus in support of a Protected Area, as required by the *Protected Areas Regulations*.

A new committee was elected at the AGMs, however it has not yet appointed a new chairman. Two formal presentations about Protected Areas were given in each community, and the booklet summarising the Protected Areas laws (Attachment C) was distributed. The attendance at the meetings and the level of

discussion during and after the meetings suggest that the communities are relatively engaged with this issue. Almost all people who attended the meetings supported the idea of protecting East Rennell.

During this trip, none of the communities formally reached a consensus in support of a Protected Area, as required by the *Protected Areas Regulations*. This is partly because the communities were reluctant to make a decision before the Management Plan has been completed, and therefore before they know precisely what rules will apply in the Protected Area. Despite this, we made some progress in the Protected Areas process. The communities are now better informed about the issues, and the committee is aware of the steps it needs to take to continue the process. We hope that once the committee has appointed office bearers, it will continue with the process, including holding more community discussions and helping the communities to make a decision.

## 7.2 Consultations with other stakeholders

Haikiu and I sought to ensure that our activities were co-ordinated with the activities of other stakeholders working on East Rennell. Therefore, meetings were held with key stakeholders in Honiara throughout the duration of my contract. [Attachment J](#) contains a list of stakeholders who were either met with or corresponded with via email.

The key outcomes of the consultations were:

- The Ministry of Environment and the Ministry of Culture and Tourism provided their support for LLSOL's proposed activities on Rennell.
- The Rennell Bellona Provincial Government provided its support to the Protected Areas project.
- Prior to the first field trip, we received in principle support from the Ministry of Environment and the Ministry of Culture that they would send officers to Rennell to participate in the Protected Area community consultations being organised by LLSOL. (Despite this, no one from the Ministries attended our field trips).
- The legal adviser for the Ministry of Provincial Government agreed to discuss the draft *Lake Tegano Natural Heritage Ordinance* with the Rennell-Bellona Provincial Government.
- LLSOL obtained first-hand information from people who have worked on the East Rennell World Heritage Site about the implementation of past projects and strategies for increasing the chance of success of LLSOL's current projects.
- IUCN was informed of LLSOL's projects on East Rennell.

## 8. PROGRESS IN SETTING UP A PROTECTED AREA AT EAST RENNELL UNDER THE PROTECTED AREAS ACT

### 8.1 Preparation of the application

The tables below contain a summary of the information and documents required for an application for a Protected Area and the status of each item for East Rennell.

<b>1. The Application Form</b>	
<b>The law</b>	To apply for a Protected Area, the communities must submit an application form to the Director of Environment. The application form is Form A in Schedule 2 of the <i>Protected Areas Regulations</i> .
<b>Progress and next steps</b>	A draft application form is attached as Attachment 1 to the Protected Areas Guide. This application form must be completed and submitted to the Director, along with the other documents described below.

<b>2. Map</b>	
<b>The law</b>	A map showing the exact boundaries of the proposed Protected Area must be prepared and included with the application. The map must be signed by the people who own the land that shares a boundary with the proposed Protected Area. If the boundary of the proposed Protected Area is disputed, the Minister cannot declare the area to be protected (section 10(7)(b), reg 14).
<b>Progress and next steps</b>	<p>A map has not yet been prepared. Anna Price (who has been hired by LLEE to work on the Management Plan) is helping the communities to prepare the map. GPS co-ordinates of the boundary of the Protected Area should be recorded. The name of the person who recorded the GPS co-ordinates must be inserted into the application form.</p> <p>The map must be signed by the landowners who own land on either side of the boundary. The signed map must be included with the application for the Protected Area.</p>

<b>3. Evidence of consent of landowners and other people with an interest in East Rennell</b>	
<b>The law</b>	The Minister cannot declare East Rennell to be a Protected Area unless all people with rights or interests in the area consent (section 10(7)(c)). The Protected Areas law does not define who the people 'with rights or interests in the area' are. This is an issue to be decided under the relevant customary

	<p>laws.</p> <p>The <i>Protected Areas Regulations</i> set out some steps that must happen before a Protected Areas application can be submitted. The Regulations state:</p> <ul style="list-style-type: none"> <li>• Before applying for a Protected Area over customary land, the landowning tribe must meet and reach a consensus or resolution about the Protected Areas Application (reg 44(1)(a)). The word ‘consensus’ is not defined in the Regulations, but it is likely to mean that the community as a whole must support the decision. The Regulations do not state what percentage of people must agree before a consensus can be considered to have been reached (i.e. whether 100% agreement is required, majority agreement etc).</li> <li>• Minutes of the meeting at which the consensus or resolution is reached must be kept. The minutes must be signed by the person chairing the meeting and two other people. The minutes must be included with the Protected Areas application (reg 44(2)).</li> </ul> <p>Below, I refer to the meetings at which the communities reach a consensus to apply for a Protected Area as ‘consensus meetings’.</p>
<p><b>Progress and next steps</b></p>	<p><u>Consensus meetings</u></p> <p>The idea of setting up a Protected Area has been discussed in community meetings facilitated by LLSOL on the following dates:</p> <ul style="list-style-type: none"> <li>• Tebaitahe – at the AGM of the LTWHSA on 3 September and a follow up meeting on 12 September 2013</li> <li>• Niupani – at the AGM on 4 September and a follow up meeting on 12 September 2013</li> <li>• Tegano – at the AGM on 5 September and a follow up meeting on 13 September 2013</li> <li>• Hutuna – at the AGM on 6 September and a follow up meeting on 11 September 2013.</li> </ul> <p>None of the communities have reached a consensus in support of applying for a Protected Area yet.</p> <p>To comply with the <i>Protected Areas Regulations</i>, further meetings need to be held in each of the four East Rennell communities and the communities must reach a consensus or make a resolution in support of making a Protected Areas application. LLSOL considers that reaching a consensus (rather than making a resolution) would be more in line with the customary decision making practices of the East Rennell communities.</p> <p>Minutes of each meeting at which consensus is reached need to be recorded. The names of the people who attended the meeting must also be recorded. The minutes and attendance list must be signed by the person chairing the meeting and two others who were at the meeting to confirm that they are true and accurate records of the meeting. Ideally, the person writing the minutes should understand Rennell language.</p> <p>If the community reaches a consensus in support of applying for a Protected Area, that should be recorded in the minutes. If anyone objects to applying for</p>

	<p>a Protected Area, that should also be recorded in the minutes.</p> <p>The minutes of the consensus meetings and the attendance lists must be included in the Protected Areas application that is submitted to the Director. A template for the minutes and attendance list is included as Attachment 2 to the Protected Areas Guide.</p> <p>As not all community members attend every meeting held in the community, it may take several meetings for a community to reach a consensus in support of applying for a Protected Area. If consensus is reached through a series of meetings, the minutes and attendance lists of all of those meetings should be included in the Protected Areas application.</p> <p><u>Consent documents</u></p> <p>It is unlikely that all people who have rights and interests in East Rennell will attend the consensus meetings. Therefore, in addition to holding the consensus meetings, I recommend that the chief of each tribe sign a document to confirm that he consents to applying for a Protected Area.</p> <p>This is not a requirement under the law. However, it may reduce the likelihood of disputes in the future, because it will ensure that the tribe leaders are involved with the Protected Areas process. Before signing the consent documents, chiefs should discuss the proposal with members of their tribe.</p> <p>An example consent form is attached as Attachment 3 to the Protected Areas Guide. This document is not in the Protected Areas law. Therefore, the document can be amended before being finalised and signed.</p>
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<b>4. Meetings of neighbouring Lughu communities</b>	
<b>The law</b>	<p>The leaders of the communities that want to apply for the Protected Area must tell the leaders of the communities who own land that borders the proposed Protected Area about the application (reg 44(1)(b)).</p> <p>The neighbouring communities must be consulted to get ‘wider endorsement’ of the proposal (reg 44(1)(c). The words ‘wider endorsement’ are not defined in the Protected Areas law and their meaning is unclear.</p> <p>Minutes of the neighbouring communities’ meetings must be written. The minutes of each meeting must be signed by the person chairing the meeting and two other people who were at the meeting. The minutes must be included in the Protected Areas application (reg 44(2)).</p>
<b>Progress and next steps</b>	<p>If the East Rennell communities decide to apply for a Protected Area, meetings should be held in the Lughu communities that are close to the border of the proposed Protected Area.</p>

	<p>At the meetings, the people chairing the meeting should:</p> <ul style="list-style-type: none"> <li>• show the Lughu communities a map of the proposed Protected Area and ask them whether they dispute the boundary. If there is a dispute, this will need to be resolved or the boundary will need to be changed before a Protected Areas application can be submitted;</li> <li>• explain to the Lughu communities the process for setting up a Protected Area and why the East Rennell people want to protect East Rennell; and</li> <li>• explain to the Lughu communities what the effect of setting up a Protected Area will be, including that no logging or mining will be able to happen in the Protected Area and everyone must follow the rules in the Management Plan.</li> </ul> <p>At each meeting, someone must record the minutes of the meeting, including making a list of the people who attended the meeting. The person chairing the meeting plus two other people at the meeting must sign the minutes and the attendance list, to confirm that they are true records. The minutes and attendance list must be included in the Protected Areas application.</p> <p>A template for the minutes of a meeting in the Lughu communities and an attendance list is Attachment 4 to the Protected Areas Guide.</p>
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<b>5. Boundary Agreement</b>	
<b>The law</b>	<p>Before an application for a Protected Area can be submitted, an agreement about the boundaries of the proposed Protected Area must be signed by the landowners who own land on either side of the Protected Area boundary. A map must be attached to the agreement. The agreement and map must be included with the Protected Areas application (reg 44(1)(d) and (e)).</p> <p>The Minister cannot declare a Protected Area if the boundary of the proposed Protected Area is disputed (reg 14(3)).</p>
<b>Progress and next steps</b>	<p>The boundary agreement has not yet been negotiated or signed. The East Rennell leaders that own land close to the western boundary of the Protected Area should hold discussions with the leaders of the Lughu communities near the boundary, to try to reach an agreement about where the boundary of the Protected Area should be. Under the law, the Protected Area boundary does not need to be the same as the World Heritage Site boundary.</p> <p>If an agreement about the boundary is reached, the leaders of the relevant East Rennell and Lughu tribes should sign a written agreement about that boundary. A map of the proposed Protected Area must be included in the agreement. The agreement and map must be included in the Protected Areas application.</p> <p>The location of the boundary of the Protected Area has not yet been finalized. It has been suggested by some East Rennell landowners that East Rennell people own the land on both sides of the World Heritage Site boundary,</p>

	<p>(which is likely to become the boundary of the Protected Area).</p> <p>A draft boundary agreement is Attachment 5 of the Protected Areas Guide. The law does not specify exactly what must be included in the boundary agreement. Therefore, the wording of the draft agreement can be changed before it is finalised and signed. The aim of the agreement is to show the Minister for Environment that no one (other than East Rennell landowners) is claiming ownership of any part of the proposed Protected Area.</p>
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<b>6. Management Plan</b>	
<b>The law</b>	<p>An application for a Protected Area must include a copy of the Management Plan (section 10(7)(d), reg 12(2)).</p> <p>The Management Plan must comply with the requirements in Part 4 of the <i>Protected Areas Regulations</i>. I have prepared a document that assesses the 2007 Management Plan against the requirements under the Protected Areas Regulations (see <a href="#">Attachment K</a>). The document sets out the changes that need to be made to the Management Plan to ensure that it complies with the Protected Areas law.</p>
<b>Progress and next steps</b>	<p>A Management Plan for East Rennell was prepared in 2007.</p> <p>Live and Learn has hired a consultant (Anna Price) to help with the review of the 2007 Management Plan. This work will be done between September and December 2013.</p> <p>It is important that East Rennell communities are involved with the review of the Management Plan, so that their knowledge and goals for their land are included in the Plan.</p> <p>The <i>Protected Areas Regulations</i> say that many activities cannot be done in a Protected Area unless the activities are authorized by the Management Plan. Therefore, the revised Management Plan should authorize all of the activities that the East Rennell people want to do in the area, provided that those activities are consistent with the objectives of the Protected Area.</p> <p>A copy of the revised Management Plan must be included with the Protected Areas application.</p>

<b>7. Management Committee</b>	
<b>The law</b>	<p>Every Protected Area needs a Management Committee (section 12).</p> <p>If an area is already being managed by a community or organization in accordance with a community conservation program, that community or organization can be adopted as the Management Committee for the purpose of the Protected Areas law (reg 28(1)).</p> <p>The powers of a Management Committee are set out in regulation 29. The meeting procedures for a Management Committee are in Schedule 3 of the <i>Protected Areas Regulations</i>. The names of the Management Committee members must be included in the application form.</p> <p><u>Attachment L</u> summarises the main provisions of the Protected Areas law that relate to Management Committees. That attachment also contains discussion of some legal issues regarding the Management Committee, namely:</p> <ul style="list-style-type: none"> <li>• Which entity should be recognized as the Management Committee;</li> <li>• Amendments to the LTWHSA Constitution that should be made, and how the Constitution can be amended.</li> </ul>
<b>Progress and next steps</b>	<p>The Lake Tegano World Heritage Site Association was registered under the <i>Charitable Trusts Act</i> in 2009. The Association is run by a committee of 10 members (two from each of the four East Rennell communities and two Provincial Government members). If the East Rennell communities agree, the LTWHSA could become the Management Committee for the East Rennell Protected Area. This would mean that a new organization or committee would not need to be set up.</p> <p>At meetings facilitated by LLSOL in the East Rennell communities in September 2013, we explained to the communities that they will need to decide whether they want the LTWHSA to become the Management Committee or whether they want a new group to be set up. The communities have not yet made a decision about this. If the people decide that they do not want the LTWHSA to be the Management Committee, significant work will need to be done to set up a new group to be the Management Committee. The communities would need outside assistance with that task.</p> <p>It should be noted that if the communities are not happy with the membership of the committee (two members from each community and two Provincial Government representatives), the Constitution of the LTWHSA could be amended to change the membership (for example, by including chiefs and/or church leaders). In other words, it may be possible to address any concerns that the communities have with the LTWHSA committee by amending the Constitution of the LTHWSA. This would avoid the need to set up an entirely new group.</p> <p>Further meetings should be held in the communities to allow the communities to discuss this issue and make a decision. Once a decision is made, the name of the Management Committee must be included in the application form.</p>

<b>8. Rangers</b>	
<b>The law</b>	<p>A Management Committee may appoint people as rangers. A person can be a ranger if he or she is:</p> <ul style="list-style-type: none"> <li>• at least 18 and a member of one of the four East Rennell communities; or</li> <li>• employed by the Management Committee (reg 65).</li> </ul> <p>The names of rangers must be included in the application form.</p>
<b>Progress and next steps</b>	<p>Rangers have not yet been appointed. Assuming the LTWHSA becomes the Management Committee, the committee of the LTWHSA must choose rangers, and the names of the rangers must be included in the application form.</p> <p>The law does not specify what process the Management Committee must go through before choosing rangers. The committee may want to seek nominations from the communities before choosing the rangers.</p>

<b>8. Budget</b>	
<b>The law</b>	<p>A budget for the Management Committee needs to be attached to a Protected Areas application.</p>
<b>Progress and next steps</b>	<p>A short budget must be prepared showing the anticipated funding and expenses of the LTWHSA (assuming it becomes the Management Committee) for the next at least 12 months. The budget must be included with the application form.</p> <p>An example budget is included in Attachment 6 of the Protected Areas Guide.</p>

<b>9. Class of Protected Area</b>	
<b>The law</b>	<p>Each Protected Area falls within one of the following classes (i.e. categories) of Protected Areas: Nature Reserve, National Park, Natural Monument, Resource Management Area and Closed Area (reg 4(1)).</p> <p>The communities applying for a Protected Area must decide what class of Protected Area they want to apply to their area. The class must be written in the application form.</p> <p>The appropriate class for East Rennell is likely to be a Resource Management Area. The management principles that apply to a Resource Management Area</p>

	are set out in Schedule 1 of the <i>Protected Areas Regulations</i> . The Management Plan for the East Rennell Protected Area must be consistent with these management principles.
<b>Progress and next steps</b>	<p>During the process of reviewing the Management Plan, the communities should discuss why they want to protect East Rennell and determine the most appropriate class of Protected Area.</p> <p>The name of the class of Protected Area must be listed in the application form.</p>

## 8.2 Submission of the application and declaration of the area

When the application is complete, all documents should be submitted to the Director of the Environment and Conservation Division. At least two copies of all of the documents should be kept by the LTWHSA for their records. Ideally, the entire application should be scanned so that a complete electronic copy exists.

## 8.3 Steps after registration of the Protected Area

The Protected Areas process does not end with the submission of the application and registration of the site. If and when East Rennell becomes a Protected Area:

### 1. The Management Plan needs to be implemented.

The Management Committee will be responsible for implementing the Management Plan. The Management Committee can ask the Government, donors and non-government organizations to help with implementation. If the Management Plan is not implemented within two years, the Minister can cancel or re-classify the Protected Area or appoint a new Management Committee.

The LTWHSA (assuming it becomes the Management Committee) will require training and funding to help it implement the Management Plan. Implementation of the Management Plan is vital to ensuring that the registration of the Protected Area delivers benefits to the environment and people of East Rennell.

### 2. The Management Committee needs to comply with its obligations under the Protected Areas law

The Management Committee is responsible for the day-to-day running of the Protected Area, including implementing the Management Plan, making sure people know and follow the rules, and engaging with stakeholders.

The Protected Areas law gives the Management Committee some specific jobs to do, including marking out the boundaries of the Protected Area and submitting an annual report to the Director (see Attachment L for more detail). The Management Committee will need funding to help with these tasks.

### 3. The Constitution of the LTWHSA needs to be amended (assuming the LTWHSA becomes the Management Committee)

If the LTWHSA becomes the Management Committee of the East Rennell Protected Area, the LTWHSA and its committee must continue to operate in accordance with the Constitution of the LTWHSA. However, some amendments need to be made to the Constitution of the LTWHSA so that

it is consistent with the Protected Areas laws. See [Attachment L](#) for further discussion of the need to amend the Constitution and how the Constitution is amended. A marked up version of the Constitution showing the suggested amendments is attached as Attachment 7 to the Protected Areas Guide.

#### **4. The funds of the Management Committee need to be used and accounted for in accordance with the Protected Areas law**

The money that the Management Committee has is known as the Management Fund. Assuming that the LTWHSA becomes the Management Committee, its funds will be the Management Fund and they can only be used in accordance with the *Protected Areas Regulations*. Importantly, the committee will not be able to spend any of the LTWHSA's money unless three-quarters of the members of the Committee (i.e. eight members) support the decision. The committee must also keep proper accounts, have those accounts audited, and give a copy of the accounts and audit report to the Ministry of Environment every year.

#### **5. The rules of the Protected Area need to be complied with and enforced**

If East Rennell becomes a Protected Area, new rules will apply to how the people of East Rennell and outsiders can use the area. The rules come from the *Protected Areas Regulations* and the Management Plan. See section 5.2 of this final report for more discussion about the rules of a Protected Area and how they are enforced.

## **9. PROGRESS IN SETTING UP A PROTECTED AREA AT EAST RENNELL UNDER A PROVINCIAL ORDINANCE**

In 2009, WWF engaged a consultant to undertake consultations for the purposes of developing a legal framework for the World Heritage Site. The consultant undertook two rounds of consultations in East Rennell, and developed a draft Provincial Ordinance entitled the draft *Lake Tegano Natural Heritage Park Ordinance 2009*. This draft Ordinance was prepared before the *Protected Areas Act* was passed by Parliament.

In his final report, the consultant recommended:

- at least one more consultation be conducted on the full draft of the Ordinance at each of the four villages, to educate the communities on the actual text of the Ordinance.
- the Provincial Government and the LTWHSA take charge of continuing the process; and
- the LTWSHA continue to operate for another year, and a smooth transition to the new management structure proposed under the draft Ordinance be facilitated (Lindimani, 2009).

As far as I am aware, these steps were not taken.

Near the beginning of my contract with LLEE, I reviewed the draft Ordinance. I identified some legal issues with the draft Ordinance that I considered should be resolved before the Ordinance was passed. I was weary of writing another draft Ordinance that was not supported by the Province. I was also aware that the legal adviser at the Ministry of Provincial Government was undertaking some work on the Ordinances of the Rennell Bellona Provincial Government, and therefore it was preferably that any work on the draft Ordinance fit in with the Provincial Government's broader plan for its Ordinances.

I prepared a memorandum about the draft Provincial Ordinance, which highlights the key legal issues I identified. This memorandum was sent to the legal adviser at the Ministry of Provincial Government (see [Attachment M](#)).

The key issues I identified related to:

- Consistency with the *Protected Areas Act*
- The section which requires the establishment of a new body to represent the landowners, namely the Lake Tegano Natural Heritage Park Authority
- The section which stated that the boundaries of the Lake Tegano Natural Heritage Park were to be determined by the Authority and could be unilaterally changed by the Authority
- The section which requires the establishment of a new 'Lake Tegano Natural Heritage Park Fund'
- The purported delegation of the power to make by-laws to the Authority
- The limited range of activities prohibited under the Ordinance
- The section that requires two leaders of each tribe to provide their written consent to the Ordinance

The legal adviser then sent a letter to the Provincial Secretary of the Rennell-Bellona Provincial Government (see [Attachment N](#)). The legal adviser agreed that there were some legal issues with the draft Ordinance. She asked the Provincial Secretary to instruct her on what the Province wanted to do in relation to the draft Ordinance.

The legal adviser subsequently had some discussions with members of the Provincial Government about the Ordinance. In May 2013, the deputy Provincial Secretary advised me that the Provincial Government was intending to conduct meetings in the East Rennell communities in July to determine whether the communities supported the completion of the Ordinance and/or making an application under the *Protected Areas Act*. I agreed to participate in these meetings. However, the meetings never eventuated.

During the term of my contract, the Provincial Government has not shown clear support for LLSOL developing a Protected Area Ordinance for East Rennell. Without instructions from the Provincial Government or its legal adviser about whether the Provincial Government wanted LLSOL to amend the draft ordinance and/or whether the Provincial Government intended to pass the ordinance, it was difficult for me to progress this ordinance any further.

As the national *Protected Areas Act* has now been passed, it is not legally necessary for any ordinance to be passed in order to protect East Rennell. Therefore, there may be little impetus for the Provincial Government to pass the *Lake Tegano Natural Heritage Park Ordinance*, particularly because it only applies to East Rennell and therefore cannot be used by other communities in the Province.

## 10. CONCLUSION

Progress has been made towards setting up a Protected Area at East Rennell. However, there is much work still to be done.

Setting up a Protected Area under the *Protected Areas Act* is not a quick process. The landowners and other community members must agree to protect the area before the Minister can set up the Protected Area. Therefore, many discussions with the East Rennell communities must be held before an application is submitted. In addition to attending consultation meetings about the process, people in the communities need time between the meetings to 'absorb' the information and discuss amongst themselves.

In general, the people of East Rennell are somewhat disenchanted with the World Heritage program, which has not delivered the financial benefits that they had hoped for. They appear to be wary of any new 'conservation' programs, particularly those that are not necessarily going to deliver tangible benefits to the communities. Despite this, I think most people in the communities support the idea of protecting East Rennell under the *Protected Areas Act*.

I had hoped that during the term of my contract the four communities would each reach a consensus in support of a Protected Area, as required by the *Protected Areas Regulations*. However, the communities were not ready to make this decision by the end of my contract.

