

Observations on the State of Indigenous Human Rights in the Solomon Islands

**Prepared for
United Nations Human Rights Council:
Universal Periodic Review
June 2015**



Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous peoples' rights in countries throughout the world and publishes its findings in its magazine, the *Cultural Survival Quarterly*; and on its website: www.cs.org

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I. Issue Summary

The Solomon Islands have not endorsed the UN Declaration on the Rights of Indigenous Peoples nor the Convention 169 of the International Labor Organization (ILO 169), yet Indigenous Peoples represent a vast majority of the islands' population. These frameworks are essential to the young State as it grapples with environmental chaos due to climate change, the effects of extractive industry on rural communities, protecting delicate biodiversity, and ongoing land disputes between tribes.

II. Background

The Solomon Islands have a population of over 600,000, of which over 90% are Indigenous to the islands. 120 different Indigenous languages are spoken across 347 of its inhabited islands. Guadalcanal, internationally known as the site of decisive World War II battles, is the largest of these islands. The country has an aggregate land area of 28,370 km together with large areas of coral reefs, lagoons, and open ocean. The majority of the islands' rapidly growing population are Melanesian and Indigenous to the land, but there are also several other small minority groups, most of which arrived to the islands through migration. The largest of these minority groups are the Polynesians and i-Kiribati and, like most other minority groups on the Solomon Islands, their presence within the islands is the result of the British colonization that took place during the 19th century. It was not until 1978 that the islands' independence was recognized and a local government was formed.

III. Climate Change and effects on Indigenous Peoples

As predicted in the 2011 UPR review by environmental groups' submissions, climate change can now be considered the single greatest cause of human rights violations in the Solomon Islands. "Increasing changes in the physical environment causing these threats will result in the direct threat to many of the human rights guaranteed by Solomon Islands under international law, including: the right to life, the right to security of person, the right to water; the right to food, the right to means of subsistence, the right to sanitation; the right to health, the right to property, the right to housing, the right to self-determination, the right to an adequate standard of living, and the right to a healthy environment."¹

The Indigenous people's cultures and traditions in the Solomon Islands are deeply connected to the land, the forests, mountains, rivers and sea. They rely on it for food and practice

¹Submission of Earthjustice, Greenpeace International, Human Rights Advocates and 350.org, 2010. Available here: [http://www.docip.org/greenstone/collect/cendocdo/index/assoc/HASH0195/b1757933.dir/JS2_SI.pdf#search="solomon"](http://www.docip.org/greenstone/collect/cendocdo/index/assoc/HASH0195/b1757933.dir/JS2_SI.pdf#search=)

subsistence agriculture. Eighty percent of the population in the case of Solomon Islands reside in the rural areas and continue to rely on the forests for their daily needs from food to constructing houses, building canoes to generating income. Therefore, the Solomon Islands ecosystems, including both its land and people, flora and fauna, and extremely vulnerable to climate change and climate changes poses this largest risk to the enjoyment of individual and collective rights by Indigenous Peoples.

The government has reported² that climate change has already eroded shorelines with sea level rise in which also causes water salinization, increased the frequency of flooding, drought, typhoons, and irregular fishing patterns. These effects were reported to have caused a migration of Solomon Islanders from low lying islands, leaving their ancestral islands for larger islands, and threatening stability and peace. Ambassador Collin Beck declared as far back as 2008 that "Climate change has been responsible for urban drift that is creating new pockets of poverty, placing stress on an economy that is narrowly agriculture based with a large public sector. For the Indigenous, it is also a clash of two worlds between tradition and modern. There is a growing cost of food and dependency on imported food resulting in new non communicable disease is now a reality and malaria a killer especially for those coming from non-affected areas."

IV. Logging

Logging permits issued to local and foreign companies are frequently in conflict with local Indigenous communities because they fail to gain the communities' Free, Prior, Informed Consent before initiating projects. The Solomon Islands have more than 2.2 million hectares of forest covering approximately 80 percent of its land area. Rural Indigenous communities, who are a majority of the population, rely on these forests for subsistence agriculture. The government's economic focus on logging, which accounts for roughly 60 percent of export earnings, has brought few benefits to rural communities, who have seen little improvement in their lives. Instead, deforestation has removed wild fruits and vegetables that are a local food source and destroyed the habitats of animals, such as pigs, which then plunder community food gardens. Vezinia Danny, from the village of Kuzi on Kolombangara Island, recounted, "The stream which provides us with a water supply is polluted with oil from dirty logging machinery and our pipe has been broken by falling trees, so now we have to paddle our canoes for miles to get clean water."³

² Statement by Ambassador Collin Beck, Permanent Representative of the Solomon Islands to the UN, 7th session of the Permanent Forum on Indigenous Issues, April 2008. Available here: [http://www.docip.org/greenstone/collect/cendocdo/index/assoc/HASH0142/9f68005c.dir/PF08collin069.pdf#search="solomon"](http://www.docip.org/greenstone/collect/cendocdo/index/assoc/HASH0142/9f68005c.dir/PF08collin069.pdf#search=)

³ <http://www.trust.org/item/20131017092907-ypt9m/>

Two conflicts between communities and logging companies have been taken to the Supreme Court level. The Kolombangara Island Biodiversity Conservation Association won injunctions against Success Company in 2010 and Viuru Forest Enterprises in 2013 on the basis that both logging companies, both majority-owned by government ministers, had not completed environmental impact assessments or obtained valid development consents from the Ministry of Environment. Government agencies responded⁴ to these claims by saying that although companies have to submit detailed logging plans for approval, there are many cases in which these companies breach license conditions and fell trees beyond their entitlement, because the government has “limited resources” to monitor and audit logging companies. This is an unacceptable prioritization of profit over people. If there are not resources made available to ensure human rights to clean water, food, and safe environments, nor to ensure that a process of free, prior, informed consent is carried out with Indigenous communities, then no logging concessions should be permitted.

V. Conservation

Communities report⁵ that at various times the government has allowed for industrial logging and other extractive industry to occur in environmentally and culturally sensitive areas. In 2015 the Solomon Islands created a Protected Areas Advisory Committee.⁶ This committee is tasked with administering and safeguarding the fragile, unique and important natural environments of the Solomon Islands. It should be encouraged that management of the conservation area occurs in consultation with local Indigenous communities. In June 2011, Solomon Islands Prime Minister, Danny Philip, and Minister of Environment, Moffet Fugui, dedicated a conservation area in Kolombangara forests above 400 meters, which prohibits logging above 400 meters in altitude, a level at which greater levels of biodiversity and endemism exists. These mountains also contain important cultural and spiritual sites for Indigenous Peoples. This is a very positive development and the State should make every effort to ensure that this conservation effort is enforced, and this conservation area is made official under Solomon Island law. Management of the conservation area should continue to be spearheaded by landowners on Kolombangara Island.

VI. Land Rights

Although the Solomon constitution makes few references to the rights of