This was partly due to the fact that during our May field trip we did not discuss Protected Areas in detail. During that field trip, the focus was on the livelihood projects, mending relationships with the communities and Provincial Government, hearing complaints from the communities about past promises that had been made to them, and explaining to the communities how the various activities that had been started on East Rennell fit together. We were then not able to travel back to East Rennell until September, due to the LTWHSA election schedule. The communities received a lot of information about Protected Areas during the September trip. However, it was still too early for them to make a decision as not all community members had attended a Protected Area meeting, and the Management Plan review had only just commenced. It is possible that the communities may be ready to make a decision when the draft revised Management Plan is presented to them (hopefully in December this year).

The main outcomes of this project were:

- **LLSOL staff:** LLSOL staff members (particularly Haikiu Baiabe and Gwen Tovosia) now have more knowledge about World Heritage Sites and the Protected Areas process, and are better equipped to answer questions from the communities and stakeholders about these issues.
- **Stakeholders:** There is greater awareness among key stakeholders (including chiefs, committee members of the LTWHSA, the Provincial Government, and the National Government) about the idea of setting up a Protected Area at East Rennell. We have helped to put this issue on all of their agendas.
- **Communities:** Communities in East Rennell have been provided with information to help them understand the process of setting up a Protected Area and the effect of doing so. This will hopefully help the communities to make an informed decision about their area, when they are ready to do so. We have also laid the groundwork for the review of the Management Plan, which will be done by Anna Price over the next few months.
- **LTWHSA:** LLSOL helped facilitate Annual General Meetings of the LTWHSA at which elections for new committee members were held. The committee has been 're-legitimised' through these elections, which will hopefully mean it has more influence and support within the communities in the future.
- **LTHWSA Committee:** The LTWHSA committee now has a better understanding of its role in the Protected Area process, and what steps it needs to take to complete the process. A detailed guide on how to complete the Protected Areas process has been prepared for the committee. Most committee members now have a reasonable understanding of the process, although they will need further assistance to complete all of the steps.

The next steps in the Protected Areas process are:

- The East Rennell communities must reach a consensus in support of the Protected Area. Ideally, they will be able to reach a decision in December, when a draft of the revised Management Plan is completed.
- The East Rennell people must facilitate meetings in the neighbouring Lughu communities to inform those communities about the application.

- A boundary map of the Protected Area must be prepared. This is being done in conjunction with the review of the Management Plan.
- An agreement about the boundary of the Protected Area must be finalised and signed by landowners on either side of the boundary.
- The review of the Management Plan must be completed.
- The East Rennell communities need to decide whether the LTWHSA will become the Management Committee of the Protected Area or whether they want to set up a new group.
- The Management Committee must choose rangers.

The East Rennell people will require further help to carry out these steps, particularly if they decide that they do not want the LTWHSA to be the Management Committee. Funding will also be needed to help with the management of the Protected Area once it is registered. Funding could be directed towards the following:

- **Finalising the Protected Areas Application.** The steps in the Protected Areas are relatively simple, and the LTWHSA committee has reasonable knowledge of the process. However, the committee may not have all of the skills and initiative required to resolve any issues that arise along the way. In my view, it would be more beneficial for an environmental management expert (rather than a lawyer) to be engaged to work with the committee on the Protected Area process. However, a lawyer may still be required for technical advice.

In conjunction with the Landowners' Advocacy and Legal Support Unit (**LALSU**) at the Public Solicitor's Office, I have prepared a submission to the Minister of Environment. The submission sets out several amendments to the *Protected Areas Regulations* which I and LALSU think should be made. If the Minister amends the Regulations, the LTWHSA will need help to understand the implications of those changes, as they may affect the process for setting up a Protected Area and the effect of doing so.

- **Strengthening the LTHWSA.** The LTWHSA is functioning relatively well, and is a credit to those who assisted with its establishment. However, it suffers from poor financial management and lack of leadership and direction. Funding could be sought to:
  - Help the LTWHSA amend its Constitution, which is required if the LTWHSA becomes the Management Committee for the Protected Area. If the LTWHSA does not become the Management Committee, the communities will need help to establish a new organisation to become the Management Committee.
  - Help the LTWHSA fill the gaps and resolve the ambiguities in its Constitution. This would help the LTWHSA committee to run the LTWHSA more smoothly, which would reduce disputes among and between the communities.
  - Help the LTWHSA to write a strategic plan and funding applications.
  - Help the LTWHSA committee with the financial management of the LTWHSA, which would improve accountability and reduce distrust of the committee (which is a significant problem at the moment)
  - Help the LTWHSA understand and carry out its roles and responsibilities under the Protected Areas law and the Management Plan, including helping it to understand the mechanisms available to enforce the various rules of the Management Plan.
- **Implementing the Management Plan.** The legal protection of East Rennell will have little impact unless the Management Plan is implemented and the rules of the Protected Area are enforced.

Funding should be sought to implement the recommendations in the Management Plan, to train the rangers, and to fund their monitoring and enforcement work.

It should also be noted that the Ministry of Environment currently has few resources and staff to implement and enforce the Protected Areas law. Therefore, at least in the short term, the Ministry is unlikely to play a major role in enforcing the rules of the Protected Area. The Ministry should be encouraged to seek assistance to process Protected Areas applications, establish the Protected Areas Advisory Committee and the Protected Areas Fund, appoint and train inspectors, fund the work of inspectors, appoint people to prosecute offences under the Act, and fund the prosecution of offences.

Finally, I wish to acknowledge again the input of Haikiu Baiabe in this project. In addition to providing me with invaluable information about the customs of Rennell, Haikiu was able to explain the Protected Areas concepts to people from East Rennell in a way that an expat never could. Ideally, future LLEE activities in East Rennell involving community consultations run by expat staff should be planned in close collaboration with LLSOL staff members, to ensure that there are local staff members in the Honiara office who support the activities and are available to work with the expats.

## **11. REFERENCES**

Lindimani, David. 2009. Legal Protection of East Rennell World Heritage Site: Community Consultations Report. Report prepared for WWF.

Smith, Anita. 2011. East Rennell World Heritage Site: misunderstandings, inconsistencies and opportunities in the implementation of the World Heritage Convention in the Pacific Islands, *International Journal of Heritage Studies*, 17:6, 592-607.

Smith, Jady. 2013. *East Rennell WHS: Heritage Livelihoods Plan*, prepared for LLEE. (Draft report, October 2012).

Zikuli, Jacob and Clothier, Hazel. 2008. Community attitudes and perceptions towards the East Rennell World Heritage Programme Rennell, Solomon Islands. Report prepared for LLEE.

## 12. ATTACHMENTS

### List of Attachments:

- Attachment A: Extract from PPSLP workplan
- Attachment B: Work proposal for the Protected Area project
- Attachment C: Booklet prepared for East Rennell communities
- Attachment D: Letter to Minister for Environment regarding the Regulations
- Attachment E: Submission to Minister for Environment regarding the Regulations
- Attachment F: Draft Provincial Ordinance prepared in 2009
- Attachment G: Report on May 2013 field trip
- Attachment H: Minutes of meeting with East Rennell landowners in Honiara – August 2013
- Attachment I: Report on September 2013 field trip
- Attachment J: List of people consulted in Honiara
- Attachment K: Assessment of the 2007 Management Plan against the requirements of the Protected Areas law
- Attachment L: Memorandum about Management Committees
- Attachment M: Memorandum to Ministry of Provincial Government regarding draft Provincial Ordinance
- Attachment N: Memorandum from Ministry of Provincial Government regarding draft Provincial Ordinance.

## ATTACHMENT A: EXTRACT FROM PPSLP WORKPLAN

Extract from the April 2013 version of the workplan for the PPSLP activity entitled 'Strengthening World Heritage and Protected Area Governance: Solomon Islands and Papua New Guinea'

Outcomes	Implementation
Community consultations to ascertain willingness to pursue provincial and/ or national legislative protection	<ul style="list-style-type: none"> <li>a. Facilitate community consultations regarding gazettal and draft provincial legislation</li> <li>b. Follow up consultations to ensure communities understand options and rights</li> <li>c. Possible community agreements to pursue provincial ordinance and/ or Protected Areas gazettal</li> </ul>
Provincial ordinance finalised and submitted (if communities wish)	<ul style="list-style-type: none"> <li>a. Draft Ordinance finalised by Provincial Government and Public Solicitor's office, with East Rennell community consent and endorsement by Lake Tegano World Heritage Site Association management committee</li> <li>b. Draft ordinance considered at Provincial General Assembly</li> </ul>
Protected Area Act gazettal finalised and submitted (if communities wish)	<ul style="list-style-type: none"> <li>a. National Protected Areas Act gazettal of East Rennell to be discussed with community- if agreed, environmental lawyer work with community and Ministry of Environment to draft gazettal</li> <li>b. Protected Area gazettal process mapped out &amp; implemented</li> <li>c. Protected Area Act gazettal finalised and submitted</li> </ul>

# ATTACHMENT B: WORK PROPOSAL FOR THE PROTECTED AREA PROJECT

**Strengthening World Heritage and Protected Area Governance: Solomon Islands and Papua New Guinea  
Work Proposal: Stephanie Price**

## INTRODUCTION

### The Project

The Pacific Public Sector Linkages Program ('PPSLP') is an Australian Government funded program that provides funding to Australian government departments and other organizations to address development issues in Pacific island nations. The Department of Sustainability, Environment, Water, Pollution and Communities ('the Department') has designed an activity under PPSLP entitled *Strengthening World Heritage and Protected Area Governance: Solomon Islands and Papua New Guinea* ('the Project'). The project aims to, among other things, strengthen protected area governance and natural resource management in Solomon Islands.<sup>6</sup>

The Department has prepared a Terms of Reference for an environmental lawyer to be engaged to assist with the Project. This work proposal has been prepared to address those Terms of Reference.

### East Rennell World Heritage Site

East Rennell in Solomon Islands became a World Heritage Site in 1998. It was considered eligible to become a World Heritage Site on the basis that it is an example of 'significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals'.<sup>7</sup>

The island of Rennell, in the south of Solomon Islands, is the largest raised coral atoll in the world. The World Heritage Site makes up a third of the island. The site includes Lake Tegano, the largest lake in the insular Pacific.

### Protected Areas laws in Solomon Islands

Despite the fact that East Rennell is a World Heritage Site, it has no legal protection under Solomon Islands law. However, laws exist in Solomon Islands that could be used to make the site a Protected Area under National and/or Provincial law. The creation of a Protected Area in East Rennell could assist in maintaining the environmental values of the area which made it eligible for World Heritage status in the first place.

Protected Areas Act

#### The Protected Areas Act

The *Protected Areas Act* was passed in 2010 and came into force in early 2012. The Act gives the Minister for Environment, Climate Change, Disaster Management and Meteorology ('the Minister') the power to declare an area of land and/or sea to be a 'Protected Area'. Importantly, the Minister cannot declare an area as a Protected Area until he is satisfied that approval has been obtained from persons having rights or interests in the area. Approximately 87% of land in Solomon Islands is under customary ownership.

<sup>6</sup> PPSLP Activity Strengthening World Heritage and Protected Area Government: Solomon Islands Workplan 2012-2013.

<sup>7</sup> Criteria (ix) under the revised Operational Guidelines for the Implementation of the World Heritage Convention.

Therefore, in most cases the persons having rights or interests in an area will be the customary landowners and other people who have rights or interests pursuant to customary law.

The *Protected Areas Regulations* set out the process that must occur before an area can be declared as protected. In summary, the process involves the following:

- The community who wishes to apply for protection must make a resolution that it will make the application. It must also make an agreement with any neighbouring communities about the boundaries of their adjoining areas of land/sea.
- The national Protected Areas Advisory Committee must appoint a management committee for the area. The management committee can include members of the local community.
- The community (or the management committee, if it has been appointed) must prepare a management plan, and submit it to the Director of the Environment and Conservation Division ('the Director') with the application. The Regulations contain various rules about what must be included in the management plan.
- After the application has been submitted, the Director must conduct an assessment of the environmental values of the area and verify whether the people with rights and interests in the area have agreed to the application.
- The Director must make a recommendation to the Minister about whether the area should be protected, and the Minister will make the final decision.

Once an area is declared to be a Protected Area, the rules that govern how the area can be used will be set out in the Protected Areas Regulations and the management plan. The rules in the Regulations have been prescribed by the Minister. It is an offence to breach these rules. The rules in the management plan are decided by whoever prepares the management plan, which should be done in consultation with the community.

### Provincial Ordinances

Solomon Islands consists of nine Provinces, one of which is the Rennell-Bellona Province. Provincial Governments have the power to enact Ordinances about environmental matters, including the creation of Protected Areas. Therefore, the declaration of East Rennell as a Protected Area could potentially occur under a Provincial Ordinance in addition to, or as an alternative to, registration under the Protected Areas Act.

Rennell-Bellona does not yet have an Ordinance that allows for the creation of Protected Areas, although a draft has been prepared. If an Ordinance is passed, it will set out the process that must occur before an area is declared to be protected under the Ordinance. This process may involve community consultation and agreement before an application can be submitted to the Provincial Assembly.

## **TERMS OF REFERENCE AND WORK PROPOSAL**

### **Terms of Reference**

The Terms of Reference prepared by the Department list the following outputs to be delivered by the environmental lawyer:

- Develop a legislation strategy.
- Liaise with the Ministry of Environment, Climate Change, Disaster Management and Meteorology (MECDM) and seek support to pursue legislation goals.
- Conduct initial community consultation.
- Contribute to revision of management plan.
- Facilitate community participation in drafting a Provincial Ordinance.
- Facilitate community enforcement of registration under the Protected Areas Act.

- Draft instructions for completion of registration process under the Protected Areas Act.

### **Proposed contract term**

I understand that the proposed term of the contract is 6 months.

### **Work proposal**

My work proposal to cover these Terms of Reference is set out below. There will be overlap between the different stages of work.

#### Document review and stakeholder consultation: Honiara

- Review existing reports relating to East Rennell.<sup>8</sup>
- Review existing management plan for East Rennell.
- Liaise with MECDM to discuss work proposal, seek support for proposed activities, and discuss issues associated with Protected Areas applications (including appointment of the management committee for East Rennell).
- Liaise with Rennell-Bellona Provincial Government to discuss proposal for a Protected Areas Ordinance.
- If requested by the Provincial Government, facilitate review of the draft Protected Areas Ordinance by a lawyer on behalf of the Government (either through the Attorney General's Department or the Ministry of Provincial Government).
- Liaise with other key stakeholders including Lake Tegano World Heritage Site Association ('LTWHSA'), Live and Learn Environmental Education ('LLEE') and Rennell landowners based in Honiara.
- Contact other organizations in the Pacific to obtain relevant information about the creation of Protected Areas, particularly over areas under customary ownership.
- Liaise with the Wet Tropics Management Authority ('WTMA') and discuss WTMA's work plan for consultation and requirements of Protected Areas laws applicable to WTMA's work.
- Conduct research to obtain an understanding about the communities who own and have rights in East Rennell. Obtain or prepare a map showing the boundaries between the communities' areas of land, lake and sea.

#### Preparation of planning documents: Honiara

- Prepare a strategy for community consultation. Consultation is likely to involve:
  - An initial trip to East Rennell to discuss the idea of creating Protected Areas under the national law and the Provincial Ordinance with communities, the Province, the LTWHSA and other stakeholders.
  - If the communities are interested in creating Protected Areas, one or more longer follow up trips to:
    - obtain the necessary resolutions and agreements required to compile an application for Protected Areas declaration; and
    - obtain the necessary resolutions and agreements to compile an application for declaration under the Provincial Ordinance; and
    - assist with consultation required for WTMA's review of the management plan.
- Prepare pro forma documents that are required for the registration under the Act and/or Ordinance including notice of meeting, community resolution and agreement with neighbours.

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<sup>8</sup> This will include the reports prepared by the IUCN, World Heritage Commission and MECDM following their field trips in October 2012.

- Prepare a document for WTMA on the legal requirements for a management plan under the Protected Areas Act, to assist WTMA with its review of the management plan.

#### Community consultation: Rennell

- Undertake community consultation in accordance with the abovementioned strategy. Trips to Rennell would be done in conjunction with LLEE and WTMA.
- If the communities want to seek Protected Areas declaration, assist communities to make the necessary resolutions and agreements needed for an application.

#### Preparation of application documents: Honiara<sup>9</sup>

- Review revised management plan prepared by WTMA to ensure it meets legal requirements.
- Assist community or LTWHSa to compile application under Protected Areas Act.
- Assist community or LTWHSa to compile application under the Provincial Ordinance.<sup>10</sup>
- Preparation of reports
- Prepare a report for the Department on the work undertaken during the term of the consultancy.
- Prepare instructions for completion of Protected Areas and/or Ordinance processes, if processes have not been completed and landowners support continuation of the processes.

#### **Comments about proposed work**

I note the following:

- To date, no site has been declared as a Protected Area under the Protected Areas Act so there is no precedent for this process in Solomon Islands. It is therefore difficult to predict how long the process will take.

MECDM has not yet processed any applications under the Protected Areas Act, and has not set up all of the administrative structures required under the Act, including the Protected Areas Advisory Committee. This work will involve several discussions with MECDM to try to facilitate setting up these structures, so that applications can be processed

- Under the Protected Areas Act, a Protected Area can only be created if the customary landowners and other people with rights and interests in the area under customary law agree to the application. The consultation undertaken as part of this consultancy may reveal that there is disagreement amongst the communities as to who the landowners and people with rights and interests in the area are. The consultation may also reveal that the communities of East Rennell do *not* want to create a Protected Area. In addition, the Rennell-Bellona Provincial Government has not yet passed any Ordinance that allows for the creation of the Protected Areas. Therefore, it is unlikely that East Rennell will actually become legally protected within the term of this contract.
- Extensive consultation is required before an application for Protected Areas registration is submitted. However, the precise number of trips required to Rennell is not known as this will depend on the community's response to the idea of creating a Protected Area.
- The creation of a Protected Area cannot be discussed with landowners in a vacuum, as it is inherently related to other development issues such as resource use and sustainable livelihoods.

<sup>9</sup> This work would only be undertaken if landowners support making East Rennell a protected area, and the necessary community resolutions and agreements have been made.

<sup>10</sup> The precise requirements for an application under an Ordinance are not yet known because no Ordinance has been passed. This work would only be done if the Province had passed an Ordinance allowing the declaration of Protected Areas.

LLEE and WTMA have been engaged to assist the Department with some of these other aspects of the Project. It is therefore essential that LLEE and WTMA also be involved with the community consultations proposed in this work proposal.

- Under the Protected Areas Regulations, 'commercial' extraction of timber and non-timber forest products is prohibited in a Protected Area. The term 'commercial' is not defined. On a strict interpretation, it means extraction for the purposes of sale. The establishment of the Protected Area may not be supported by the East Rennell communities on the basis that it will restrict their opportunities for sustainable livelihoods projects. If so, the work done under this contract will involve discussions with MECDM to seek an amendment to the Regulations that would allow limited commercial extraction of forest products for livelihood purposes.
- The work under this contract will involve facilitating the registration process under the Protected Areas Act and facilitating the drafting of an Ordinance. It will not involve giving any legal advice or drafting the Ordinance.

## **ATTACHMENT C: BOOKLET PREPARED FOR EAST RENNELL COMMUNITIES**

See separate document.

**ATTACHMENT D: LETTER TO MINISTER FOR  
ENVIRONMENT REGARDING THE REGULATIONS**



# LIVE & LEARN

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24 April 2013

The Honorable Mr. Bradley Tovosia  
Minister for Environment, Climate Change, Disaster Management and Meteorology  
Honiara, Solomon Islands

Dear Mr. Tovosia

### **RE: PROTECTED AREAS ACT**

As you may know, one of Live and Learn Environmental Education's (LLEE) projects involves the World Heritage Site at East Rennell. This year, LLEE plans to run meetings in the East Rennell communities to determine whether those communities wish to apply to make East Rennell a Protected Area under the Protected Areas Act 2010.

We are writing to raise some issues with the implementation of the Protected Areas Act and some specific drafting issues associated with the Protected Areas Regulations.

#### **Implementation of the Protected Areas Act**

The Protected Areas Act is an important law in Solomon Islands, as it allows for the creation of Protected Areas recognized under national law. The law has the potential to protect some of the unique and special environments of Solomon Islands, which will help the Solomon Island Government meet its international obligations. We hope that the Government will take the necessary steps to implement and enforce the law.

#### **Protected Areas Advisory Committee and the Protected Areas Trust Fund**

The Act says that a Protected Areas Advisory Committee and a Protected Areas Trust Fund must be established. The Committee plays an important role, including providing advice to the Government on the implementation of the Act. The establishment of the Committee and the Fund is critical to the effective implementation of the Act. Can you please let us know if you have established the Committee and the Fund, and if not when you intend to do this?

#### **Inspectors**

Under the Act you have the power to appoint people as inspectors to help with enforcement of the Act. The appointment of inspectors is essential, as the Act will not be effective unless it is complied with and enforced. Can you please advise us if you have appointed inspectors under the Act, and if not when you intend to do this?

#### **Drafting of the Protected Areas Regulations**

Below, we have identified some key issues with the drafting of the Protected Areas Regulations. As Minister, you have the power to amend the Regulations.

#### **Regulation 61: Prohibition of 'industrial' or 'commercial' extraction of resources**

Regulation 61 states:

- (1) Subject to sub-regulation (2), no industrial or commercial extraction of timber, round logs, non-timber forest products or minerals (including quarry or gravels) by whatever means or method shall be carried out in a protected area or within a distance of not more than 1 kilometre of the defined*

*boundaries of such area, as determined by the Director taking into account the nature of the protected area.*

- (2) The management committee may, subject to the management plan of the area, authorize limited non-commercial extraction of timber for the construction of office buildings of the committee or meeting the minimal housing needs of owners of the area.*
- (3) A person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding 100,000 penalty units.*

Therefore, under Regulation 61 it is an offence to carry out 'industrial' or 'commercial' extraction of timber, round logs, non-timber forest products and minerals, unless the Management Committee has authorized the extraction. However, the Management Committee can only authorize extraction of these resources for constructing office buildings or houses.

There are some issues with regulation 61. Firstly, the terms 'industrial' and 'commercial' are not defined. Therefore, it is not clear what types of extraction are prohibited by the regulation. For example, does 'commercial' extraction mean any extraction of resources done for the purposes of selling those resources, regardless of the scale of the extraction? In our view, a definition of the terms 'industrial' and 'commercial' should be inserted into the Regulations so it is clear what types of extraction are prohibited.

Secondly, if 'commercial extraction' means any extraction done for the purposes of sale, then any such extraction will be prohibited even if it is authorized by the Management Plan or the Management Committee and even if it is necessary to meet the sustainable livelihood needs of the local communities. For example, a person who took some pandanus leaf from a Protected Area to make a basket and then sold that basket at the market could be found to have breached regulation 61.

The drafter of the Protected Areas Regulations is unlikely to have intended that all commercial extraction of forest products from Protected Areas would be an offence. Furthermore, this would be contrary to other parts of the Regulations. For example, one of the classes of Protected Area that can be set up is a Resource Management Area. The Regulations state that in Resource Management Areas there should be controlled use of resources for the purposes of ensuring sustainable food security levels are achieved and optimal sustainable livelihood and development needs of local communities are met (reg 8). In some communities, the sustainable extraction of forest products for the purposes of sale is necessary for them to achieve their livelihood and development needs. However, under the current wording of regulation 61, this type of resource extraction from a Protected Area would be prohibited.

We consider that regulation 61 should be amended to ensure that the Regulations do not prohibit communities from carrying out sustainable extraction of forest resources for the purposes of sale from Protected Areas.

### **Regulation 62: Prohibition on taking of species**

Regulation 62 states:

- (1) No person shall take any organism, species or other form of flora and fauna from a protected area except-*
  - a. With authorization of the management committee of the area;*
  - b. In accordance with a bioprospecting or bioresearch permit issued under the Act and these Regulations; or*
  - c. Pursuant to an agreement concluded with the management committee.*
- (2) The management committee may regulate or control the taking of any organism species or other flora and fauna by members of the local community strictly for traditional purposes.*
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 10,000 penalty units.*

The wording of regulation 62(2) is unclear.

Does it mean that the Management Committee may only regulate the taking of organisms by members of the local community? (i.e. the Management Committee may not authorize the taking of organisms by a person who is not a member of the local community).

Or does it mean that the Management Committee may only regulate the taking of organisms by members of the local community, if those members of the local community will use the resources for traditional purposes? If this is the correct interpretation, what is the meaning of the phrase 'traditional purpose'? That term is not defined in the Regulations and is not clear.

We consider that the wording of draft regulation 62(2) should be amended to remove these ambiguities.

We would be happy to meet with you to discuss these Regulations in more detail and provide suggestions on how they could be improved.

Please contact Stephanie Price on [stephanie.price@livelearn.org](mailto:stephanie.price@livelearn.org) or 7585093 if you have any questions or you would like to discuss.

Yours Sincerely

**Haikiu H Baiabe**  
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cc. Ms Agnetha Vavekaramui, Ministry of Environment ([agnetha.vavekaramui@gmail.com](mailto:agnetha.vavekaramui@gmail.com))

## **ATTACHMENT E: SUBMISSION TO MINISTER FOR ENVIRONMENT REGARDING THE REGULATIONS**

See separate document.

**ATTACHMENT F: DRAFT PROVINCIAL ORDINANCE  
PREPARED IN 2009**

See separate document.

# **ATTACHMENT G: REPORT ON MAY FIELD TRIP**

## Live and Learn Environmental Education Report on field trip to East Rennell, May 2013

<b>Date of report:</b>	3 June 2013.
<b>Officers names:</b>	Live and Learn Solomon Islands (LLSOL) Haikiu Baiabe, Gwen Tovosia, Stephanie Price.
<b>Report compiled by:</b>	Haikiu Baiabe, Gwen Tovosia, Stephanie Price.
<b>Date of trip</b>	Haikiu Baiabe: 18 May 2013 – 25 May 2013 Gwen Tovosia and Stephanie Price: 18 May 2013 – 30 May 2013.
<b>Location of trip:</b>	East Rennell, Solomon Islands.
<b>Trip objectives:</b>	<ul style="list-style-type: none"> <li>• To make things right with the four communities and let them know that LLEE’s Honiara office now has the funds for their livelihood projects and the communities can now start planning and implementing the projects.</li> <li>• To obtain final plans for livelihood projects from each community.</li> <li>• To inform the East Rennell communities about the current status of activities relating to East Rennell, including the proposed listing of the site on the “World Heritage In Danger” list and LLSOL’s proposed Protected Area consultations.</li> <li>• To lay the groundwork for Protected Areas consultations and a review of the Management Plan.</li> <li>• To meet with the Rennell Bellona Provincial Government to discuss LLSOL’s activities in East Rennell.</li> </ul>
<b>Activities:</b>	<ul style="list-style-type: none"> <li>• Meeting with Lance Tago, Premier of the Rennell Bellona Provincial Government.</li> <li>• Discussions with Felix Tahua, Chairman of the Lake Tegano World Heritage Site Association (LTWHSA).</li> <li>• Community meetings in Tebaitahe village, Niupani village, Tegano village and Hutuna village.</li> <li>• Collection of custom stories from various community members.</li> </ul> <p>See <a href="#">Annexure 1</a> for details of each of the activities.</p>
<b>Main outcomes of activities:</b>	<ul style="list-style-type: none"> <li>• Obtained Provincial Government support for LLSOL’s proposed activities on East Rennell.</li> <li>• Obtained plans for livelihood projects from each of the four communities.</li> <li>• Informed communities of current status of activities at East Rennell,</li> </ul>

	<p>including the proposed “In Danger” listing of the site.</p> <ul style="list-style-type: none"> <li>• Obtained support from the four communities to return to East Rennell to conduct consultations on the Protected Areas Act and to review the Management Plan.</li> </ul>
<p><b>Follow up actions and activities:</b></p>	<ul style="list-style-type: none"> <li>• Secure transfer of necessary funds from the Live and Learn Melbourne office to ensure proposed activities can go ahead as planned [Haikiu Baiabe, Gwen Tovosia, Elmah Panisi]</li> <li>• When the necessary funding is transferred to LLSOL, arrange for a community member from each village to travel to Honiara to assist with the purchase of materials for the livelihoods project. Arrange the transportation of the materials to East Rennell. Return to East Rennell later in the year to assist with and monitor the establishment of the livelihood projects [Gwen Tovosia].</li> <li>• If within LLSOL’s budget, facilitate the installment of an internet connection at East Rennell [Gwen Tovosia].</li> <li>• Assist with the organization of Annual General Meetings of the LTWHSA, at which new Committee members will be elected. An AGM will be held in each of the four villages on consecutive days. The LTWHSA has notified the communities that these meetings will occur in the week commencing <b>12 August 2013</b>. There is a possibility that the Committee may not stick to its proposed meeting schedule and therefore this date might change. [Haikiu Baiabe, Gwen Tovosia, Stephanie Price].</li> <li>• At and after the AGMs referred to above, undertake consultations regarding the Protected Areas Act. Prepare documents for the LTWHSA, the Provincial Government and the communities which clearly explain the steps needed to complete the Protected Areas process [Stephanie Price]. [See <a href="#">Annexure 2</a> for discussion of the rationale behind the proposed timing of these consultations].</li> <li>• At and after the AGMs referred to above, undertake the consultations required for a review of the East Rennell Management Plan. Prepare a revised Management Plan [Anna Price, subject to her availability].</li> <li>• Compile custom stories into a children’s story and send to LLSOL’s Melbourne office for assistance with formatting and publication. Arrange for a local artist to do illustrations [Gwen Tovosia].</li> </ul>
<p><b>Constraints and challenges:</b></p>	<ul style="list-style-type: none"> <li>• There is a general feeling of frustration in the communities about the lack of tangible benefits from World Heritage listing. Many community members appear to be disappointed by the work done (or the lack of work done) at the site to date by National and Provincial Governments, as well as NGOs and donors. Some community members also consider that a lot of consultation has happened in the past (including in relation to the protection of the site) without any result.</li> </ul>

	<ul style="list-style-type: none"> <li>• There is a lack of understanding in the communities about the status of various activities. For example, some people in the communities thought that the site was already protected under law.</li> <li>• A significant delay in LLSOL commencing the promised livelihood projects in the communities has contributed to community frustrations. Partly as a result of this delay, we had to spend time in the communities trying to mend the relationship between LLSOL and the communities, rather than immediately commencing with Protected Area and Management Plan work.</li> <li>• Some landowners, including chiefs, do not support the current Committee of the LTWHSA. Elections for Committee members of the LTWHSA are overdue. Elections need to be held soon to “re-legitimize” the Committee if the LTWHSA is to continue to be an effective and representative organization.</li> </ul>
<p><b>The future</b></p>	<ul style="list-style-type: none"> <li>• LLSOL’s funding for activities on East Rennell expires in December 2013. Whether LLEE will continue any work in East Rennell after December 2013 is not yet known.</li> <li>• One of our immediate priorities is to assist with the installation of an internet connection at East Rennell (if this is within our budget) and to identify other organizations serving East Rennell for some joint funding support.</li> <li>• Live and Learn’s Melbourne office needs to ensure that the rest of the SEWPAC funds are made available to us as soon as possible to enable the completion of the four community livelihood projects, and to enable us to undertake our other planned activities without delay.</li> <li>• If all goes to plan, community consultations on Protected Areas can occur in early August 2013. Stephanie’s contract expires at the end of August. <b><u>Therefore, our recommendation is that she take a break from her contract in June 2013, so that she has additional time to work on the project in September 2013.</u></b></li> <li>• If all goes to plan, Anna Price can commence consultations required for the review of the Management Plan in early August.</li> <li>• Although the LTWHSA has schedule an AGM for early August, it may not stick to its schedule.</li> </ul>

## **Annexure 1 to the May Field Trip Report – Details of activities**

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### **Meetings with Provincial Government**

Before commencing this field trip, we were aware that the Rennell Bellona Provincial Government was not entirely happy with LLSOL's activities in Rennell. Specifically, on 19 May 2013, Adrian Tuhunaku (the Provincial Secretary) sent an email to various stakeholder advising that the Rennell Bellona Provincial Government did not want LLSOL involved with any consultations regarding Protected Areas at East Rennell. In addition, we were aware that in the past some LLSOL staff had engaged in activities in Rennell without informing the Provincial Government.

On 19 May 2013, we met with Lance Tago, the Premier of the Rennell Bellona Provincial Government at the Provincial Government headquarters in Tigao. The aim of the meeting was to try to improve the relationship between LLSOL and the Provincial Government and to determine whether the Provincial Government supports LLSOL's activities in Rennell.

The main points from the meeting are:

- The Premier acknowledged and thanked us for finally delivering on our promises regarding livelihood projects to the four communities in East Rennell and praised LLSOL for supporting the communities of East Rennell.
- The Premier is supportive of LLSOL helping out in RenBel Province. However, he thinks that LLSOL should focus on the parts of the Province that are yet to be affected by logging and mining operations.
- He wants LLSOL's TTfT activities to move from central Rennell to East Rennell as most landowners in West Rennell have already agreed to logging. He wants us to focus on East Rennell where no logging activities have taken place. (This was communicated to the TTfT manager on 27 May 2013 and we expect a decision soon).
- In the event that no TTfT is extended to East Rennell, the Premier said that LLSOL activities in Kanaba and Lughu will be discouraged and that Provincial leadership may not want us back.

In Haikiu's response to the Premier, he mentioned that as an NGO, LLSOL will be guided by the advice from his government. He also said that the Protected Area community consultations will be crucial now that East Rennell is likely to be included in the "World Heritage In Danger" list. He highlighted that as an NGO with limited funding we are not in a position to discuss what involvement LLSOL will have in the Protected Area process after the initial consultation by Stephanie and after the funding from SEWPAC ends in December.

Our impression is that the Premier is supportive of LLSOL's involvement in East Rennell, particularly our community consultations on Protected Areas that Stephanie is here to lead. This view is not consistent with previous discussions we have had with the Provincial Secretary. Therefore, after the field trip it was necessary for us to try to clarify the Provincial Government's position.

On 30 May 2013 we met with Adrian Tuhunaku at LLSOL's office in Honiara. Adrian advised that the Premier's position prevails, and LLSOL should go ahead with its planned Protected Area consultations. He advised that the Provincial Government is going to conduct its own consultations in late July (although it was not entirely clear to us what these consultations will be about).

During this meeting, the issue of a Provincial Ordinance was also discussed. Stephanie noted that a draft Ordinance was prepared in 2009 and has not yet been passed by the Provincial Government. She advised that in her view there are several legal issues with the draft, and it should be revised before being passed. If the Provincial Government has decided that it wants someone to review the draft, clear instructions to that effect need to be given. It was agreed that LLSOL would focus on the national Protected Areas Act.

Our meetings with the Provincial Government were successful in that we obtained the Premier's support for our proposed activities and we clarified LLSOL's involvement in East Rennell. After our meeting with Adrian Tuhunaku, we prepared a document setting out LLSOL's proposed activities in East Rennell for the remainder of 2013. This document will be provided to the Provincial Government. LLSOL should ensure in the future that it keeps the Provincial Government informed of its activities, and staff members always visit the Provincial Government offices upon arrival in Rennell.

## **Discussions with Chairman of the Lake Tegano World Heritage Site Association**

Felix Tahua (chairman of the LTWHSA) travelled with us for the duration of this field trip, and had numerous discussions with us. Felix advised that the LTWHSA is supportive of our activities, and thanked us for assisting with the livelihood projects in the communities. We advised Felix that the LTWHSA will need to assist with the Protected Area process (see [Annexure 2](#) for further discussion of this issue). We also advised Felix that elections for the Committee for the LTWHSA need to be carried out as soon as possible, as they are overdue.

## **Community meetings**

We conducted community meetings in the four villages – Tebaitahe, Niupani, Tegano and Hutuna on Monday 20, Tuesday 21, Wednesday 22 and Thursday 23 May 2013 respectively. See [Annexure 3](#) for a list of the people who attended each meeting.

Felix Tahua opened each meeting, and then Haikiu spoke for approximately an hour. Haikiu explained that East Rennell is likely to be put on the "World Heritage In Danger" list. He spoke about the current threats to the site, including invasive rats and overuse of natural resources. He explained that the creation of a Protected Area at the site would go some way to addressing the reasons why the site is going on the "In Danger" list.

After Haikiu's presentation, community members were provided with an opportunity to comment and ask questions, including about Protected Areas laws.

Communities were stunned that no one had provided proper information to them before about such issues. The communities were confused about prior activities in East Rennell and how they seemed not to link with where things are now. There was obvious frustration and a sense of being betrayed by promises made previously by other organizations and individuals. Proper information and coordination of activities in East Rennell by various organizations and individuals has been lacking.

Some community members asked questions about Protected Areas laws. Several people commented that consultation on the legal framework has occurred in the past with no result. We explained that the consultation that occurred in the past related to the draft Provincial Ordinance, and that Ordinance has not been passed by the Provincial Government. The consultation LLSOL is proposing to carry out is about how to apply the Protected Areas Act (rather than about the development of a new law). Other people asked questions about the LTWSHA, including questions about its legality and its powers.

After the discussion on World Heritage and Protected Areas, Gwen gave a presentation about the livelihood project for the village. The results of these discussions were:

### **Tebaitahe village**

During the September 2012 trip with the Heritage Livelihoods Consultant Jady Smith, it was decided that the livelihood project for this community would be a market house. However, after we discussed this idea further with the community during the May 2013 trip, they changed their mind. The main question community members asked is: if we have a market house, what are we going to sell in it? Further consultation with the communities prompted us to discuss their other options. Other options were

1. Piggery
2. Fishing project
3. Poultry
4. Meeting house
5. Farming eelfish/prawn

Final Option: Piggery

After much discussions and going through the livelihood project options one by one, the people decided they would settle for a piggery. There were discussions about how pigs may be a threat to the World Heritage Site. However, the community decided that it would be done at a minimal scale, the piggery would be situated away from the lake, and it will be closely monitored by the village committee.

The community thought that it could start with a piggery and make some money from that project, and then later switch to another project suitable to their community.

### **Niupani village**

Niupani previously advised that it wanted a cultural centre. It is a very strong SSEC village. Out of the 4 villages situated in East Rennel, this community is like the centre of activities. There is a primary school and a high school situated there, and the Provincial Government planned to set up their main centre at this village. There used to be an Internet café there but funding stopped so it no longer operates. Thus, this village's choice of a cultural centre was a good choice as visitors always come to this community for work.

The cultural centre would have been a place for them to store their cultural items, stories and legends. However, during our consultations with the village during this field trip, the pastor of the community stood up and strongly opposed the idea. He said, they are a Christian community and for them to entertain such activities in their village is not accepted. He said that building a cultural centre would mean reviving their old ways of the past before the missionaries came, probably spiritualism. Therefore, the community members, perhaps out of their loyalty to their pastor, decided to change their livelihood option.

After much discussion in their mother tongue, they announced that they wanted a poultry project. It was mostly the women who lead the discussion. The men mainly just listened and supported with ideas.

The community decided to start with 200 chickens (180 broilers and 20 layers). It was also decided that funding would be used to buy chicken feed initially, but later they would switch to local foods for their poultry project.

### **Tegano village**

This community previously wanted a fishing project. However, during the September 2012 trip with Jady Smith we explained to them how the idea of a fishing project would not be viable. This is because the sea is faraway, the road system is poor and there is a lack of transportation. After this discussion, the people decided they would use their money for communication to purchase gardening tools.

During the May 2013 trip, we had further consultations with the community about this idea. It was decided the communication part would come under the SEWPAC communication strategy plan for Henua. Also, the community decided that they do not want gardening tools. The main issue that the people identified with

gardening tools is the issue of ownership. People were concerned that people could borrow the tools for their own use, but then not return them for other people to use.

After much consultation, they decided that the best option for them would be a poultry project. It was decided that they would feed broilers for meat and advance on keeping layers as well for eggs.

### **Hutuna village**

Hutuna is a very organized community and they are very supportive of our program. On this May 2013 consultation trip for livelihoods, they were the last community we visited.

Their livelihood choice has always been a poultry project. Upon discussions with them on this trip, they were not happy that Niupani and Tegano had also chosen to do a poultry project. They were concerned about their market, since three communities will be doing the same livelihood project.

Another livelihood options discussed was vegetable farming. Some members of the community were supportive of the idea of vegetable farming, and they wanted SEWPAC funding to be used to buy seed and fertilizer, to help them grow their small farms. The idea was discussed. However, there was some opposition against this idea saying there is not enough land for communal farming.

The idea of farming was eventually ruled out and they decided to stick to their original plan for poultry. They wanted to do both broiler and layer farming as well. They are thinking of 300 chicks, but would like them to be delivered to them in three groups of 100. This means that 100 would be shipped first and the other groups of 100 later when the first lot is ready. This is so that it would be easy for the community to manage.

### **Livelihood Summary**

**Tebaitahe-** Piggery project

**Niupani-** Poultry project

**Tegano-** Poultry project

**Hutuna-** Poultry project

Each community will be provided with \$50,000 for materials for these projects. A community member from each village will travel to Honiara to assist LLSOL with the purchase of materials. Cash will not be provided to the communities. Feed for the animals will be bought with the project money. However, in time the communities will use local food to feed the animals. The communities' contributions to these projects will be labour, timber and the management of the projects.

### **Collection of custom stories**

The collection of custom stories was done over the weekend from 24 - 26 May 2013 amongst the villagers. The idea of collecting custom stories from East Rennell is to publish a children's book about their unique environment. Thus, the team collected stories and will choose the best ones to be published. The idea is to choose the best environmental story from the custom stories collected and incorporate environmental messages to this stories which would later be given to the children of East Rennell.

## **Annexure 2 to the May field Trip Report – Comments regarding timing of Protected Area consultations and Management Plan review**

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### **Land ownership in Rennell**

Under the Protected Areas Act, all people with rights and interests in customary land must agree before the area can be declared as protected. The Protected Areas Regulations state that the community or tribe applying for the Protected Area must make a resolution in support of the creation of a Protected Area before an application can be submitted. Therefore, the Regulations assume that the proposed Protected Area is owned by a community or tribe.

Unlike most other places in Solomon Islands, land in East Rennell is owned by individuals not a community or tribe. Most landowners have inherited their land, while some have been gifted the land. Owners who have been gifted land can have different rights over their land than owners who have inherited the land.

The land ownership system in Rennell and the power dynamics within East Rennell communities must be understood and acknowledged during a process such as the Protected Areas Act process. For example, in East Rennell, a mixture of individual agreements and agreements by consensus would be required to demonstrate that the landowners have agreed to protect their area.

### **The Lake Tegano World Heritage Site Association (LTWHSA) and the chiefs**

The LTWHSA is a registered trust under the Charitable Trusts Act. It was registered in 2009, with the support of the chiefs of East Rennell.

Today, some landowners (including chiefs) question the legitimacy and legality of the LTWHSA. The chairman of the East Rennell Council of Chiefs has asked that the LTWHSA be de-registered and replaced with the Council of Chiefs. The power struggle between these two groups is not an easy matter to resolve and LLSOL will continue to try to clarify matters with the chairman and the members of the Committee. It is our hope that tension between these two groups can be minimized and that we can improve understanding by both groups of the respective roles of the chiefs and the LTWHSA.

In our view, given the land ownership system in East Rennell and the power dynamics within the East Rennell communities, the LTWHSA and the chiefs should be involved with the process of determining whether all landowners consent to a Protected Area and documenting that consent. It would be both difficult and potentially detrimental for an NGO to attempt this task without the support and involvement of both groups.

### **Election of Committee members of the Lake Tegano World Heritage Site Association (LTWHSA)**

The LTWHSA is run by a Committee consisting of two members from each of the four communities and two Provincial Government members (para 5). Under the Constitution of the LTWHSA, the term for a Committee member is one year (para 5.3(b)). Elections for new members should have been held last year but were not. Some landowners, including some chiefs, query the legitimacy and legality of the LTHWSA. Holding elections for the Committee of the LTWHSA is a step towards “re-legitimizing” the Committee.

Under the Constitution, the election of Committee members must occur at the Annual General Meeting of the association (para 6(c)). The AGM must be held before 30 October each year. (para 6(b)). The Committee must give members four weeks’ notice of the AGM (para 6(f)). Due to the expense of transporting members from each village to one location, a separate AGM is to be held in each village (para 6(e)).

### **Amendment of the LTWHSA Constitution**

We were advised by Felix during our trip to Rennell that the Committee of the LTWHSA wants to amend the Constitution of the association to increase the term of Committee members to two years and to prohibit the Provincial Government members on the Committee from being office bearers.

Under the Constitution, the Constitution can only be amended if 2/3rds of the members voting at a General Meeting agree with the amendment (para 7(a)). The Committee must give members four weeks' notice of a General Meeting (para 6(e)). Felix advised us that the Committee wants the General Meetings regarding the amendment of the Constitution to be held before the new elections for the Committee members.

The Constitution provides that if any member wishes to propose an amendment of the Constitution, they must give the proposal to the Committee at least two months before the date of the General Meeting that will decide the matter (para 7(b)). According to Felix, this paragraph has been interpreted in the past as meaning that the Committee must give two months' notice for a General Meeting at which the amendment of the Constitution will be considered. Stephanie advised Felix that in her view this was not the correct interpretation of paragraph 7(b). Nevertheless, Felix advised that he wanted to give two months' notice of the General Meeting because it is the understanding of the Committee and communities that two months' notice is required, and furthermore this would give members the opportunity to suggest other amendments to the Constitution.

### **The General Meeting and the Annual General Meeting**

The Committee met on 30 May 2013 to discuss the issue of the amendment of the Constitution and the election of Committee members.

On 31 May 2013 the Committee gave notice to the East Rennell communities that two meetings would be held in each village: a General Meeting (to amend the Constitution) and an Annual General Meeting (to elect new Committee members). The General Meetings are scheduled for the week commencing **5 August 2013** and the Annual General Meetings are scheduled for the week commencing **12 August 2013**.

It should be noted that the LTWHSA may not stick to its proposed schedule, and therefore the meetings may not go ahead as planned.

### **Protected Area consultations and Management Plan review**

It is our recommendation that LLEE's Protected Area consultation be carried out at or just after the Annual General Meeting at which new Committee members are elected (i.e. in the week commencing 12 August 2013). Commencing the Protected Area process at this time will ensure that we leverage the influence of the LTWHSA (including its newly elected Committee) in the consultations. The review of the Management Plan could also commence at this time.

## **Annexure 3 to the May Field Trip Report – List of people who attended community meetings**

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### **Tebaitahe – Monday, 20 May 2013**

1. John Teika
2. Kendrick
3. Joses Tauniu
4. Clarence Teghope
5. Gabriel Kaipua
6. Moses Maitaki
7. Job Tipaika
8. Job Sivo
9. Darcy Teahenini
10. Timothy Kaihuei
11. Isaac Tevai
12. Jeffery Pongi'
13. Anthony Tauika
14. Daniel Kaitu'u
15. Joseph Jimmy
16. Grace Tonunga
17. Saukava
18. Paiata
19. Steve

### **Niupani – Tuesday, 21 May 2013**

1. Seth Tautai
2. Enie Puia
3. Alice Niu'usi'
4. Rose Teahe
5. Rockson Giusaga
6. Jifter Tuhaika
7. Temagama Lilly
8. Penina Tape
9. Edner Tetago
10. Tevaipolo
11. Jethro Tagosia
12. Calvin Saugogo
13. Jemimah Naia
14. Francis Paikea
15. Patric Moa
16. Emmanuel Sau
17. Pr Wilfred kelesi
18. Philip Saunga
19. Margret Tepepe
20. Essie Tepepe
21. Susie Tagosia
22. Alex Tokahitu

### **Tegano – Wednesday, 22 May 2013**

1. Fergie Tehakamagu
2. Fred Temoa

3. Mirriam Saopongo
4. Sino Soaika
5. Donny Saosogo
6. John Tango
7. John Mana
8. Rex Kaipua
9. Joseph Hati
10. John Haveke
11. Wairicky Tepeau
12. Roulent Peseika
13. Daena Kaniko
14. Chris Saopongo
15. Manaeha
16. Jerry Taupongi
17. Noelyn Saueha
18. Nedy Kauga
19. William Sasapio
20. Waton Soaika

#### **Hutuna – Thursday, 23 May 2013**

1. Greg Taieha
2. George Tauika
3. Saul Gapu
4. Desmond Teua
5. Sau'uhi
6. George Togaka
7. Belden Kaipua
8. Yvone Tauika
9. Unice
10. Max Tauika
11. Robert Tamaga
12. Simeon
13. Atonaha
14. Temomi
15. Jospeh Peseika
16. John Puia
17. Martin Tauniu
18. Ronnie Puia
19. Willy Kagovai
20. Evan Moana
21. Pastor( SDA)
22. Fred Taumata
23. Teho
24. Levi
25. Nessie
26. Hon William Kauga
27. Tekehu
28. Siavinu
29. Judith Paieke
30. Tatao

**Annexure 4 to the May Field Trip – Photos of the trip**

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Tebaitahe village



Tebaitahe village



Niupani village



Niupani village



Travel on the lake



Felix (Chairman of LTWHSA) and Gwen in Tegano village



Tegano village



Tegano village



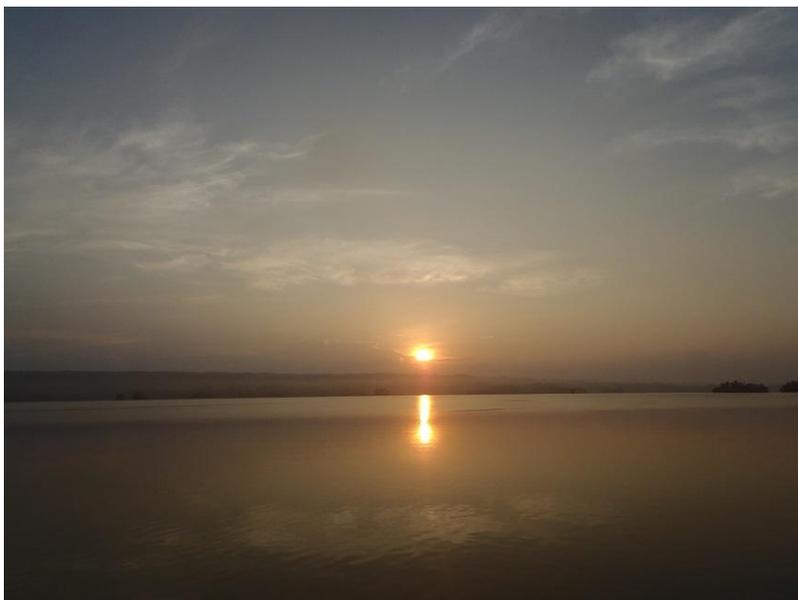
Tegano village



Hutuna village



Lake Tegano



Sunrise at the lake

# ATTACHMENT H: MINUTES OF MEETING ON AUGUST 8 WITH EAST RENNELLESE LIVING IN HONIARA

## Meeting with East Rennel Land owners in Honiara

Date: 8/08<sup>th</sup> /13

Venue: DSE Conference room

Time: 5:38pm

### Attendees:

- Greg Taie'ha
- Felix Tahua
- John Teika
- Fred Temoa
- Alfred Tingoika
- Aldrin
- Gwen Tovosia
- Stephanie Price
- Haikiu Baiabe

### Minutes

Welcome: Haikiu- Thank the people to come

Introduce the idea of the meeting

LLEE Program in ER leaves in Dec 2013

Stephanie's work is crucial especially with the state of the World Heritage Site

### Gwen/Steph:

- outlines the timing of activities in East Rennel
- Constitution Amendment 4<sup>th</sup> week of August
- AGM meetings in 4 communities 1<sup>st</sup> week September
- Consultation on Protected Areas 2<sup>nd</sup> Week September
- Work on the Management plan with Anna Price- 3<sup>rd</sup> Week September

### Haikiu

- outlines DEWHA exits in Dec, while TTFT continues with NRM Awareness
- Focus after Dec for ER will be intervention for the state of the WH site

### Steph

- introduces the booklet prepared for Protected Area talks
- Outlines rules & regulations East Rennel Communities need to make in order to apply for a Protected Area

### Alfred Tingoika

- Since ER was a World Heritage, Now we are going to start again??

### Steph

- being on the WH list doesn't mean you're protected, any one can do anything there, so in order to formalize the process must happen again in order for it to be protected.

### Greg

- He explained that WH is just an agreement or convention totally different to Protected areas, which is a law. SIG is however not committed, to put WH in its legal mechanism. WH does not have a legal binding.

### Alfred Tingoika

- If it is not a Protected area why is it a big issue?

### Haikiu

- SIG does make decisions before establishing laws. WH site established before Protected areas law passed in 2012.

Greg

- SIG has its obligations to the convention

Alfred

- frustrated over the idea that being listed on the World Heritage Site doesn't mean that it is protected.

Haikiu

- explained LLEE's stand and where SIG and Renbel Province should be doing.

Aldrin

- frustrated over past leaders

Alfred

- feels like his people are implementers of liars, ( expresses his frustrations)

Greg

- explained that UNESCO did already outline the steps need to take to make it under the legal mechanism, he blamed the people of East Rennel for ignorance

Haikiu

- Live & learn never pretend to be the answers, but we are not the answers to the East Rennel problems, we have been looking out for the big players if they will help when we exit in Dec

Alfred

- wants process to speed things up

Steph

- asked the participants to take the booklets and share them around and she will be here in the office if anyone have any questions or queries
- Once you set up a protected area it can't be changed till after 10 years.

Haikiu

- East Rennel still the same after 23 years, and Live & Learn is not the answers to the East Rennel problems

Alfred

- we are here because we are advocates to the World Heritage Program

Haikiu

- Thanks every one for coming

Light Refreshments served for everyone

Close of meeting.

Time: 6:29pm

# **ATTACHMENT I: REPORT ON SEPTEMBER FIELD TRIP**

## Live and Learn Environmental Education

### Report on field trip to East Rennell, September 2013

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<b>Date of report:</b>	23 September 2013
<b>Officers names:</b>	Live and Learn Solomon Islands (LLSOL) Haikiu Baiabe, Gwen Tovosia, Stephanie Price, Anna Price
<b>Report compiled by:</b>	Haikiu Baiabe, Gwen Tovosia, Stephanie Price, Anna Price
<b>Date of trip</b>	Haikiu Baiabe, Stephanie Price: 31 August – 14 September 2013 Gwen Tovosia: 31 August – 21 September Anna Price: 10 September – 21 September
<b>Location of trip:</b>	East Rennell, Solomon Islands.
<b>Trip objectives:</b>	<ul style="list-style-type: none"> <li>• To conduct community consultations in the four communities regarding the Protected Areas Act.</li> <li>• If supported by the communities, to assist the communities to hold the meetings and reach consensus on applying for a Protected Area.</li> <li>• To obtain from community members the information needed to complete a written guide on how to finalise the Protected Areas application.</li> <li>• To help facilitate Annual General Meetings (AGMs) of the Lake Tegano World Heritage Site Association (LTWHSA) so that community members could elect new members to the committee of the association.</li> <li>• To inform the new LTWHSA committee members about how to finalise the Protected Areas application.</li> <li>• To follow up progress in commencing the livelihood projects in the four communities.</li> <li>• To obtain feedback from the communities on the 2007 Management Plan and other information needed for the review of the Management Plan.</li> <li>• To maintain a good working relationship with the Rennell Bellona (RenBel) Provincial Government.</li> </ul>
<b>Activities:</b>	<ul style="list-style-type: none"> <li>• Held discussions with members of the RenBel Provincial Government.</li> <li>• Helped facilitate AGMs of the LTWHSA in each of the four East Rennell villages at which new members were elected to the committee of the LTWHSA.</li> <li>• Helped facilitate community meetings in each of the four villages to discuss Protected Areas and the management plan.</li> </ul>

	<ul style="list-style-type: none"> <li>• Held informal discussions with community members to obtain information necessary for the review of the management plan.</li> <li>• Assessed progress with livelihood projects.</li> </ul> <p>See <a href="#">Annexure 1</a> for details of each of these activities.</p> <p>See <a href="#">Annexure 2</a> for minutes of the AGMs.</p> <p>See <a href="#">Annexure 3</a> for minutes of the Protected Area consultation meetings.</p> <p>See <a href="#">Annexure 4</a> for photos of the field trip.</p>
<p><b>Main outcomes of activities:</b></p>	<ul style="list-style-type: none"> <li>• Maintained Provincial Government support for Live and Learn’s work regarding Protected Areas.</li> <li>• New committee of the LTWHSA was elected. The new committee will be instrumental to ensuring that the Protected Areas process continues.</li> <li>• Community members were given a booklet summarizing in simple language the Protected Areas process and the effect of setting up a Protected Area.</li> <li>• Community members heard presentations about Protected Areas during two meetings in each village.</li> <li>• A presentation was made to the new LTWHSA committee about how to complete the Protected Area process.</li> <li>• Community members were informed about why the existing Management Plan needs to be reviewed, and how the review fits in with the Protected Areas process.</li> <li>• The review of the Management Plan was commenced. Over one hundred community members were interviewed, either individually or in a group, to obtain their input into the Management Plan.</li> <li>• Progress with construction of buildings for the livelihood projects was assessed. Communities are on track to receive the pigs and chickens before the end of the project.</li> </ul>
<p><b>Follow up actions and activities:</b></p>	<ul style="list-style-type: none"> <li>• Stephanie Price to complete a written guide for the LTWHSA committee regarding how to complete the Protected Area process.</li> <li>• Anna Price and Gwen Tivosia to travel to Rennell in October and November to continue work on reviewing the Management Plan.</li> <li>• Gwen Tivosia to complete delivery of the livelihood projects by the end of the project.</li> </ul>
<p><b>Constraints and</b></p>	<ul style="list-style-type: none"> <li>• The LTWHSA is an association of indigenous people from East Rennell. It</li> </ul>

<p><b>challenges:</b></p>	<p>suffers from political influence and divisions between and within the communities. The new committee was elected at the AGMs, but has not yet appointed a chairman. This is because the committee is evenly divided (Hutuna and Tegano voted together with 5 votes, and Tebaitahe and Niupani voted together with 5 votes). These divisions may impede the work that the committee does in relation to Protected Areas.</p> <ul style="list-style-type: none"> <li>• Some people in the communities consider there has not been enough consultation about Protected Areas, while others feel there has been too much consultation and not enough action. A balance between the two must be struck. Some people confuse the concept of World Heritage and Protected Area. They are skeptical of the Protected Areas process because of past unfulfilled promises relating to the World Heritage program.</li> <li>• Facilitating communities to reach a consensus about taking a particular course of action is a slow process, which generally requires many discussions, both formal and informal. During this trip, we were not successful in obtaining the formal agreement of the communities to apply for a Protected Area, which is a requirement of the Protected Areas law. However, we made progress towards achieving that goal.</li> <li>• LLSOL acknowledges the fact that it has taken longer than we had hoped for to get to this point. However LLSOL feels that as a result of us taking time to support the East Rennell people to understand and appreciate processes to date, the people do have some sense of direction as to where to from here.</li> <li>• Political interference may contribute to slow progress in relation to Protected Areas and Management Plan implementation in East Rennell.</li> <li>• It is difficult to discuss a Management Plan (MP) with rules and regulations when there is no indication of support for its implementation, both financial and capacity building. LLSOL has made it very clear to the communities that the LTWHSa will need to be looking for support for implementing the MP.</li> <li>• LLSOL and LLEE need to ensure there are no delays in internal fund transfers which may impede our progress.</li> </ul>
<p><b>The future</b></p>	<ul style="list-style-type: none"> <li>• Anna Price and Gwen Tovosia will travel to East Rennell in October and November to continue working on the review of the Management Plan.</li> <li>• Animals for the poultry and piggery projects to be shipped down after the October trip, if the communities have completed construction of the structures to the necessary level.</li> <li>• LLSOL's funding for activities on East Rennell expires in December 2013. Continuity is the main concern for the strategic work (Protected Areas and the Management Plan) that has finally begun. LLSOL should consider what it can do to ensure that there is funding for future Protected Area and Management Plan activities at East Rennell.</li> </ul>

	<ul style="list-style-type: none"><li>• Notwithstanding the end of the SEWPAC funding, LLSOL plans to continue to maintain a presence in East Rennell through its Tudae Togeda for Tumoro (TTfT) and Water and Sanitation (WASH) projects.</li></ul>
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## **Annexure 1 – Details of activities carried out during September field trip**

### **Discussions with members of the RenBel Provincial Government**

LLSOL considers that it is important to maintain a good relationship with the Provincial Government, to assist with the delivery of this project and future projects in Rennell.

LLSOL staff held several discussions with Provincial Government members and officers including the Premier, Lance Tago, and the deputy Provincial Secretary, Adrian Tuhunaku. Adrian had planned to travel with LLSOL to all AGMs and community meetings. However, he was unable to do so as he had to attend a funeral. He attended the first AGM in Tebaitahe, and the meeting to appoint office bearers to the committee.

The main outcomes of the discussions with Provincial Government members were:

- The Province is supportive of Live and Learn’s Protected Areas and Management Plan activities.
- The Province wants to work with the LTWHSA more closely in the future, as it can be a link between the communities and the National Government.
- The Province is trying to arrange for National Government Ministry representatives to come to East Rennell so they are more engaged with East Rennell activities.
- The Province is encouraging the LTWHSA to come up with a work plan, so that they can apply for funding through the National Government budget. This funding could assist with future Protected Areas and Management Plan work.
- The Province is trying to arrange a meeting for stakeholders in the East Rennell site (government, non-government and the LTWHSA committee) to be held in Honiara as soon as possible.

### **The Annual General Meetings**

Annual General Meetings of the LTWHSA were held in Tebaitahe, Niupani, Tegano and Hutuna on 3 September, 4 September, 5 September and 6 September 2013 respectively.

The LTWHSA is an association registered under the *Charitable Trusts Act*. Its members are indigenous East Rennellese. Decisions of the LTWHSA are made by a committee, consisting of two members from each of the four East Rennell villages and the two Provincial Government members for East Rennell. Under the LTWHSA’s Constitution, committee elections are supposed to be held every year.<sup>11</sup> An election has not been held for several years. LLSOL and the LTWHSA committee considered it was important for an election to be held to “re-legitimize” the committee and empower it to work on Protected Areas and Management Plan issues.

At each AGM, Haikiu Baiabe gave an overview of Live and Learn’s work and its role in East Rennell. Stephanie Price then gave a detailed presentation about Protected Areas. She discussed the difference between a World Heritage Site and a Protected Area, how the communities could apply to make East Rennell a Protected Area under the *Protected Areas Act*, and the effect of doing so. People were given a booklet prepared by Stephanie which summarised the Protected Areas law in relatively simple language. People were also given an opportunity to ask questions and make comments. Many people took up this opportunity. Haikiu translated and reiterated some of Stephanie’s presentation into Rennell language, to ensure that it was understood.

<sup>11</sup> In the week before the AGMs, the communities voted on an amendment to the Constitution which would increase the term of committee members to two years. This vote was supported by the LTWHSA members. Therefore, from now on elections will be every two years.

After the discussion about Protected Areas, LLSOL helped the chairman of the LTWWSA (Felix Tahua) to run the election of new members to the committee. LLSOL helped by providing ballot papers and counting votes. New committee members were elected in all communities. The results were as follows:

- Tebaitahe village representative – John Teika (Jeffrey Pongi is the alternative)
- Niupani village representative – Felix Tahua (Seth Tautai is the alternative)
- Hutuna village representative – Alfred Tigoika (Greg Taieha is the alternative)
- Tegano village representative - John Tohuika (Don Sa'osogo is the alternative)
- Woman's representative for ward 2 is Irish Mai from Tebaitahe (Helen Tusiata from Niupani is the alternative)
- Woman's representative for ward 1 is Doris Moenaha from Tegano (Nessie Puia from Hutuna is the alternative)
- Youth representative for ward 2 is Patrick Moana from Niupani (Timothy Kaihuei from Tebaitahe is the alternative)
- Youth representative for ward 1 is George Tauika from Hutuna (Fred Mamata from Tegano is the alternative).

In addition to the eight elected members, the Honourable William Kauga and the Honourable Lance Tago are on the committee as the Provincial Government members.

On Monday 9 September 2013, LLSOL facilitated a meeting of the new committee, to assist the new committee to elect office bearers (chairperson etc). At the meeting, the new committee members nominated two members to be chairperson – Felix Tahua and Alfred Tigoika. The votes for the two members were tied 5 votes to 5 votes. The Constitution of the LTWWSA does not state what happens in the event of a tie of voting. The committee therefore agreed that the vote should be deferred. The previous chairman Felix Tahua has remained as interim chairman of the LTWWSA committee.

## **Protected Area consultation meetings**

Follow up meetings were held in each of the four communities to give people another opportunity to learn about Protected Areas and ask questions. In addition, the meetings were an opportunity for LLSOL to introduce Anna Price to the communities, as this was her first visit. The meetings were held in Hutuna on 11 September, Tebaitahe and Niupani on 12 September and Tegano on 13 September.

At each meeting, Stephanie Price discussed the Protected Areas process and people asked questions and made comments. The questions often related to what restrictions will apply in the Protected Area and whether protecting the site will lead to any benefits for the communities. Again, Haikiu translated parts of the presentation into language to make it easier for community members to understand.

Under the *Protected Areas Act*, the first step in the Protected Areas process is for the four communities to reach a consensus about applying for a Protected Area. Live and Learn had thought that a consensus might be reached at the consultation meetings on 11, 12 and 13 September. However, during the first consultation meeting in Hutuna it became clear that the communities were not ready to make a decision. This is in part due to the fact that it is difficult for the communities to decide to set up a Protected Area before the Management Plan has been completed (i.e. before they know precisely what rules would apply in the Protected Area). Therefore, at these consultation meetings Live and Learn simply facilitated more discussion and indicated that the communities could make a decision after they had all of the information they needed.

Based on the AGMs and these follow up meetings, LLSOL considers that there is a reasonable level of awareness amongst the people who attended the meetings about the idea of setting up a Protected Area. However, although turnout at the meetings was reasonable (between 20 and 50 people), not all community members attended the meetings. Therefore, LLSOL has suggested that the committee members take

responsibility for ensuring that their communities are fully informed about the process. Each committee member attended three Protected Area meetings facilitated by LLSOL during this field trip. Therefore, it is hoped that they have sufficient knowledge and information to discuss the issues with their communities.

At the meetings, Stephanie and Haikiu explained why the review of the Management Plan was important, and introduced Anna Price to the communities. Therefore, we laid the groundwork for Anna's work, which will be carried out over the next few months. It may be possible for Live and Learn to facilitate 'consensus meetings' during the field trip in November/December, after a draft Management Plan has been prepared.

## **Commencement of Management Plan review**

A series of informal interviews were held by Anna Price, Gwen Tovosia and Felix Tahua (chairman of the LTWHSA) in each of the four villages in East Rennell. These were casual individual and group meetings held with a total of 111 people to discuss a variety of topics including:

1. Coconut crabs (Kasusu)
2. Tilapia
3. Birds
4. Eelfish and Black Groper
5. Gardening
6. Timber resources
7. Fire
8. Marine resources
9. Rubbish management
10. Toilets
11. Rennell Orchids
12. Hunting
13. Pets (dogs and cats)
14. Chickens and Pigs
15. Water Supply
16. Kastom rules
17. Biosecurity

At the meetings impressions and opinions about the state of these resources and what management options or rules could be implemented to improve their sustainability were obtained. These will be used to compile a set of rules and management scenarios to present to the community during the next field trip in October. A lot of discussion eventuated and the purpose of the Management Plan, how it would be implemented and the link to the Protected Area Legislation was re-iterated.

Based on these discussions, the communities in East Rennell have a very good understanding of the state of their resources and possible options for improving the sustainability of their use. They appear to be very supportive of the idea of making East Rennell a Protected Area. There are increasing pressures on environmental resources in East Rennell due to:

1. food security. Taro disease and loss of swamp gardening area as a result of rising lake levels has increased the community reliance on Tilapia;
2. population increases;
3. increasing importance on a cash economy.

Kastom management practices were also discussed and more details obtained so these could be outlined in the management plan.

Location	Interviewees	Total Number 111
Tebaitahe	Constance Misia, Iris May and Danny, Rahab, Ramsey Saueha, Mosos Maid, Metron Telka, Clarry Tainapu, Siboto Tamua, Stalin Puia, Jerry Kagobai, John Telka, Joseph Tahu, Everlin, Zillar Telka, Moris Kaipua, John Sivo, Rachael Kavaika, Connie Taruna, Prince Tago, Darcy Teaheniu, Job Tipaika, Leanne Tekka, Brendan Taumoana, Josephine Tago Kasio, Briana Nuato, Millie Tepeka, Ramsey Saueha	28
Hotuna	Hon William Kauga, Melta Puia, Ronnie Puia, Aron Gesia, Fred Taumata, George Tauika, Yvonne Tauika, Mary Tau'eha, Dalin Teho, Linda Ikatagi, Jenny Mua, Ruth Peseika, Nesi Puia, Judith Teika, Eric Sau'eha, Melta Puika, Greg Taie'ha, Levi Moa, Evan Muana, Rubin Teho	20
Tegano	Don, Alfred, Rex, Sina Haueke, Doris Ta'ueh, Tangipua John, Fergie Magama, John Mana, John Haueke, Daniel Tahua, Felix Tahua, Denis Tepuke, Ronnie Tegatai, Lesley Tetuha, George Tepuke, Dixon Soika, Joy Tetahe, Angelina Naia, Judith Tekka, Diana Temoa, Agness Gapu, Lois Kavaika, Rachael Niulaka, Floryn Pieke, Lavina Temoni, Paulima, Fred Temoa, Geoffrey Saopogo, Fred Mamata	29
Niupani	Trician Mana, Susie Tangosia, Joe Kaipua, Toxy Tuhaika, Jordan Tremagivu, Steward Mana, Eddy Pou'ug, Elton Sau'unga, Wicky Vaiaue, Anthony Tegeta, Humphrey Tuhenua, Jessie Sanga, Jim Tiosi, Steve Peseika, Alex Tokahichu, James Temoa, Rockson Giusanga, Patrick Moana, Omaly Sau'eha, Georgina Hakatahinga, Alice Niu'usi , David Tauah, Constance Tessa , Calvin Saugogo, Jay Teuu, Alex Tevakio, Steven Peseka, Patrick, Justin Bayabeh, Lynette Bayabeh, Rockson Giusaga, Seth Tauteha, Wilfred Kelesi, Emanuel Sau	34

## Assessment of progress with livelihood projects

All the four communities in East Rennell have received the materials for their livelihood projects. Hutuna, Tegano and Niupani are all doing poultry projects and Tebaitahe village is doing a piggery as its livelihood project.

The ground work for most of the communities has now started. Tegano, Niupani & Tebaitahe are now building the foundations for the poultry and piggery buildings. Hutuna community is still clearing their site.

The communities are aiming to complete the livestock housing by end of October. This means that another assessment will be done on the project buildings during the October field trip to East Rennell. This assessment will basically be to see if the houses are ready to accommodate the livestock. Hence, shipment of livestock depends very much on the progress of the communities in this initial stage.

Ideally, livestock will be shipped to East Rennell after the October field trip.

**Annexure 2 – Minutes of the Annual General Meetings of the LTWHSA,  
September 2013**

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# Minutes of Annual General Meeting of the Lake Tegano World Heritage Site Association

**Date:** 3 September 2013

**Time:** Start at 10.45am

**Village:** Tebaitahe, East Rennell

**Attendance:** (see attached list of attendees)

**Name of chairperson at meeting:** Felix Tahua

**Name of person who recorded minutes:** Gwen Tovosia

Speaker	Minutes
Pastor	Prayer
Haikiu Baiabe, country manager Live and Learn	- Introduction to L&L's work in East Rennell
Stephanie Price, Live and Learn	<p>Presentation on Protected Areas covering:</p> <ul style="list-style-type: none"> <li>- Process for setting up a Protected Area</li> <li>- Steps that must happen before communities can apply for a Protected Area               <ol style="list-style-type: none"> <li>1. Consent of people with rights and interests in the area</li> <li>2. Meetings of Lavangu communities</li> <li>3. Boundary agreement</li> <li>4. Review of the Management Plan</li> <li>5. Decision about who will be the Management Committee</li> <li>6. Selection of rangers</li> </ol> </li> <li>- Effect of setting up a PA: Rules in the Protected Areas law and in the Management Plan</li> </ul> <p>Haikiu Baiabe translated parts of the presentation into language</p>
Adrian Tuhanuku, RenBel Provincial Government	<ul style="list-style-type: none"> <li>- Past communities have not wanted to work with the Provincial Government</li> <li>- Discussed links between National Government, Provincial Government and NGOs – it is important to liaise with RenBel Provincial Government because it is the direct link to the National Government.</li> <li>- When the communities cut out the Provincial Government they cut out the link with the National Government</li> <li>- Provincial Government is trying to encourage different stakeholders in the National Government to be involved</li> <li>- Some responsibilities that the National Government has have been devolved to the Provincial Government. Responsibility for looking after the World Heritage Site has not been devolved so remains with the National Government</li> <li>- Provincial Government is just the bridge to the National Government</li> <li>- Each National Ministry must bid for money. Last year East Rennell got \$500,000 from the Ministry of Environment, but that was not budgeted for and therefore this was an abnormal process. This money was the Ministry of Environment's money and had</li> </ul>

	<p>to be spent in accordance with their work plan.</p> <ul style="list-style-type: none"> <li>- This year we have put in a bid with the Ministry of Environment</li> <li>- The new Committee should put together a workplan, give it to the Provincial Government and I will give it to the Ministry of Environment who will put it in the budget</li> <li>- PG has started to push the National Government to develop a National Policy</li> <li>- There is confusion about who should be a focal point. I think it should stay at the National Government level, but we need to clarify the relationship between the Provincial Government and the National Government</li> <li>- Provincial Government does not have any money for World Heritage</li> <li>- Budget for Provincial Government comes from grants and internal revenue. Grants come with conditions. There are no current grants for conservation, tourism or agriculture. There is little private sector development in Rennell so little internal revenue.</li> <li>- The Provincial Government is proposing a national conference to discuss issues about the site</li> <li>- If you have an issue, don't go straight to the National Ministry – go through the Provincial Government or the Committee first. If you go to the National Ministry it gives them an excuse not to fund World Heritage</li> </ul>
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- Stressed the importance of the new LTWHSA committee</li> <li>- Election is an important process</li> </ul>
Felix Tahua, chairman LTWHSA	<ul style="list-style-type: none"> <li>- Gave annual report of the LTWHSA</li> <li>- Discussed how the funding that the Ministry of Environment provided was spent</li> <li>- Talked about some internal arguments within the LTWHSA</li> </ul>
Felix Tahua	<ul style="list-style-type: none"> <li>- Called for nominations for new committee members</li> </ul>
	<ul style="list-style-type: none"> <li>- Some discussion about <ul style="list-style-type: none"> <li>o whether people who are not at the meeting can be nominated to be on the Committee, and</li> <li>o whether people who are not at the meeting would have had to sign a consent form to enable them to be nominated.</li> </ul> </li> </ul> <p>It was (informally) decided that people who were absent could be nominated even if they had not signed the consent form.</p>
	<p>First round of vote results:</p> <p>Village representative:</p> <ul style="list-style-type: none"> <li>- John Teika - 17</li> <li>- Jeffry Pongi - 6</li> </ul> <p>Women representative:</p> <ul style="list-style-type: none"> <li>- Irish Mai - 19</li> <li>- Diane Mamapua - 4</li> </ul> <p>Youth representative:</p> <ul style="list-style-type: none"> <li>- Rex Kaipua - 6</li> <li>- Timothy Kaihuei - 6</li> <li>- Oswald Nihua - 5</li> <li>- Jerry Kagovai - 6</li> </ul> <p>Second round of votes for the youth representative as there was a tie:</p> <p>Youth representative:</p> <ul style="list-style-type: none"> <li>- Rex Kaipua - 7</li> <li>- Timothy Kaihuei - 9</li> <li>- Oswald Nihua - 1</li> </ul>

	<ul style="list-style-type: none"> <li>- Jerry Kagovai - 4</li> </ul> <p>Result of election:  John Teika is community representative and Jeffrey Pongi is the alternative  Irish Mai is the woman's representative for ward 2  Timothy Kaihuei is the alternative youth representative for ward 2</p>
Felix Tahua	- Announced PA consultation would continue next week
Gwen Tovosia, Live and Learn	<ul style="list-style-type: none"> <li>- Discussed timing of livelihood projects</li> <li>- Animals need to be delivered before the end of our project (December)</li> </ul>
	Finish at 12.45

## List of People who attended AGM

**Date:** 3 September 2013

**Time:** 10.45am

**Place:** Tebaitahe village, East Rennell

	<b>First name</b>	<b>Surname</b>	<b>Signature</b>
1.	Daniel	Tamanao	
2.	John	Teika	
3.	Francis	Namege	
4.	Moses	Maitaki	
5.	Jeffrey	Pongi	
6.	Timothy	Kaihuei	
7.	Joses	Tauniu	
8.	Jessy	Saueha	
9.	Oswald	Niuhua	
10.	Anthony	Tauika	
11.	Joseph	Tahu	
12.	John	Sivo	
13.	Jerry	Kagovai	
14.	Kendrick	Tagei	
15.	Iris	Kaitu'u	
16.	Diana	Mamipua	
17.	Veronica	Ketepolo	
18.	Eva	Meso	
19.	Glen	Taupolo	
20.	Utakia	Stalin	
21.	Luisa	Tetonu	
22.	Joylin	Saukatu	
23.	Metron	Sasabe	
24.	Connie	Temagama	

# Minutes of Annual General Meeting of the Lake Tegano World Heritage Site Association

**Date:** 4 September 2013

**Time:** Start at 9.20am

**Village:** Niupani, East Rennell

**Attendance:** (see attached list of attendees)

**Name of chairperson at meeting:** Felix Tahua

**Name of person who recorded minutes:** Gwen Tovosia

Speaker	Minutes
	Prayer
Haikiu Baiabe, country manager Live and Learn	<ul style="list-style-type: none"> <li>- Introduction to L&amp;L's work in East Rennell</li> <li>- 1 minute silence for the speaker of the Provincial Government who just passed away</li> </ul>
Stephanie Price, Live and Learn	Presentation on Protected Areas covering: <ul style="list-style-type: none"> <li>- Process for setting up a Protected Area</li> <li>- Steps that must happen before communities can apply for a Protected Area               <ul style="list-style-type: none"> <li>o Consent of people with rights and interests in the area</li> <li>o Meetings of Lavangu communities</li> <li>o Boundary agreement</li> <li>o Review of the Management Plan</li> <li>o Decision about who will be the Management Committee</li> <li>o Selection of rangers</li> </ul> </li> <li>- Effect of setting up a PA               <ul style="list-style-type: none"> <li>o Rules in the Protected Areas law and in the Management Plan</li> </ul> </li> </ul>
Michael Mana	<ul style="list-style-type: none"> <li>- Questioned how the communities could make a decision about applying for a PA before the Management Plan is prepared</li> </ul>
Stephanie Price	<ul style="list-style-type: none"> <li>- If the communities are not ready to make a decision, the decision can be made after the Management Plan is finished</li> </ul>
	<ul style="list-style-type: none"> <li>- If we apply for a PA, will we receive funding?</li> </ul>
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- PA does not mean there will be guaranteed funding. Committee needs to strongly link with the Provincial Government because they are the bridge.</li> </ul>
	<ul style="list-style-type: none"> <li>- What do you mean when you say your funding ends in December?</li> </ul>
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- Explained that LL will continue to work in East Rennell after December, but the DEWHA World Heritage project will end in December. TTFT and UNICEF WASH projects will continue.</li> </ul>
Felix Tahua, chairman LTWHSA	<ul style="list-style-type: none"> <li>- Gave annual report of the LTWHSA</li> <li>- Discussed how the funding that the Ministry of Environment provided was spent</li> <li>- Called for nominations for new committee members</li> </ul>
Felix Tahua	First round of vote results:  Village representative:

	<ul style="list-style-type: none"> <li>- Felix Tahua - 24</li> <li>- Seth Tautai - 2</li> </ul> <p>Women representative:</p> <ul style="list-style-type: none"> <li>- Helen Tusiata - 17</li> <li>- Grace Niulaka – 8</li> </ul> <p>Youth representative:</p> <ul style="list-style-type: none"> <li>- Jethro T - 9</li> <li>- Patrick Moana - 13</li> <li>- Bonny Maunganiu - 3</li> </ul> <p>Discussion about the fact that Patrick Moana is Felix’s brother and is not under 30. Felix said that Watson from Live and Learn said that committee members could not be close family members. However, there is no provision about this in the Constitution. Stephanie Price advised that according to the Constitution youth representatives must be between 18 and 30, and hence Patrick is ineligible.</p> <p>Result of the votes.  Felix Tahua is the village representative and Seth Tautai is the alternative  Helen Tusiata is the alternative woman representative for ward 2  Patrick Moana is the youth representative for ward 2</p>
Gwen Tivosia, Live and Learn	<ul style="list-style-type: none"> <li>- Discussed timing of livelihood projects</li> <li>- Animals need to be delivered before the end of our project (December)</li> </ul>
	Finish at 11.45am

## List of People who attended AGM

**Date:** 4 September 2013

**Time:** 9.20am

**Place:** Niupani village

	<b>First name</b>	<b>Surname</b>	<b>Signature</b>
1.	J. Gordon	Teika	
2.	Patrick	Magumoana	
3.	Francis	Paikea	
4.	Justin	Vaiave	
5.	David	Puiah	
6.	Greg	Sautahea	
7.	Shearer	Saunoga	
8.	Jenny	Tuhenua	
9.	Rockson	Giusaga	
10.	Joe	Kaipua	
11.	Audrey	Tahua	
12.	Tollangaa	Vaipua	
13.	Tresa	Tautua	
14.	Michael	Mana	
15.	Seth	Tautai	
16.	Steven	Peseika	
17.	Anthony	Techeta	
18.	Lennon	Sau'eha	
19.	Paraula	Tokahitu	
20.	Alice	Niu'usi	
21.	Eddie	Pou'u	
22.	Timothy	Hegonga	
23.	Oma	Saueha	
24.	Eris	Pugeika	
25.	Dony	Teika	
26.	Rose	Paikea	
27.	Jenny	Kapua	
28.	Elton	Ngigeahe	
29.	Sau	Tahea	
30.	Bonny	Maunganiu	

# Minutes of Annual General Meeting of the Lake Tegano World Heritage Site Association

**Date:** 5 September 2013

**Time:** Start at 3.00pm (Note: the community requested that the meeting be held in the afternoon as some women were away due to the death of the speaker of the Provincial Government. The women were expected to return in the afternoon)

**Village:** Tegano, East Rennell

**Attendance:** (see attached list of attendees)

**Name of chairperson at meeting:** Felix Tahua

**Name of person who recorded minutes:** Gwen Tovosia

Speaker	Minutes
	Prayer
Haikiu Baiabe, Live and Learn country manager	<ul style="list-style-type: none"> <li>- Introduction to L&amp;L's work in East Rennell</li> <li>- 1 minute silence for the speaker of the Provincial Government who just passed away</li> </ul>
Stephanie Price, Live and Learn	Presentation on Protected Areas covering: <ul style="list-style-type: none"> <li>- Process for setting up a Protected Area</li> <li>- Steps that must happen before communities can apply for a Protected Area               <ul style="list-style-type: none"> <li>o Consent of people with rights and interests in the area</li> <li>o Meetings of Lavangu communities</li> <li>o Boundary agreement</li> <li>o Review of the Management Plan</li> <li>o Decision about who will be the Management Committee</li> <li>o Selection of rangers</li> </ul> </li> <li>- Effect of setting up a PA               <ul style="list-style-type: none"> <li>o Rules in the Protected Areas law and in the Management Plan</li> </ul> </li> </ul>
Fred	<ul style="list-style-type: none"> <li>- Suggested that rangers must be from the current tribes instead of the Management Committee</li> </ul>
	<ul style="list-style-type: none"> <li>- Concern with appointment of rangers. Did not work out well the last time. Committee needs to clearly spell out who would choose rangers. New Committee needs to try to find funding for rangers.</li> </ul>
	<ul style="list-style-type: none"> <li>- When you talk about sustainable harvesting, are we talking about quality or quantity?</li> </ul>
Stephanie Price	<ul style="list-style-type: none"> <li>- Sustainable harvesting rules are decided by you and put in the Management Plan. Anna can help you with this.</li> </ul>
John Mana	<ul style="list-style-type: none"> <li>- In the booklet you have written that the PA cannot be cancelled for 10 years. What if the PA does not work out. I think you should delete this. What if someone is tired of protecting? They should be able to change this.</li> </ul>
Stephanie Price	<ul style="list-style-type: none"> <li>- I cannot change that. The law says that a PA cannot be cancelled for 10 years</li> </ul>
Fred Mamata	<ul style="list-style-type: none"> <li>- Please explain the prohibition on building houses and killing creatures.</li> </ul>
Stephanie Price	<ul style="list-style-type: none"> <li>- Those things are prohibited unless the Management Plan allows them. That is</li> </ul>

	why the MP is such an important document. Anna will be here to help you next week so that you can include in the MP all of the activities you want to continue to do in the PA.
	- Does a PA just apply to tilapia and casusu, or does it apply to the whole environment?
Stephanie Price	- Whole environment
	- What is the difference between conservation and protection? I think conservation means you can still sustainably use resources by protection means you cannot do anything
Stephanie Price	- Conservation and protection are not legal words and do not have definite meanings. In a PA you can still sustainable use resources, provided that you comply with the rules of the PA.
John Haueke	- How will disputes about land and resource use be resolved after a PA is set up?
Stephanie Price	- PA will not change dispute resolution mechanisms. Management Committee will play a role, but the chiefs will still be important.
	- If we make a PA, can we set up some areas where no one can do any activities?
Stephanie Price	- Yes you can set up no take zones within the PA
	- Why is there no Provincial Ordinance for Protected Areas? Can we set up a PA under the national law without a Provincial Ordinance?
Stephanie Price	- There is no Provincial Ordinance as the Provincial Government has not passed an Ordinance yet. Yes you can set up a PA under the Protected Areas Act without a Provincial Ordinance.
	- Who will a PA benefit?
Haikiu Baiabe	- Answered in language. - We will be back next week to answer more questions.
Felix Tahua, chairman LTWHSA	- Gave annual report of the LTWHSA - Called for nominations for new committee members.
Felix Tahua	First round of vote results:  Village representative: - John Tohuika – 22 - Don Sa’osogo - 7 - Fred Temoa - 6 Women representative: - Hellen Sina - 11 - Loretta Tepuke - 8 - Doris Moenaha- 16 Youth representative: - Fred Mamata- 25 - Fiery Apusogo - 10  Discussion about - the issue of whether youth representatives can be over [Under the Constitution they cannot, but in this election and at other AGMs in this round of elections some youth representatives who were voted in are over 30] - whether committee members can be close family members [Nothing in the Constitution prevents this]

	<ul style="list-style-type: none"><li>- whether the proposed Constitution amendment which would have prevented the Provincial Government members from being office bearers had passed. [It had not]</li><li>- whether to allow Hutuna to vote on the Constitution amendment [because by this stage Hutuna had not yet voted]</li><li>- whether we could wait until the women returned to the village before closing voting [This did not happen]</li></ul> <p>Result: John Tohuika is the village representative and Don Sa'osogo is the alternative Doris Moenaha is the woman representative for ward 1 Fred Mamata is the alternative youth representative for ward 1</p>
	Finish at 5.15pm

## List of People who attended AGM

**Date:** 5 September 2013

**Time:** 3.00pm

**Place:** Tegano village, East Rennell

	<b>First name</b>	<b>Surname</b>	<b>Signature</b>
1.	Francis	Tuhaika	
2.	Jeffrey Hati	Kaitua	
3.	Sammy	T	
4.	J	Tohuika	
5.	Don	Sa'osogo	
6.	Jon	Tagosia	
7.	George	Tepuke	
8.	Hop	Sao	
9.	Henry	Temoa	
10.	Robert	Peseika	
11.	Donald	Maui	
12.	Daniel	Tahia	
13.	Yan	Tamasa	
14.	Rex	Kaipua	
15.	Fred	Mamata	
16.	Daphiny		
17.	Angelina	Naia	
18.	Fredah	Tepuke	
19.	Rex	Kagovai	
20.	Jeffrey	Saopogo	
21.	Agnes	Ghapu	
22.	Jones	Sangoihenua	
23.	Noela	Tepuke	
24.	Lyan	Moenga	
25.	Shirley	Tohiuka	
26.	Mick	Tegheta	
27.	Garry	Tahua	
28.	Melissa	Peseika	
29.	Myrie	Tegheta	
30.	Garry	Tahua	
31.	Lavina	Moana	

# Minutes of Annual General Meeting of the Lake Tegano World Heritage Site Association

**Date:** 6 September 2013

**Time:** Start at 10.20am

**Village:** Hutuna, East Rennell

**Attendance:** (see attached list of attendees)

**Name of chairperson at meeting:** Felix Tahua

**Name of person who recorded minutes:** Gwen Tovosia

Speaker	Minutes
	Prayer
Haikiu Baiabe, country manager Live and Learn	<ul style="list-style-type: none"> <li>- Introduction to L&amp;L's work in East Rennell</li> <li>- 1 minute silence for the speaker of the Provincial Government who just passed away</li> </ul>
Felix Tahua, chairmain of LTWHSA	<ul style="list-style-type: none"> <li>- Gave report on the LTWHSA</li> <li>- Talked about money and assets of the LTWHSA</li> </ul>
Felix Tahua	<p>Facilitated the attendees at the meeting to vote on the following amendments to the Constitution of the LTWHSA:</p> <ol style="list-style-type: none"> <li>1. The extension of the term of Committee members from one year to two years</li> <li>2. A clause prohibiting the Provincial Government members of the Committee from being office bearers.</li> </ol> <p>[NB: The other three communities had voted on these Constitution amendments at meetings the week before the AGMs were held]</p> <p>A secret ballot was held. The results of the ballot in all four communities was:</p> <ol style="list-style-type: none"> <li>1. Term of Committee members – 82 in favour and 27 against</li> <li>2. PG members as office bearers – 56 in favour and 57 against</li> </ol> <p>The amendment of the Constitution requires the support of 2/3rds of the voting members. Therefore:</p> <ol style="list-style-type: none"> <li>1. The Constitution is amended so the term of Committee members is now 2 years (subject to the amendment being approved by a majority of the trustees)</li> <li>2. The proposed amendment of the Constitution to prohibit Provincial Government members from being officer bearers did not pass.</li> </ol>
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- Gave introduction to Live and Learn's work in East Rennell</li> </ul>
Stephanie Price, Live and Learn	<ul style="list-style-type: none"> <li>- Presentation on Protected Areas covering:</li> <li>- Steps that must happen before communities can apply for a Protected Area               <ul style="list-style-type: none"> <li>o Consent of people with rights and interests in the area</li> <li>o Meetings of Lavangu communities</li> <li>o Boundary agreement</li> <li>o Review of the Management Plan</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Decision about who will be the Management Committee</li> <li>○ Selection of rangers</li> </ul> <ul style="list-style-type: none"> <li>- Effect of setting up a PA <ul style="list-style-type: none"> <li>○ Rules in the Protected Areas law and in the Management Plan</li> </ul> </li> </ul>
Greg Taieha	<ul style="list-style-type: none"> <li>- Problems at ER include there is no ordinance, no funding of the Management Plan, no Management Plan until 2007, and no Provincial Government or National Government support.</li> <li>- There will be more donor money if we protect ER under this legislation.</li> </ul>
	There has been a boundary dispute about the boundary between ER and WR for many years
Felix Tahua	<p>Called for nominations for new committee members</p> <p>Results:</p> <p>Village representative:</p> <ul style="list-style-type: none"> <li>- Alfred Tigoika 31</li> <li>- Greg Taieha 14</li> </ul> <p>Women representative:</p> <ul style="list-style-type: none"> <li>- Nessie Puia 27</li> <li>- Darlyn Teho - 18</li> </ul> <p>Youth representative:</p> <ul style="list-style-type: none"> <li>- George Tauika - unopposed</li> </ul> <p>Discussion about the issue of whether people can be nominated if they do not attend the AGM and have not signed a consent form</p> <p>Result:</p> <p>Alfred Tigoika is the village representative and Greg Taieha is the alternative  Nessie Puia is the alternative woman representative for ward 1  George Tauika is the youth representative for ward 1</p>
	Finish at 12.35pm

## List of People who attended AGM

**Date:** 6 September 2013

**Time:** 10.20am

**Place:** Hutuna village, East Rennell

	<b>First name</b>	<b>Surname</b>	<b>Signature</b>
1.	Dessy	Tuhaika	
2.	Moana	Tangibula	
3.	John	Puia	
4.	Belden	Kaipua	
5.	Merie	Taieha	
6.	Harry	Teika	
7.	Nessie	Puia	
8.	Kevin	Tegea	
9.	Max	Tauika	
10.	Tony		
11.	Hilda		
12.	Yvonne		
13.	Teahe		
14.	Levda		
15.	Tatau		
16.	Sau		
17.	Kasta		
18.	Ruth	P	
19.	Robert	Temega	
20.	Aaron	Taupongi	
21.	George	Tauika	
22.	Greg	Taihea	
23.	Ronnie	Puia	
24.	Joseph	Peseika	
25.	Willie	Kagovai	
26.	Simon	Teika	
27.	Fred	Mamava	
28.	Prince	Givuika	
29.	Reuben	Teho	
30.	Levi	Moa	
31.	Sam	Ghapu	
32.	Rose	Kaipua	
33.	Darlyn	Teho	
34.	Naelin		
35.	Lakaniv		
36.	Melta		
37.	Jenny		
38.	K	Tegea	
39.	Kanga		

40.	Greg	K	
41.	Judith Teika		
42.	Linta		
43.	Willie	Paieke	
44.	Ned		
45.	Norman		
46.	Velmah		

# Minutes of Meeting of the Committee of the Lake Tegano World Heritage Site Association

**Date:** 9<sup>th</sup> September 2013

**Time:** Start at 10.30am

**Venue:** Kiakoe, East Rennell

**Name of chairperson at meeting:** Haikiu Baiabe

**Name of person who recorded minutes:** Gwen Tovosia

Speaker	Minutes
John Teika, village rep for Tebatahe	- Opening prayer
Haikiu Baiabe, country manager Live and Learn	- Smooth operation of the villages will be guided by you - Fair representation is important - The Committee needs to come up with guidelines about how the Committee operates to fill in the gaps in the Constitution - Went through voting procedure for office bearers (nomination, seconding nomination, voting)
William Kauga, Provincial Government member of Committee	- Queried whether Provincial Government members could become office bearers
Stephanie Price, Live and Learn	- Yes, the Constitution amendment regarding this issue did not pass
Lance Tago, Premier and Provincial Government member of Committee	- Not happy because feels like Provincial Government was not informed about Constitution amendment.
Haikiu Baiabe	- Explained Constitution was not changed with regards to whether Provincial Government members could be office bearers - Noted that some people had complained they did not understand what a 'yes' and 'no' vote meant, but it had been explained several times
Alfred Tigoika village representative for Hutuna	- Noted he had complained about the location of this election - Said he had made his complaint when he thought that the election would be at Tebaitahe. It is ok now because we are holding the election at Kiakoe.
Haikiu Baiabe	Called for nominations for Chairperson  Felix Tahua from Niupani and Alfred Tigoika from Hutuna were nominated and seconded.  Secret ballot conducted. First vote was a 5 – 5 tie.

	<p>Second secret ballot conducted Second vote was a 5 – 5 tie.</p> <p>Broke for lunch at 11.30am to give the committee the change to discuss among themselves. Meeting resumed at 12.30.</p> <p>Third secret ballot conducted Third vote was a 5 – 5 tie.</p>
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- Explained that Constitution does not specify what will happen if there is a tie in the voting.</li> <li>- Explained Live and Learn has not authority to make a decision about how to break the deadlock.</li> <li>- Said the Committee can either talk about how to resolve the deadlock or it can defer this election, in which case the existing Committee will continue to operate.</li> </ul>
John Mana, village rep for Tegano	<ul style="list-style-type: none"> <li>- Suggested that we change the nominations.</li> </ul>
Lance Tago	<ul style="list-style-type: none"> <li>- Suggested that the election be deferred</li> </ul>
William Kauga	<ul style="list-style-type: none"> <li>- If we defer, should we vote for vice-chairperson, secretary etc? And how soon will we defer to?</li> </ul>
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- Awkward to have low office bearers but no chairperson.</li> </ul>
George Tauika, youth representative for Hutuna	<ul style="list-style-type: none"> <li>- Does not agree with deferment</li> </ul>
Lance Tago	<ul style="list-style-type: none"> <li>- Agrees with deferment</li> </ul>
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- You have been polarised in voting three times.</li> </ul>
John Mana	<ul style="list-style-type: none"> <li>- If you defer, we will come back the same (i.e. tie 5 – 5) next time</li> </ul>
George Tauika	<ul style="list-style-type: none"> <li>- Suggested another AGM. He said \$250K is enough for an AGM</li> </ul>
John Mana	<ul style="list-style-type: none"> <li>- Do the results of the AGMs stand?</li> </ul>
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- Yes</li> </ul>
	It was agreed that the election would be deferred
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- Introduced Live and Learn’s protected areas work</li> </ul>
Stephanie Price	<ul style="list-style-type: none"> <li>- Did a 20 minute presentation on the process for setting up a Protected Area and the effect of setting up a Protected Area</li> </ul>
Gwen Tovosia, Live and Learn	<ul style="list-style-type: none"> <li>- Reiterated that our funding ends in December, and animal for the livelihood projects need to be bought and delivered before then</li> </ul>
Lance Tago	<ul style="list-style-type: none"> <li>- Focal point has been at the Ministry of Education for 14 years. It is not a good situation when money goes to the focal points and the Committee does not find out. Committee needs to work with Ministry of Environment in relation to funds.</li> </ul>
Adrian Tuhunaku, RenBel Provincial Government	<ul style="list-style-type: none"> <li>- He will try to get the national Ministries to come and talk directly with the ER communities</li> <li>- Talked about lack of trust of Provincial Government among ER people</li> <li>- Lack of national government legislation and policy</li> <li>- Talked about funding issues</li> <li>- WH is the responsibility of the National Government, it has not been devolved to the Province</li> <li>- Aim of the Provincial Government is to try to help you connect with the National Government</li> </ul>

Haikiu Baiabe	<ul style="list-style-type: none"> <li>- Talked about the role of LLEE, and what LLEE's future activities would be (sanitation, TTFT)</li> <li>- Importance of prioritization of issues for ER</li> </ul>
Adrian Tuhunaku	<ul style="list-style-type: none"> <li>- Has requested a national conference on ER to discuss interventions [i.e. the activities that the World Heritage Committee has asked SIG to do] and who is responsible for each</li> <li>- AT will now tell Ministry of Environment to organize this national conference</li> </ul>
Greg Taihea, alternative village rep for Hutuna	<ul style="list-style-type: none"> <li>- Gave out copies of a University of Queensland report on the marine environment of East Rennell</li> <li>- Purpose of report is to provide baseline data</li> <li>- Mentioned that State of Conservation report is due to be submitted to the World Heritage Committee by 1 February 2014</li> </ul>
Stephanie Price	<ul style="list-style-type: none"> <li>- Gave out copies of the WH committee decision from June 2013 and the list of activities that the World Heritage Committee has asked SIG to do</li> </ul>
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- Closed the meeting</li> </ul> <p>Meeting finished at 2pm</p>

**Annexure 3 – Minutes of the Protected Area consultation meetings,  
September 2013**

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## Minutes of Meeting to Discuss Protected Areas

**Date:** 11 September 2013

**Time:** Start at 10.10am

**Village:** Hutuna, East Rennell

**Attendance:** (see attached list of attendees)

**Name of chairperson at meeting:** Haikiu Baiabe

**Name of person who recorded minutes:** Gwen Tovosia

Speaker	Minutes
Alfred Tigoika	<ul style="list-style-type: none"> <li>- Welcomes the Live and Learn team</li> <li>- Happy that work has finally started on Protected Areas</li> <li>- Appeal to Live and Learn team to use simple language when talking to communities</li> </ul>
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- Thanks villagers for being here</li> <li>- Explains / introduces today's talk</li> </ul>
Joseph	Opening prayer
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- Continues briefing about today's talk</li> <li>- Stephanie will talk on strategic approaches to PA. If there are questions, please ask – important to ask for clarification</li> </ul>
Stephanie Price	<ul style="list-style-type: none"> <li>- Explained that it is important for people to understand the PA process well before communities make the decision</li> <li>- Explained that before the Minister can make the area protected the people of ER must make an application first.</li> <li>- Before the people can make an application               <ol style="list-style-type: none"> <li>1. The ER communities must reach a consensus about making an application. This means everyone must agree. Several meetings must be held.</li> </ol> </li> </ul>
Haikiu Baiabe	Spoke in Rennell dialect – explained what Steph just said about Step 1.
Stephanie Price	<p>Continues explaining the steps to making ER becoming protected...</p> <ol style="list-style-type: none"> <li>2. Communities in Lavangu that own land on the boundary must hold meetings to talk about your application.</li> <li>3. The Minister cannot make your area protected if there is a land dispute. Landowners that own land near the boundary must make an agreement and map about where that boundary is.</li> <li>4. The Management Plan needs to be amended, because the existing Management Plan was written before the PA law started. Anna is here to help with that. One important thing that has to go in the Management Plan is the rules for the PA. The PA law says that many activities in a PA are banned unless they are allowed by the MP.</li> </ol>
Gwen Tovosia, Live and Learn	<ul style="list-style-type: none"> <li>- Anna Price and I will come back to Hutuna on Sunday to talk to you about the MP. We want to know things like where you gardens are, what environmental problems you see.</li> </ul>
Stephanie Price	<p>Continued with PA process...</p> <ol style="list-style-type: none"> <li>5. Every PA needs a Management Committee. The committee of the LTWHSA could become the Management Committee. You need to decide whether you want that to happen or whether you want a new MC set up.</li> </ol>

	6. Management Committee needs to choose rangers. Rangers have powers under PA law.
Evan Moana	- Steps in the Act are okay. The main area he sees as difficult will be the local boundaries. The new generation today no longer respects chiefs. The boundary was agreed many years ago. My suggestion is that we honour the old agreement about the boundary. If we make a new agreement it would be difficult.
Stephanie Price	- I understand that it may be difficult to agree on the boundary but I can't change the law. The law says agreements must be made now about the boundary. It would be difficult to rely on an old agreement - One suggestion is that the PA boundary can be in the land on which everyone agrees. The PA boundary is not the same as land boundary.
Haikiu Baiabe	- We hope that people who are connected to both sides of that land boundary can sort this out. Not all people of ER are connected to that land boundary
Alfred Tingoika	- The World Heritage boundary is the political boundary - The traditional boundary is in Lavangu area - So there should be no disagreements / disputes.
Haikiu Baiabe	- We are just highlighting issues to direct you people on what to do. You can decide what to do and what boundary to use on your own. We will not decide who will sign the agreement.
Alfred Tingoika	- In step 1 you refer to East Rennell communities. Who does it really apply to?
Stephanie Price	- It refers to everyone in the community
Alfred Tingoika	- Suggested that each village discusses this idea and gives final recommendations to the village representative, who will share with the committee
Greg Taihea	- It is important to note community participation. The PA law talks about community participation.
Haikiu Baiabe	- LLSOL recognises the input of the Council of Chiefs. The elders must be recognised in order to reach consensus in the communities.
Evan Moana	- Is it compulsory to submit a PA application? We did not apply to be part of the World Heritage. How about we just take the same agreement the government did before to submit to this law?
Stephanie Price	- Under the PA law, an application must be made. It is not possible for you to just make a PA here based on the fact it is a World Heritage Site. - This is actually a good thing. It means that you can all decide whether you want a PA. It also means that you can decide most of the rules that will apply in the PA.
Haikiu Baiabe	- The PA process throws back ownership to the ER people and not the government or any foreigners
Alfred Tingoika	- Wants awareness programs to be carried out about PAs before communities can deal with the PA application.
Harry Teika	- Is it a good idea to have the LTWHSA as the management committee or not?
Stephanie Price	- It is up to you ER people to decide. If you don't have the LTWHSA committee as the MC, you will need to set up a new committee. Then you would have to decide what to do with the existing LTWHSA committee. It would be confusing to have two committees. This is one decision you have to make before you can apply for PA
Alfred Tingoika	- Let the communities decide – their outcome will be presented by their village representative
Haikiu Baiabe	- There is no funding for additional awareness as our funding ends in December 2013
Alfred Tingoika	- There will be no application until awareness programs
Greg Taihea	- Will there be any other meeting to talk about this PA booklet? This booklet is good and summarises the law in a way we can understand.

Alfred Tingoika	- It is important to leave the communities to discuss on their own
Greg Taihea	- If there is nothing else to sort out, then we need to discuss and get things moving now
Alfred Tingoika	- We are not slow – it is the government who is slow
Haikiu Baiabe	- State of Conservation report is due in February 2014. Identify who is not here today and we can find ways to get the message across to those who are not here.
Evan Moana	- There is no excuse for us not to understand. We were given the booklet a few days ago.
Alfred Tingoika	- Wants a community discussion
Greg Taihea	- It is good to discuss when we have the Live and Learn team here, especially our lawyer. If we prolong, when are we going to talk?
Alfred Tingoika	- If you understand the booklet, and the whole concept, then we can talk on. I just don't want to hear people talking behind our back after the meeting
Greg Taihea	- Let's talk on issues related to management plan.
Haikiu Baiabe	- There is no yes and no answer today. You can talk to Gwen and Anna next week about the Management Plan, and on our October / November trip then we can see if there is a consensus agreement.
Anna Price	- The land belongs to you, it is up to you to make rules / regulations on how you want your land to be. You drive this process not me.
Haikiu Baiabe	- Resource Management Plan is important. If you have any questions you can raise them with Anna and Gwen over the next few weeks, that will help people to become more aware. - If you have any issues concerning PA you can talk to our team and hopefully there will be more awareness by then
Alfred Tingoika	- Thanked everyone for coming. - Announced that someone had died in Tegano community.

## List of People who attended Protected Areas meeting

**Date:** 11 September 2013

**Time:** 10.10am

**Place:** Hutuna village, East Rennell

	<b>First name</b>	<b>Surname</b>	<b>Signature</b>
1.	Robert	Temega	
2.	Merie	Taieha	
3.	Ruth	Peseika	
4.	Presly	Noatago	
5.	Stee	Tao	
6.	Freda	Temega	
7.	Nessie	Puia	
8.	Susie	Tesimo	
9.	Linta	Tepua	
10.	John	Puia	
11.	Evan	Moana	
12.	Willie	Kagovai	
13.	Joseph	Peseika	
14.	Ronnie	Puia	
15.	Reuben	Teho	
16.	???	????	
17.	Alfred	Tigoika	
18.	Velma	Kagovai	
19.	Jenny	Huaitevoi	
20.	Melter	Puiah	
21.	Judith	Teika	
22.	Rose	Kaipua	
23.	Aaron	Taupongi	
24.	Stee	Ta'o	
25.	Prince	Givuika	
26.	Dyell	Vakatoko	
27.	Kelly	Kaitu'u	
28.	Corina	Sevika	
29.	Ato	Kaipua	
30.	Tony	Haumaeva	

## Minutes of Meeting to Discuss Protected Areas

**Date:** 12 September 2013

**Time:** Start at 9.30am

**Village:** Niupani, East Rennell

**Attendance:** (see attached list of attendees)

**Name of chairperson at meeting:** Haikiu Baiabe

**Name of person who recorded minutes:** Gwen Tovosia

Speaker	Minutes
Felix Tahua, interim chairman of the LTWWSA Committee	Thanked Live and Learn team for coming and also Joses Tahua.
Haikiu Baiabe, country manager of Live and Learn	<ul style="list-style-type: none"> <li>- Welcome Joses Tahua</li> <li>- Introduced Gwen Tovosia, Anna Price and Stephanie Price from Live and Learn</li> <li>- Our funding from the Australian Government ends in December, who will continue the support? We hope the SIG will provide some support so you can continue</li> <li>- This is our second visit so that Stephanie can provide more information on Protected Areas</li> <li>- Steph and I will leave on Friday. Anna and Gwen will stay on to work on Resource Management Plan</li> <li>- There will be other trips in October and November.</li> <li>- If you have any questions ask</li> <li>- We won't reach any decision about Protected Areas today but at least ask you have the chance to ask questions</li> <li>- We also recognise the Council of Chiefs</li> </ul> <p>Some portions of his speech were in language.</p>
Stephanie Price, Live and Learn	<ul style="list-style-type: none"> <li>- Thanking the community for allowing us to come again.</li> <li>- Our aim is to give you information on the PA process</li> <li>- We know that the area is yours. If you want to set up PA, it is totally up to you</li> <li>- No Provincial Ordinance yet so the only law you can use is national law – Protected Areas Act</li> <li>- If you want to make your area protected you must apply first</li> <li>- Steps that must happen before you can apply:               <ol style="list-style-type: none"> <li>1. Everyone must reach a consensus about making an application</li> <li>2. Leaders of your communities must talk to the landowners of Lavangu – these communities in Lavangu must be aware of your intentions</li> <li>3. Minister will not approve if anyone disagrees about the boundary. Hence, landowners on both sides of the boundary must agree on where that boundary is.</li> <li>4. Law says a PA needs a Management Plan. The PA Act is a new law – you have a MP but it was prepared in 2007 before the new law came into force. Hence it needs to be revised. PA law says you are not allowed to do many things,</li> </ol> </li> </ul>

	unless the MP allows them. You can set your own rules in the MP. When your area becomes protected some things are strictly not allowed, like logging, but some things are possible and this is made known through the MP
Joses Tahua	- What are we trying to protect here – the ecology or the people?
Stephanie Price	- Some rules, such as no logging, are about protecting ecology. But the MP will set out your aim for this area. So if you want to protect your sustainable livelihoods this can be done through the MP. PA does not mean that you cannot take any resources from lake or forest. But it does mean that you can't do logging or mining. Your MP will be the guiding document.
Haikiu Baiabe	- Protection of environment and protection of people is reciprocal. - We are not here to force PA. Just to give information
Joses Tahua	- ER is a WHS but has people living in it. But ER is old, and the things we are trying to protect is the livelihood of the people. If we put aside an area, I am sure the people will agree but when we are talking the whole WHS that is an issue.
Stephanie Price	- One idea / suggestion is that we can make a big PA over the whole WHS but inside that area we can make zones, where activities are prohibited. In the other areas, activities are allowed.
Anna Price, Live and Learn	- My job is to work on the MP to help you with that
Joses Tahua	- The old MP is not effective. It did not work out because no funds. - We want to be inside the national budget. Minister of Environment and Minister of Fisheries should do something about it. I think it is because we are Polynesians – so the Melanesians don't want to help us. Only Tetepare and Arnvons are talked about.
Haikiu Baiabe	- Provincial Government is lobbying hard for ER to be included in the national budget
Joses Tahua	- State party is not a financial member to the WHS, thus we are not entitled to funds.
Haikiu Baiabe	- People in the past have made promises are told lies to our people. They have made people expect money from WHS. There has been misinformation.
Michael Mana	- The concern of our people is benefits - We are called "the hidden paradise" etc But what are we benefiting out of this WH? I think if we improved road service, clinic, school, cash to families for small businesses then we will be busy with that and it will keep people from harvesting, small tilapis, kasusu etc - We have been keeping our land by not logging and mining for so many years but what are we getting out of it? - Ask the national government, if we work under the new law will we be included in the national budget?
Haikiu Baiabe	- It is sad that people have given false expectations to us but we cannot say much about funding. If we conserve our areas it can help us in the sustainable use of our livelihoods - National leaders are not saying much on WHS issues yet have been busy arguing with each other - There is no funds for ER in Live and Learn. The money we are spending now is the donor's money. If we do not fully use it we have to return it.
Michael Mana	- West Rennell - because of trial mining – they know how much minerals they have - Japanese came here and said there is evidence of pure minerals in the lake. - Our main issue is there is not enough cash flow. If you looked at the issue of schools, clinics etc then we will seriously consider. We want to keep the area, but we also need money for school fees, uniforms, basic living necessities.
Felix Tahua	- Which landowners should sign the boundary agreement?

Stephanie Price	- It is not for LLEE to decide who the actual landowners are but from what I understand not everyone in East Rennell owns the land close to the boundary. So I think it would be the landowners who own land close to the boundary, not the ones who own land far away.
Joses Tahua	- We know where the original boundary is. You can give it to the community to work on that with the Council of Chiefs. - Is there an arrangement to twin ER WHS with an Australian WH site?
Stephanie Price	- I have heard of that idea but I do not think there is currently any arrangement in place
Haikiu Baiabe	- The decision is up to you about whether you set up a PA
Michael Mana	- Live and Learn is recognised – try and push for us
Joses Tahua	- It is nature deteriorating. What WH is trying to do...we have not seen any income. Mismanagement too is an issue. The LTWWSA should make awareness, for us to talk on our own behalf.
	Who initiates the idea for the people of ER to use this PA Act?
Stephanie	- The Australian Government has initiated the idea for Live and Learn to come out here and give you this information. But if the ER people want their area protected, they will need to initiate the application.
Joses Tahua	- The tour to Queensland by our people was extravagant and expensive. Chiefs are not happy because they were left out. However, it is a good program and we will look in to it
Haikiu Baiabe	- We recognise the importance of the Council of Chiefs and we are working on it
Joses Tahua	- Rangers could be appointed but landowners will say “I own this area so how can you tell me what to do?” New Committee will need to work hard
Stephanie Price	- PA rangers will be different to the rangers in the past. Those rangers were appointed when there was no PA law. The new rangers’ job will be to enforce the rules in the MP which you will come up with
Joses Tahua	- Previously, Council of Chiefs set rules but people did not follow. It is good to involve people when making rules. Anna should work with communities to make rules.
Michael Mana	- I think it is good for the Council of Chiefs to set rules to empower them again
Haikiu Baiabe	- One big mistake in the past is that the Committee ignored the Provincial Government and the Chiefs. Our hope is that this new committee will do a lot of work. We are willing to help them.
Michael Mana	- If anyone in ER is not part of PA then what? That’s why I support the Council of Chiefs and think they must be empowered. Because the Council of Chiefs are landowners. Some of the committee members cannot talk about land. Thus it is better for Council of Chiefs to work along with the LTWWSA committee
Pastor	- Live and Learn are here to help. The MP is something we will discuss together. We will discuss how we want it, rangers etc
	- I believe there has been an adviser who came before who did this process, all the way up to choosing rangers. He was Mike (Heywood). Why are we starting the process again?
Stephanie Price	- This is a new law. When Mike did his work the PA Act had not been passed. Therefore, he was doing a different process. We need to start at step 1 now.
Joses Tahua	- Other Live and Learn staff came here previously. There has now been a change of staff and management. So who are we dealing with? NGOs or State Party? - But you came up with some good ideas - One suggestion is for Minister of Environment to legislate a bill for the ER WHS, and for us not to use the PA Act
Haikiu Baiabe	- Decision is up to the people of ER - Thank you for coming

	- Anna and Gwen will come by next week to talk about the MP
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## List of People who attended Protected Area meeting

**Date:** 12 September 2013

**Time:** 9.30am

**Place:** Niupani village, East Rennell

	<b>First name</b>	<b>Surname</b>	<b>Signature</b>
1.	Michael	Mana'eha	
2.	Rockson	Giusaga	
3.	Eddie	Temagupou'u	
4.	Wilfred	Kelesi	
5.	Francis	Pmamagunga	
6.	Joses	Tahua	
7.	Joe	Kaipua	
8.	Seth	Tautai	
9.	Joeren???	Teika	
10.	Bonny	Maunganiu	
11.	Felix	Tahua	
12.	Desmond	Temega	
13.	David	Puiah	
14.	Immanuel	Sau	
15.	Chris	Teikanoa	
16.	Jimmy	Teosi	
17.	Omah	Saueha	
18.	Steward	Tehakae	
19.	Oswald	Niuhua	
20.	Owen	Tuhenua	
21.	Anthony	Techeta	
22.	Tollanda	Vaipua	
23.	Audrey	Paiata	
24.	Justin	Baiabe	
25.	Dorothy	Maea	
26.	Grace	Tomunga	
27.	Erie	Puia	
28.	Suciy	Siavinu	
29.	Jordan	Sautahea	
30.	Alfred	Teika	
31.	Steven	Peseika	
32.	Axel	Tahua	

## Minutes of Meeting to Discuss Protected Areas

**Date:** 12 September 2013

**Time:** Start at 4.00pm

**Village:** Tebaitahe, East Rennell

**Attendance:** (see attached list of attendees)

**Name of chairperson at meeting:** Haikiu Baiabe

**Name of person who recorded minutes:** Gwen Tovosia

Speaker	Minutes
John Teika	Prayer
Haikiu Baiabe, country manager Live and Learn	<ul style="list-style-type: none"> <li>- Welcomed everyone</li> <li>- DEWHA funding ends in December</li> <li>- Anna and Gwen will stay for another week to work on the Management Plan. If you have any questions you should ask</li> <li>- Livelihood projects must be up and going soon</li> </ul>
Stephanie Price, Live and Learn	<ul style="list-style-type: none"> <li>- Thanked everyone</li> <li>- I will repeat again about the Protected Areas process as I want it to be clear</li> <li>- The WHS is your area. It is your decision if you want to protect it. We are just here to give you information.</li> <li>- Steps:               <ol style="list-style-type: none"> <li>1. Minister for Environment will only approve your PA application once you have completed the application. Everyone must reach a consensus – which means everyone must agree to make your area protected.</li> <li>2. Leaders in ER communities must talk to leaders in Lavangu – people living close to the WHS boundary. Someone must write minutes of the meetings and submit with the PA application</li> <li>3. Landowners on both sides of the WHS boundary must agree on the boundary before the Minister can make the area protected. If there is a dispute, your land cannot be protected</li> <li>4. PA needs a Management Plan. However, this PA law is a new law. Your existing Management Plan does not fit the PA Act. All the rules that you want to apply in your PA must be written in the Management Plan.</li> </ol> </li> </ul>
Gwen Tovosia, Live and Learn	<ul style="list-style-type: none"> <li>- Anna and I will start work on the Management Plan tomorrow afternoon here and also come back on Saturday. We will discuss livelihood and environmental issues with you. We will start to document information to put in the Management Plan.</li> </ul>
Stephanie Price	<ul style="list-style-type: none"> <li>- It is important for you to talk to Anna and Gwen about issues because the Management Plan is the guiding document in a PA</li> <li>- Anna and Gwen will come back in October and November hopefully with the final product</li> <li>- Steps continued:               <ol style="list-style-type: none"> <li>5. PA needs a Management Committee. LTWHA Committee could become the Management Committee but it is up to you to decide before you make the PA application. Management Committee has some roles to play – similar to the LTWHA's roles</li> <li>6. Management Committee can chose or nominate rangers who are empowered</li> </ol> </li> </ul>

	<p>under the PA Act.</p> <ul style="list-style-type: none"> <li>- Effect of setting up a PA: Some new rules will apply to your area once it becomes protected. Rules like no logging and mining will apply. You cannot change this rule. Other rules will be in the Management Plan.</li> </ul>
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- We are now working on the PA application. We cannot reach a consensus today as the whole community is not here, but we can begin the process</li> </ul>
Jeffrey Pongi	<ul style="list-style-type: none"> <li>- What is this application all about?</li> </ul>
Stephanie Price	<ul style="list-style-type: none"> <li>- Although your area is a WHS it is not a PA. PA Act gives the power to the Minister for Environment to make your area protected. This means some rules will apply to your area.</li> </ul>
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- Where is the application form?</li> </ul>
Stephanie Price	<ul style="list-style-type: none"> <li>- Application form is in the law. I will begin filling out the form and will leave the draft with the Committee. They will need to attach lots of documents to the application form and then submit.</li> </ul>
Rex Kaipua	<ul style="list-style-type: none"> <li>- How long with the application take?</li> </ul>
Stephanie Price	<ul style="list-style-type: none"> <li>- It depends on how long the committee takes to go through the steps. The law says that everyone must agree first. This might take a while.</li> </ul>
Rex Kaipua	<ul style="list-style-type: none"> <li>- Is it a good idea for us to be protected?</li> </ul>
Stephanie Price	<ul style="list-style-type: none"> <li>- It is not my decision to make. But in my opinion it is a good idea. It will formalize the rules that apply to your area and help you protect the environment.</li> </ul>
Haikiu Baiabe	Spoke in language
John Teika	<ul style="list-style-type: none"> <li>- How will it affect the program if we do not make any application?</li> </ul>
Stephanie Price	<ul style="list-style-type: none"> <li>- If there is no application under this law, you will go on as usual. Your area will not be protected.</li> <li>- Setting up a Protected Area is one thing that the World Heritage Committees wants you to do, now that your site is in the In Danger List. Doing this will help keep your site on the World Heritage List.</li> </ul>
Haikiu Baiabe	Spoke in language
John Teika	<ul style="list-style-type: none"> <li>- Regarding step 2 in the application process, who will conduct this meeting with the Lavagu landowners?</li> </ul>
Stephanie Price	<ul style="list-style-type: none"> <li>- We do not have time to do this. Also, the ER communities must agree to make the application before these meetings are held. Therefore, the Lavangu meetings will be a job for the Committee</li> </ul>
Haikiu Baiabe	Spoke in language
Darcy	<ul style="list-style-type: none"> <li>- If ER is protected, in our case will it be the same as if we break any law. Will we go to prison?</li> </ul>
Stephanie	<ul style="list-style-type: none"> <li>- When your area is protected, the big rules will be there can be no logging or mining. However, the Management Plan is the powerful document that will state what you can and cannot do. You will come up with the rules for the Management Plan on your own. You cannot be sent to prison for breaking a rule.</li> </ul>
Haikiu Baiabe	Spoke in language
Haikiu Baiabe	<ul style="list-style-type: none"> <li>- Hopefully the draft Management Plan will be finished in December so it can be shared with the communities</li> <li>- Thank you everyone for your support with the Live and Learn team.</li> </ul>
Pastor	Closing prayer

## List of People who attended Protected Area meeting

**Date:** 12 September 2013

**Time:** 4.00pm

**Place:** Tebaitahe village

	<b>First name</b>	<b>Surname</b>	<b>Signature</b>
1.	Daniel	Kaitu'u	
2.	Jeremy Jones	Kaitua	
3.	Anthony	Tauika	
4.	Rex	Kaipua	
5.	Clarry	Tainapu	
6.	Darcy		
7.	Sibote	Saugogo	
8.	Joses	Tauniu	
9.	John	Teika	
10.	Timothy	Kaihuei	
11.	Francis	Namege	
12.	Kendrick	Tagei	
13.	Joylin	Kaihuei	
14.	Jerry	Gepegogo	
15.	Jeffrey	Pongi	
16.	Veronica		
17.	Zillar	Measau	

## Minutes of Meeting to Discuss Protected Areas

**Date:** 13 September 2013

**Time:** Start at 9.15am

**Village:** Tegano, East Rennell

**Attendance:** (see attached list of attendees)

**Name of chairperson at meeting:** Haikiu Baiabe

**Name of person who recorded minutes:** Gwen Tovosia

Speaker	Minutes
John Mana, village rep for Tegano	- Welcomed the LLSOL team, especially country manager, interim chairman
Pastor	- Prayer
Haikiu Baiabe, country manager Live and Learn	<ul style="list-style-type: none"> <li>- Thanked everyone for attendance</li> <li>- Welcomed Anna Price</li> <li>- Noted that Stephanie Price and I leave today, Gwen and Anna will stay on for one more week to discuss the Management Plan</li> <li>- L&amp;L's funding ends in December for this World Heritage project but we will still have a presence next year</li> <li>- Gwen and Anna will return in October and November for more work on livelihoods and Management Plan</li> <li>- DEWHA funds end in December 2013. Hopefully there are some funds to continue</li> <li>- My concern is that we will have funds to continue the ambitions instead of leaving a gap</li> </ul>
Stephanie Price, Live and Learn	<ul style="list-style-type: none"> <li>- I will repeat some of what I said last week to clarify doubts and answer questions that you have before I return</li> <li>- Firstly, this land is yours and we are just here to give you information. The decision about whether you want to protect the land is yours</li> <li>- At the moment your area is a World Heritage Site but it is not protected</li> <li>- There is not currently any Provincial Ordinance that you can use to make your area protected but you can use national law</li> <li>- Steps to applying for a PA under the PA Act:               <ol style="list-style-type: none"> <li>1. Community has to agree before the Minister can make your area protected</li> <li>2. Leaders in this community must talk to Lavagu communities who share the WHS boundary to talk about PA application</li> <li>3. If there is a land dispute the Minister cannot make an area protected. So you need to present a map showing the boundary to the Minister</li> <li>4. Protected Area needs a Management Plan. Old Management Plan does not fit with Protected Area law so needs to be revised. Anna is here to help with that. Law says that you cannot do lots of things in a PA unless the Management Plan allows it. This is why the MP is an important document. In the Management Plan you can set your own rules. One of the main rules that applies to a PA is that no logging or mining can occur in a PA. You cannot change this rule. Other rules, such as the rule against lighting fires, you can change.</li> </ol> </li> </ul>

	<p>5. PA needs a Management Committee. It is your decision if you want to set up a new Committee apart from the LTWHSA Committee that has already been established.</p> <p>6. Management Committee must choose rangers, who will have some powers under PA law. Job of rangers is to enforce the rules in the Management Plan. You need to talk to everyone in the community and see if Tegano supports the idea.</p>
Haikiu Baiabe	- Today we do not expect you to say yes or no to a PA. We will still come again on our next trips and you can tell us your opinions.
Fred Temoa	- Will we allocate certain areas as protected or will we protect the whole of East Rennell?
Stephanie Price	- Protected does not mean you cannot touch it. But you must follow the rules in the law and Management Plan. We can make zones where different rules apply. It is your decision.
Fred Temoa	- Protected means we can do limited activities. What if we just put certain areas to be protected?
Stephanie Price	- It would be hard to make individual PAs over small areas in ER because each area would need its own application, its own Management Plan etc. The allocation of certain areas as areas that cannot be touched is a good idea, but under one Protected Area covering the whole site
Haikiu Baiabe	- Understand the concepts and make your own decision. Don't let us tell you what to do. Be accountable for your own decisions.
John Haeke	- Which law are we using to apply for a Protected Area under? Because it is a customary area and a World Heritage Site
Haikiu Baiabe	- Answered in language.
Stephanie Price	- You can use the Protected Areas Act to strengthen customary laws, so that customary law and national law work side by side.
Don Sa'osogo	- Making East Rennell protected under the Protected Areas Act. What is your opinion on this?
Stephanie Price	- The Act has been passed but it does not affect your area unless you apply for it through this application process.
Haikiu Baiabe	- Process of the law – that is what we are doing now.
Dennis Tepuke	- Implementation of this procedure – why don't the LTWHSA committee and Live and Learn work together and start working on this. This is the only thing we are waiting for. There is nothing else to ask since these procedures have not been done yet.
Haikiu Baiabe	- We are waiting for the Committee to establish, so it can start working on this.
Dicky	- Is it up to the Committee to set it up?
Haikiue Baiabe	- Replied in language
Dennis Tepuke	- I want another Committee, as they will draft the Management Plan. It is up to the communities to decide about the committee
Stephanie Price	- You don't have to set up a new Committee if you don't want to. It would be confusing to have two separate committees, and there might be conflicts between them. If you agree, you can use the existing Committee, but it is up to you to decide.
Dennis Tepuke	- So the community decides if they want to set up a new Committee or if the LTWHSA remains as the Committee
Fred Temoa	- I think we just use the LTWHSA Committee because if we set up a new committee they will contradict each other, there will be confusion in roles.
Don Sa'osogo	- I think it is good to set up a new sub-committee under that LTWHSA committee.
Stephanie Price	- Job descriptions of the existing committee will be similar to the Management Committee. So it could be confusing to set up two different committees

Don Sa'osogo	- The other area too is that the Council of Chiefs must be recognized and worked on
Haikiu Baiabe	- We are just sharing ideas but how you actually do it is up to you. Consultants and Live and Learn will not tell you what to do. It is your own peoples' decision. So you are accountable for your own decisions.
John Haueke	- If we say it is okay, will it be ok with the Province?
Stephanie Price	- Yes, you can set up a PA without a Provincial Ordinance. The national Act prevails.
Dicky	- Is there any form of assistance somewhere? How will it impact our livelihoods if we make it protected? Because being protected limits our activities.
Haikiu Baiabe	- No one restricts you – only you will restrict yourselves. This is done through the Management Plan. - You make your own rules – except logging and mining which is strictly prohibited. - The Committee needs to start looking for funds and start working for itself.
Don Sa'osogo	- Step 1 of the PA process is the most important. The rest just goes along with the Management Plan
Anna Price, Live and Learn	- You don't have to say yes or no now. You can wait until the Management Plan is completed before you decide.
Fred Temoa	- This World Heritage Program, what is its main focus? Is it for the standard of living of the people or is it just for conservation?
Haikiu Baiabe	- Misconceptions of people in the past - There is no money attached to World Heritage - Restoration of nature, our livelihoods is the focus, which money cannot buy
John Haueke	- I want us to have a separate Committee so that this specific Committee can include chiefs, so that we can deal with this issue
Haikiu Baiabe	- Thanked everyone for their time - Next week Anna and Gwen will stay on - Live and Learn's projects in West Rennell will extend to East Rennell and the WASH sanitation program will start, so Live and Learn will still have a presence here even after our World Heritage project ends

## List of People who attended Protected Area meeting

**Date:** 13 September 2013

**Time:** 9.15am

**Place:** Tegano village

	<b>First name</b>	<b>Surname</b>	<b>Signature</b>
1.	Fred	Temoa	
2.	Doris	Tahua	
3.	Agnes	N	
4.	Jon	Tagosia	
5.	Don	Sa'osogo	
6.	Fred	Mamata	
7.	Pr Semmie	Zongahite	
8.	Henry	Temoa	
9.	John	Hauke	
10.	Welton	Nasiu	
11.	Rex	Kaipua	
12.	Warrick	Tautai	
13.	Ronny	Tegheta	
14.	Daniel	Tahua	
15.	Jones	Sangoihenua	
16.	Dixon	Soaika	
17.	Dennis	Tepuke	
18.	John	Mana	
19.	Hopkai	Saova	

## Annexure 4 – Photos of the field trip



Protected Area presentation



Protected Area presentation



Community meeting in Tegano



Community meeting in Tegano



The Live and Learn East Rennell project team



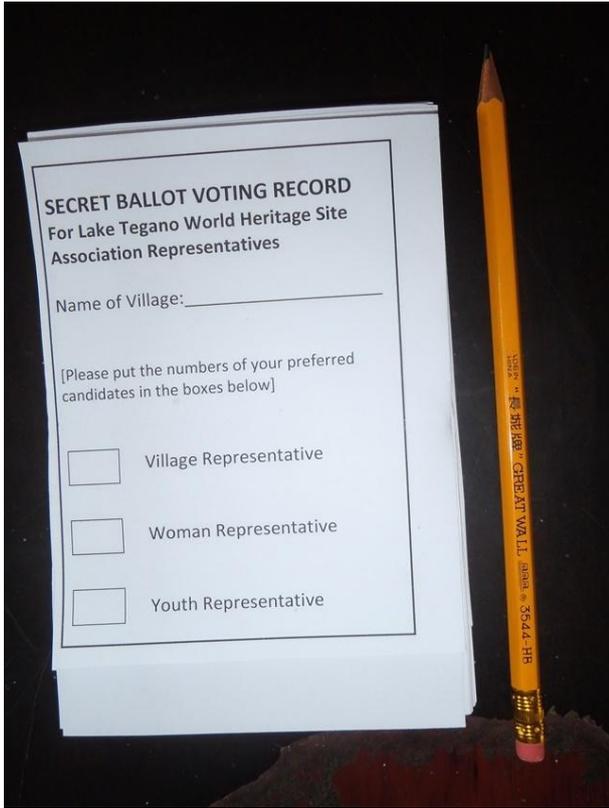
Management Plan discussions



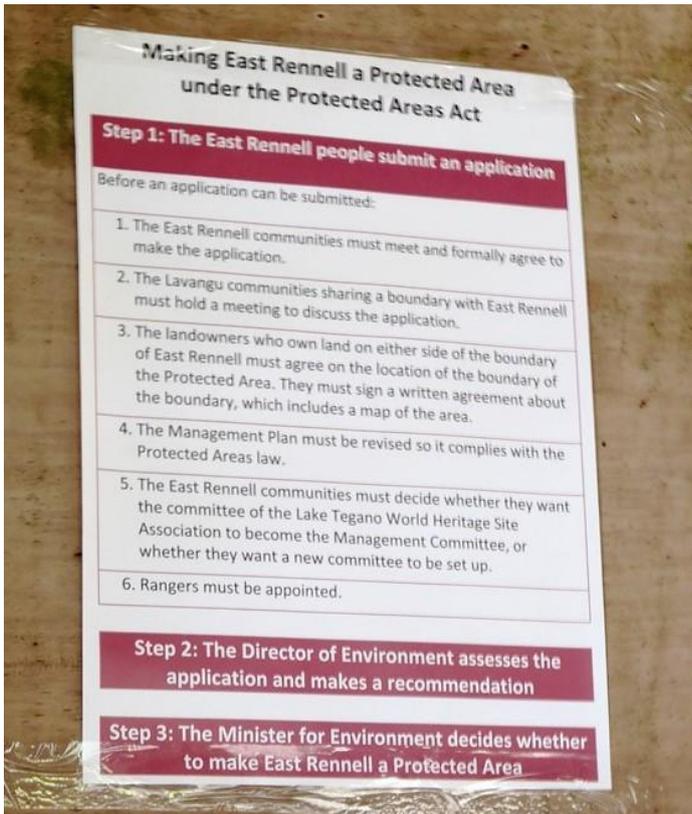
Management Plan discussions



Management Plan discussions



Voting card for the LTWHSA AGM



Poster about Protected Areas



Meeting in Tebaitahe



Meeting in Niupani



Meeting in Hutuna



LTHWSA elections, in Niupani



Election of office bearers, Kia Koa



Election of office bearers, Kia Koa



Live and Learn East Rennell project team

## ATTACHMENT J: LIST OF PEOPLE CONSULTED IN HONIARA

Meeting / correspondence with	
Name	Organisation and position
Joe Horokou	Director, Environment and Conservation Division, Ministry of Environment
Aseri Yalangono	Ministry of Education
David Lindimani	Lawyer, previously consultant for WWF
John Tahinao	Director of the Culture Division of the Ministry of Culture and Tourism
Christina Bakolo	Secretary, Solomon Islands National Commission for UNESCO
Agnetha Vavekaramui	Ministry of Environment
Remco van Merm	Monitoring Officer, World Heritage Programme, IUCN, Switzerland
The Hon. Bradley Tovosia	Minister for Environment
Adrian Tuhunaku	Deputy Provincial Secretary, Rennell Bellona Provincial Government
Lance Tago	Premier, Rennell Bellona Provincial Government
Dr. Melchior Mataka	Permanent Secretary, Ministry of Environment
Melanie Phillips	Legal adviser, Ministry of Provincial Government

**ATTACHMENT K: ASSESSMENT OF THE 2007  
MANAGEMENT PLAN AGAINST THE REQUIREMENTS  
OF THE PROTECTED AREAS LAW**

See separate excel spreadsheet

# ATTACHMENT L: MEMORANDUM ABOUT MANAGEMENT COMMITTEES

## RELEVANT PROVISIONS OF THE ACT AND REGULATIONS

### Establishment of the Management Committee

The Advisory Committee may appoint management committees (section 12(1)). Where it is established that:

- a Protected Area has been subject to an ongoing community conservation program;
  - the program has been in place prior to the area being declared under the Act; and
  - the program is managed by a community or organisation,
- the community or organisation or management arrangement overseeing that program may be adopted and continue to function as the Management Committee for the purposes of the Protected Areas law (reg 28(1)).

This provision could be used to allow the Lake Tegano World Heritage Site Association (LTWHSA) to become the Management Committee of the East Rennell Protected Area.

### General functions of a Management Committee

The functions of a Management Committee are:

- To develop, implement and review the Management Plan for the Protected Area;
- To manage the Protected Area under its control and supervision; and
- To perform any other function that the Protected Areas Advisory Committee assigns in writing to the Management Committee or that is given to the Management Committee under the Protected Areas Act or any other law (section 12(3)).

### Powers of a Management Committee

Under the Protected Areas Regulations, a Management Committee may:

- Enter into contracts, agreements and arrangements;
- Hold, acquire and dispose of moveable or immoveable property;
- Raise funds or invest funds in or on any security or other viable investments following a proper risk assessment;
- Expend monies for matters directly related or incidental to the performance of its management functions;
- Open and operate accounts with such reputable banks or financial institutions in the country;
- Undertake such onshore or offshore investments for the purposes of financing the performance of its functions;
- Borrow money from any local financial institution or lend money to any local community on such terms as it thinks fit;
- Make such donations out of its assets or funds to any local community;
- Appoint such sub-committees as it may consider necessary;
- Raise money from the public through lawful means as it sees appropriate (reg 29(1)).

A Management Committee can also appoint people to be rangers (reg 65(1)).

### **Specific obligations of a Management Committee**

A Management Committee must:

- erect notices at the boundary or the entrance and exit of a Protected Area containing the legal status of the area and its registration number (reg 13).
- mark out the sea boundaries of a Marine Protected Area using permanent or semi-permanent markers of a size that will make them visible from a distance of not less than 50 metres. Boundary markers must be white, with the letters “MPA” and the registration number (reg 48).
- submit an annual report as soon as practicable after the end of each year to the Director (reg 27(7)).

### **Members of the Management Committee**

A Management Committee comprises a chairperson, a deputy chairperson, a secretary and other members as determined by the Advisory Committee (reg 27(4)).

### **Meeting procedures**

The meeting procedures of Management Committees are to be prescribed by Regulations (section 12(6)). The meeting procedures of a Management Committee are set out in Schedule 3 (reg 27(6)).

Schedule 3 states:

- Management committees must meet at least every 3 months, at a time and place appointed by the Chairperson.
- Notice of each meeting must be served on members by the Chairperson at least 7 days before the appointed date of the meeting.
- The quorum for each meeting is  $\frac{1}{2}$  of all members.
- The chairperson or deputy chairperson shall preside at all meetings, but in the absence of both members may choose one of their one numbers to preside.
- All committee decisions or resolutions shall be made by consensus. If a vote is required, any such decision shall be made by a simple majority vote.
- The member president [sic] at a meeting shall have an ordinary vote and in the event of equality of votes a casting vote.
- The Secretary shall keep full and accurate minutes of the proceedings of each committee meeting.
- Any member who has a direct or indirect interest in a matter before the committee shall disclose any such interest and withdraw from deliberating and voting on that matter.
- A Management Committee may in its absolute discretion invite such person or representative or another organisation with relevant qualifications or expertise to be present at any of its meetings to provide advice, opinion or information on a matter before it.
- A decision of the Management Committee relating to financial matters must be supported by at least  $\frac{3}{4}$  of the members (reg 29(3), reg 58(3)).

### **Allowances for Management Committee members.**

Members of a Management Committee are entitled to prescribed allowances (s 12(5)). A Management Committee member is entitled to \$60 as allowances for a meeting “subject primarily to the availability of sufficient funds and not otherwise)” (reg 27(5)).

### **Management Fund**

A Management Fund for a Protected Area may be established (reg 58(1)). A Management Fund shall primarily be used for:

- Biodiversity conservation management and protection of a Protected Area, including implementation of management plans, and incidental matters; and
- Administration and operational costs of a Management Committee in carrying out its functions (reg 58).

Money paid into the Management Fund comprises:

- Levies or fees paid under a Regulation made under Regulation 72 [None are proposed for East Rennell at this time];
- Monies paid to it from the Protected Areas Trust Fund;
- Grants received from Government or any Provincial Government for biodiversity management;
- Proceeds of any investments undertaken by the Management Committee of a Protected Area; and
- Money donated for the management of a Protected Area by any person, business or organisation (reg 59(1)).

A Management Fund must be audited annually by an auditor appointed by the Management Committee (reg 60(2)).

A Management Committee must ensure that the annual statement of accounts together with the auditor's report is made available for viewing or inspection by stakeholders of the Protected Area and a copy is sent to the Permanent Secretary and the Minister (reg 60(3)).

No money can be expended out of the Management Fund except with the approval of  $\frac{3}{4}$  of the members of the Management Committee (reg 58(3)).

### **Accounts**

A Management Committee must:

- Keep proper accounts and records of its transactions and financial affairs;
- Ensure all payments out of its funds are correctly made and properly authorised;
- Prepare or cause to be prepared an annual statement of accounts in respect of each year of management (reg 60(1)).

### **Authorisation of activities that are otherwise prohibited**

The Protected Areas Regulations prohibit a broad range of activities unless those activities are authorised by the Management Plan or the Management Committee. Therefore, the Management Committee has the power to authorise some activities in a Protected Area that would otherwise be unlawful in a Protected Area.

Ideally, the authorised activities should be documented in the Management Plan, so that it is clear what activities are authorised and what activities are prohibited. However, the Management Committee also has the power to authorise further activities that are not authorised through the Management Plan.

## **ESTABLISHMENT OF A MANAGEMENT COMMITTEE FOR THE PROPOSED EAST RENNELL PROTECTED AREA**

### **Options for people of East Rennell**

If the East Rennell people decide to apply for a Protected Area, they can either:

- Request that the LTWWSA become the Management Committee for the purposes of the Protected Areas Act; or

- Set up a new organisation and request that that new organisation become the Management Committee.

Given that significant work and consultations occurred before the LTWHSA was established, it would be preferable for the LTWHSA to continue to operate as the Management Committee unless the East Rennell people identify reasons why not.

## SOME LEGAL ISSUES

Three legal issues will briefly be discussed here:

- Assuming the landowners decide to recognise an existing group as the Management Committee, which entity should become the Management Committee?
- If the committee of the LTWHSA is to be recognised as the Management Committee, does the Constitution of the LTWHSA need to be amended? And if so how can the Constitution be amended?

### Entity to be recognised as the Management Committee

The LTWHSA is a registered trust under the *Charitable Trusts Act*. It has hundreds of members, who belong to the East Rennell communities. It is run by a committee of 10 people (two from each of the four villages and two Provincial Government members).

An issue to consider is whether the LTWHSA or the committee of the LTWHSA should become the Management Committee for the purposes of the Protected Areas law.

Some provisions of the Regulations support the recognition of the committee of the LTWHSA as the Management Committee. For example, regulation 58(3) says that no money from the Management Fund can be spent unless  $\frac{3}{4}$  of the members of the Management Committee agree. It would be impractical to require  $\frac{3}{4}$  of the members of the LTWHSA to approve any expenditure of funds, as the LTWHSA has hundreds of members.

The Meeting Procedure in Schedule 3 are also appropriate for a small committee of ten members, but not for the entire LTWHSA. For example, it is impractical to expect that the entire LTWHSA could meet at least every three months.

Other provisions of the Regulations support the recognition of the LTWHSA as the Management Committee. The powers granted to Management Committees under the Protected Areas Regulations are akin to the powers of the LTWHSA, not the committee of the LTWHSA. For example, under the Regulations a Management Committee has the power to enter into contracts and borrow money. The LTWHSA has these powers under its Constitution. The LTWHSA committee does not currently have the power to enter into contracts on its own behalf.

As discussed above, the Regulations do not easily fit with the existing management arrangements in East Rennell. The prescribed meeting procedures are appropriate for the LTWHSA committee not the LTWHSA, while the powers of the Management Committee are appropriate for the LTWHSA.

In my view, the LTWHSA (not the LTWHSA committee) should be recognised as the Management Committee as it is potentially confusing to 'pluck out' the committee of the LTWHSA and give it powers and responsibilities that are separate from the association that it runs. If the LTWHSA committee was the Management Committee, it would (for example) have its own funds, that are separate to the funds it administers on behalf of the LTWHSA. When the committee was making a decision, it would be unclear whether it was making a decision as the committee of the LTWHSA or as the Management Committee.

## **Amendment of the Constitution of the LTWHSA**

The Regulations allow for the recognition of an existing community, organization or management arrangement as the Management Committee (regulation 28(1)). This regulation states that an existing community, organization or management arrangement “may be adopted and continue to function” as the Management Committee.

The Regulations do not specify whether the community, organization or management arrangement that is adopted can continue to operate in accordance with its own procedures, or whether it must comply with the procedures in the regulations, in particular in Schedule 3. It is arguable that the meeting procedures in Schedule 3 do not apply when a Management Committee is adopted under regulation 28, because otherwise regulation 28 would not add anything to section 12 of the Act (which gives the Advisory Committee the power to appoint Management Committees).

To reduce the likelihood of future disputes, in my view the Constitution of the LTWHSA should be amended so that the meeting procedures of the LTWHSA committee are as close as possible to those prescribed under the Regulations. Therefore, to the extent practicable, I have suggested the amendment of the Constitution to incorporate the Schedule 3 meeting procedures. However, note that it will be the committee of the LTWHSA that is complying with the meeting procedures.

I have prepared a marked up version of the Constitution showing the suggested amendments (Attachment 7 of the Protected Areas Guide). In addition to the ‘Protected Area’ changes, I have made some suggestions to improve the wording of the Constitution and I have pointed out some gaps and ambiguities.

The LTWHSA Constitution sets out the process for amending the Constitution.

The Constitution can be amended at a General Meeting of the Association (cl 7(a)). A quorum of the committee must attend the General Meeting (cl 7(a)). A quorum consists of at least one representative from each village and a minimum of six members (cl 5.1(e)).

The amendment must be supported by two-thirds of the votes cast in the ballot for the motion to amend (cl 7(a)). The amendment must be supported by a majority of the trustees (cl 7(a)). The vote for the amendment can be done through a show of hands (6(h)). If a member is not satisfied with the result, he or she can call for there to be a secret ballot (6(h)).

Any member who wishes to propose an amendment of the Constitution must pass the proposal to the Secretary at least 2 months before the date of the GM that will decide the matter (7(b)).

**ATTACHMENT M: MEMORANDUM TO MINISTRY OF  
PROVINCIAL GOVERNMENT REGARDING DRAFT  
PROVINCIAL ORDINANCE**

## Protected Areas: National Laws and Provincial Ordinances

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Stephanie Price  
 Live and Learn Environmental Education  
 April 2013

### SUMMARY

The purpose of this document is to provide the Ministry of Provincial Government's legal adviser with information about the Protected Areas laws in Solomon Islands.

In summary:

- East Rennell has been a World Heritage Site since 1998. Under the World Heritage Convention, the Solomon Islands Government (SIG) is required to take the necessary legal steps to ensure that the heritage values of the site are protected.
- The Protected Areas Act 2010 came into force in 2012 and allows the Minister for Environment to establish Protected Areas. The Minister for Environment cannot make a declaration unless the landowners agree or if there is a dispute about the boundary of the land with the neighbouring landowners. Live and Learn Environmental Education (LLEE) has engaged an adviser to carry out consultations with the East Rennell communities about the Protected Areas Act and, if the communities agree, to prepare an application for a Protected Areas declaration. The adviser will be employed between March and August 2013. It is not possible to accurately predict how long it will take to establish a Protected Area under the Act. At best, the application could be prepared and processed by the end of 2013. However, this is a very optimistic goal.
- In 2009, a consultant engaged by the World Wide Fund for Nature (WWF) prepared a draft Ordinance entitled the Lake Tegano Natural Heritage Park Ordinance. LLEE considers that the draft Ordinance should be reviewed by the Ministry of Provincial Government's legal advisor and/or the Attorney General's office before being passed by the Provincial Government. Potential issues with the Ordinance include the creation of a new landowners' authority, the purported devolution of power to the authority to make by-laws, and a clause requiring landowner consent. Other Provinces have adopted different models for their Protected Areas Ordinances.
- LLEE is happy to work with the Rennell Bellona Provincial Government and the Ministry of Provincial Government on this matter.

### THE EAST RENNELL WORLD HERITAGE SITE

The East Rennell World Heritage Site was inscribed on the World Heritage List in 1998 on the basis of its outstanding natural environment. The World Heritage Site covers the eastern half of Rennell (including Lake Tegano). The western edge of the site is the ward two boundary (see Attachment A). The site extends for some distance into the sea. LLEE is in the process of identifying the precise marine boundaries of the World Heritage Site.

The entire site is under customary ownership. Four communities (Hutana, Tegano, Niupani and Tebaitahe) are located within the site.

The World Heritage Operational Guidelines state that a Management Plan should be in place before a site is put on the World Heritage List. Notwithstanding this requirement, when East Rennell was inscribed it did

not have a Management Plan. A Management Plan was prepared in 2007. A consultant was recently engaged to review the plan. This work will be conducted between May and August 2013.

The World Heritage Convention places obligations on States; it does not directly restrict the activities of individuals. Therefore, the fact that the site is on the World Heritage List does not affect what the landowners and others (including logging and mining companies) can and cannot do at the site.

Under the Convention, States are required to take the legal measures necessary to identify and protect areas of world heritage within their boundaries. The World Heritage Committee has repeatedly called upon the SIG to enact legislation to protect the East Rennell site. When the site was first listed, the SIG prepared a bill called the World Heritage Protection Bill, however this law was never passed. The Protected Areas Act 2010 is a national law that could potentially be used to provide some legal protection to the site. The site could also be protected under a Provincial Ordinance.

## **RATIONALE BEHIND LEGALLY PROTECTING THE EAST RENNELL SITE**

As mentioned above, the World Heritage Committee is encouraging the SIG to protect the East Rennell site under a government law to ensure the long term protection of the World Heritage values at the site. Legal protection could also be beneficial to the landowners if they wish to prevent resource extraction and other non-sustainable activities from occurring. In particular, if the site becomes a Protected Area under the Protected Areas Act, logging and mining will be prohibited in the area.

The report on the consultation process that occurred before the draft Ordinance was prepared (Attachment C) suggests there is broad support amongst landowners for legal protection of the site. However, it is unlikely that there is unanimous support. Further consultations will be carried out by LLEE in 2013.

## **THE PROTECTED AREAS ACT 2010**

The Protected Areas Act was passed by Parliament in 2010. The Act and the Protected Areas Regulations 2012 came into force in February 2012. The Act gives the Minister for Environment, Climate Change, Disaster Management and Meteorology ('the Minister') the power to declare an area of land and/or sea to be a 'Protected Area'. The Minister has not yet declared any areas to be protected. The Ministry of Environment has also not yet done all of the administrative tasks required under the Act, including appointing a Protected Areas Advisory Committee or establishing a Protected Areas Trust Fund.

### **Pre-conditions for creation of a Protected Area under the Protected Areas Act**

Before declaring an area to be protected, the Minister must be satisfied of several matters, including:

- the people who have rights and interests in the area approve of the application;
- there are no land disputes regarding the boundaries of the proposed protected area; and
- a Management Plan has been developed for the area.

### **Process for creating a Protected Area under the Protected Areas Act**

The Protected Areas Regulations set out the process that must occur before an area can be declared to be a Protected Area. In summary, the process involves the following:

- 1) The communities who wish to apply for a Protected Area declaration (the 'applicant communities') must each make a resolution in support of the application.<sup>12</sup>

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<sup>12</sup> In East Rennell, there are four communities within the World Heritage Site: Hutana, Tegano, Niupani and Tebaitahe.

- 2) The leaders of the applicant communities and the leaders of any communities that share a boundary with the applicant communities (the 'neighbouring communities') must sign an agreement confirming the boundary of the proposed Protected Area (the 'boundary agreement'). Each neighbouring community must make a resolution endorsing this boundary agreement.<sup>13</sup>
- 3) A Management Plan must be prepared for the Protected Area.<sup>14</sup>
- 4) An application must be submitted to the Director of the Environment and Conservation Division of the Ministry of Environment (the 'Director'), including an application form, the applicant communities' resolutions, the neighbouring communities' resolutions, the boundary agreement and the Management Plan.
- 5) The Protected Areas Advisory Committee or the Director must appoint a Management Committee for the Protected Area.<sup>15</sup>
- 6) The Director must conduct an assessment of the environmental values of the area, and verify whether the people with rights and interests in the area have agreed to the application.
- 7) The Director must make a recommendation to the Minister about whether the area should become a Protected Area.
- 8) The Minister must decide whether the area should become a Protected Area.

### Consequences of creating a Protected Area

Once an area is declared as a Protected Area, various rules apply to how the area can be used. The rules are contained within:

- The Management Plan (which is prepared by the community and its advisers).
- The Protected Areas Regulations made by the Minister for Environment.

Under the Regulations, it is an offence to do certain things in a Protected Area, including:

- 'commercial' or 'industrial' extraction of forest products or minerals;<sup>16</sup>
- unless authorized by the Management Committee or the Management Plan:
  - remove any species;
  - do any agriculture;
  - kill any living creature
  - introduce any animals.
- in a Marine Protected Area:
  - dredge or trawl for fish;
  - harvest fish in spawning aggregations or during spawning seasons.

If a person commits an offence under the Act, they can be served with an infringement notice by an 'inspector' appointed under the Act. If the person fails to pay the fine specified in the infringement notice, the person can be prosecuted. The Regulations set out the maximum penalties for the various offences. For example, the maximum penalty for carrying out logging or mining in a Protected Area is a fine of \$10,000. If a company commits an offence, it is liable to pay a fine of up to five times the fine payable by an individual, and the director of the company may also be found to be liable.

<sup>13</sup> In East Rennell, at least one community shares a boundary with the World Heritage Site. LLEE has been informed that this neighbouring community claims that it owns some of the land within the World Heritage Site.

<sup>14</sup> A Management Plan was prepared for East Rennell in 2007. It is in the process of being reviewed.

<sup>15</sup> The Act says that the Management Committee must be appointed by the Protected Areas Advisory Committee. The Regulations allow for an existing association or group to be recognized as the Management Committee. It is arguable that the Director has the power to decide whether an existing association or group is recognized as the Management Committee.

<sup>16</sup> The terms 'commercial' and 'industrial' are not defined in the Protected Areas Act or Regulations.

### **Estimated timeframe for creating a Protected Area under the Protected Areas Act**

It is not possible to accurately estimate how long the Protected Areas Act process will take. An application cannot be made unless there is support for the application amongst the landowners and there is no land dispute regarding the boundary of the proposed Protected Area. Given these requirements, it is not clear whether an application can be made for East Rennell.

Furthermore, once an application is made, the Director must conduct an environmental assessment and landowner consultations, and decide whether to support the application. As no area has been declared under the Act yet, it is not clear how long this process will take. However, it is likely to be months not weeks.

Consultations with East Rennell communities are proposed for April and June 2013. If there is support for a Protected Area, formal meetings will be held in August 2013 to obtain resolutions in support of the Protected Area application. In LLEE's view, the 'best case scenario' is that the area will be declared a Protected Area by the end of the year. However, this is a very optimistic goal.

## **PROTECTED AREAS ORDINANCE**

### **Provincial Governments and Protected Areas**

Provincial Governments have the power to make Ordinances relating to environmental matters (section 31(1) of the PG Act and Schedule 3). Some Provinces have developed Ordinances that allow for the establishment of Protected Areas, including:

- Western Province Resource Management Ordinance 1994;
- Chosieul Province Resource Management Ordinance 1997; and
- Isabel Province Resource Management and Environmental Protection Ordinance 2005.

### **Development of the draft Rennell Bellona Protected Areas Ordinance**

In 2009, WWF engaged a consultant to undertake consultations for the purposes of developing a legal framework for the World Heritage Site. The consultant undertook two rounds of consultations in East Rennell, and developed a draft Provincial Ordinance (see Attachment B).

In his final report (Attachment C), the consultant recommended:

- at least one more consultation be conducted on the full draft of the Ordinance at each of the four villages, to educate the communities on the actual text of the Ordinance.
- the Provincial Government and the Lake Tegano World Heritage Site Association<sup>17</sup> (LTWSHA) take charge of continuing the process; and
- the LTWSHA continue to operate for another year, and a smooth transition to the new management structure proposed under the draft Ordinance be facilitated.

LLEE is not aware whether any further work was done on the draft Ordinance after the consultant's report.

### **Issues with the draft Provincial Ordinance**

LLEE has done a preliminary review of the draft Provincial Ordinance. Comments about the draft are set out below.

#### Scope of the Ordinance

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<sup>17</sup> The Lake Tegano World Heritage Site Association is an association of East Rennell landowners. It is registered under the Charitable Trusts Act.

The draft Ordinance is entitled 'Rennell-Bellona Lake Tegano Natural Heritage Park Ordinance'. The Provincial Government may wish to consider whether it wants to pass an Ordinance that is specific to East Rennell, or an Ordinance that could also be used by other communities in Rennell.

#### Consistency with the Protected Areas Act

The landowners of East Rennell may decide to seek legal protection of their site under the Protected Areas Act in addition to or instead of protection under a Provincial Ordinance. LLEE considers that the Ordinance should not be inconsistent with the Act. See below for more details regarding consistency issues.

#### Boundaries of the Lake Tegano Natural Heritage Park

The Ordinance provides for the establishment of the Lake Tegano Natural Heritage Park (the 'Park'). The boundaries of the Park are determined by the Lake Tegano Natural Heritage Park Authority (section 5(1)). The Authority has the power to unilaterally change the boundaries of the Park (section 6(2)).

LLEE considers that the boundaries of the Park should be determined by the Provincial Government (following consultation with affected communities) and they should not be able to be amended by the Authority.

For practical reasons, it would also be preferable if the boundaries of the World Heritage Site, any Protected Area created under an Ordinance and any Protected Area created under the Act are the same.

#### The Lake Tegano Natural Heritage Park Authority

##### *Creation of the Lake Tegano Natural Heritage Park Authority under the Ordinance*

The Ordinance establishes this Authority to manage the site (section 8).

In 2009, a landowners' association was established at East Rennell entitled the Lake Tegano World Heritage Site Association. The Association has a committee, made up of elected members of all four East Rennell communities. It is registered under the Charitable Trusts Act. A copy of the Association's Constitution is attached (Attachment D).

LLEE is concerned that the creation of the Lake Tegano Natural Heritage Park Authority would at best be unnecessary (given the existing Association). At worst it would lead to the existence of two bodies charged to carry out very similar tasks. This would be both wasteful and confusing to the landowners.

The consultant's report does not set out any reasons for disbanding the existing Association in favour of the Authority. Unless a reason is identified, LLEE considers that the Ordinance should provide a mechanism for recognizing the existing Association as the management body.

LLEE also queries whether the Ordinance needs to establish a management body at all. The main task of the Authority under the draft Ordinance appears to be the development of by-laws for the Park. LLEE queries whether the delegation of this responsibility to the Authority is lawful (see discussion below in 5.3.7).

##### *The Management Committee under the Protected Areas Act*

Under the Protected Areas Act, a Management Committee must be established for each Protected Area. The Protected Areas Regulations say that an existing committee or management structure can be recognized as the Management Committee for the Protected Area.

LLEE expects that if the East Rennell communities choose to apply for a Protected Area, they will seek to have the LTWHSAs recognized as the Management Committee for the site under the Protected Areas Act.

#### The Lake Tegano Natural Heritage Park Fund

The Ordinance establishes a Lake Tegano Natural Heritage Park Fund, to be used for the management of the Park (section 20).

A Protected Areas Trust Fund must be established for a Protected Area created under the Protected Areas Act. There are requirements in the Protected Areas Regulations as to how the Fund must be managed. LLEE considers that the requirements for the Lake Tegano Natural Heritage Park Fund in the Ordinance should be consistent with those in the Protected Areas Regulations.

#### Prohibitions

The draft Ordinance states that certain activities are prohibited in the Park. The restrictions under the Ordinance are listed below, along with comments.

<b>Prohibition</b>	<b>Draft Ordinance</b>	<b>Protected Areas Act</b>	<b>Comments</b>
Commercial or industrial extraction of timber or minerals	Prohibited (section 30)	Prohibited in the Protected Area and in a buffer zone around the Protected Area. The Act also prohibits extraction of 'forest resources', not just timber.	'Commercial' and 'industrial' extraction is not defined in the Ordinance or the PAA.
Removal of undersized or egg-bearing Kasusu (coconut crab) for commercial or semi-commercial purposes	Prohibited (section 31)	Prohibited under the Regulations, except to the extent allowed under the Management Plan.	'Under-sized' is not defined. 'Commercial' and 'semi-commercial' are not defined.
Removal of live coral	Prohibited without the authority of the Authority (section 32).	Prohibited under the Regulations.	Presumably removal under the Ordinance should be authorized by the Board not the Authority.
Dumping or discharging any waste or other polluting or harmful material into or within the waters of the Park	Prohibited (section 33).	Prohibited under the Regulations.	

The Ordinance does not contain any other restrictions or rules. The Provincial Government may wish to consider whether these restrictions adequately cover all of the issues it is attempting to address. In addition, many terms are not defined so the restrictions are unclear.

The Ordinance purports to give the Authority the power to make additional by-laws for the Park (see discussion below).

#### By-laws and enforcement of prohibitions in the Ordinance

Under the draft Ordinance, the Authority is given the power to prescribe penalties for the prohibitions in the Ordinance, including penalties in the form of administrative fines up to \$1,000 (section 34). It is also given the power to prescribe by-laws covering matters such as fines and specific restrictions to be applied in the Park (section 38).

LLEE queries the legality of the provisions authorizing the Authority to make by-laws. In any event, the maximum fine for breaching the rules (\$1,000) is very low. There is no provision for a higher fine if the offender is a corporation.

#### Consent of traditional owners

The Ordinance says that once the Ordinance enters into force, a traditional or customary owner of land within the Park 'shall' complete and submit the declaration of consent form set out in the Second Schedule of the Ordinance (section 18(1)). The consent form must be signed by at least two members representing a customary landowner group in the presence of a chief or village elder (section 18(2)). The Ordinance says that this declaration of consent gives the Authority the mandate or power to conserve, manage or protect 'for and on behalf of the consenting traditional or customary owners, the flora and fauna of their land' in accordance with the Ordinance (section 18(4)).

LLEE queries whether this provision is necessary and, if it is, what legal effect it has. The Ordinance is silent as to the consequences of the landowners not providing their consent.

#### **Other models for a Protected Areas Ordinance**

Other Provinces have developed Protected Areas Ordinances that are different to the draft Rennell Bellona Ordinance. Information about some of these Ordinances is set out below. Very few Protected Areas have been set up under Provincial Ordinances. LLEE is only aware of one (the Arnavon Island Conservation Area, which is a Wildlife Sanctuary under the Isabel Province Resource Management and Environmental Protection Ordinance).

#### Choiseul Province Resource Management Ordinance 1997

This Ordinance gives the Chosieul Provincial Executive the power to make 'Resource Orders', which are orders for the protection of marine, forest and/or wildlife resources on customary land. An application for a Resource Order can only be made by 'Qualified Requesters'. These are people who under custom can make rules binding on people indigenous to the area and people coming to the area.

After the Provincial Executive receives a request, the public must be given notice of the request and people can make objections to the 'Appropriate Committee'. The 'Appropriate Committee' might be a Chiefs Committee, a Council of Chiefs or a Village Committee. The Appropriate Committee must hold a hearing, and decide whether the people who applied for the Resource Order are Qualified Requesters (i.e. people lawfully entitled to make binding rules about natural resources). The people who applied for the Resource Order can appeal the Appropriate Committee's decision to the Local Court. If there are no successful appeals, the Provincial Executive can make the Resource Order.

#### Isabel Province Resource Management and Environmental Protection Ordinance 2005

This Ordinance gives the Isabel Provincial Executive the power to make 'Resource Management Orders' that provide for the conservation or management of areas of customary land. An application for a Resource Management Order can be made by 'Qualified Requesters'. People who think the applicants are not lawfully entitled to make the request can file an objection with the House of Chiefs. The Chiefs' decision can be

appealed to the Isabel Council of Chiefs. If there is no successful objection or appeal, the Provincial Executive can make the Resource Management Order.

The Isabel Province Resource Management and Environmental Protection Ordinance also gives the Provincial Executive the power to set up Wildlife Sanctuaries. The procedure for declaring a Wildlife Sanctuary over customary land is same as the procedure for making a Resource Management Order.

#### Temotu Province Environmental Protection Ordinance 1993

This Ordinance is different from the Ordinances described above. It allows the Provincial Executive to declare any area used by a protected species as a habitat or a breeding ground to be a Protected Place. A protected species is a species that the Executive has declared to be a protected species. A Protected Place declaration cannot be made without the written consent of the representatives of the owners of the land. Therefore, the main purpose of this Ordinance is to allow the Provincial Government to protect areas it thinks should be protected. It does not allow landowners to formally apply to the Provincial Government for the protection of an area.

**ATTACHMENT N: MEMORANDUM FROM MINISTRY OF  
PROVINCIAL GOVERNMENT REGARDING DRAFT  
PROVINCIAL ORDINANCE**

See separate document.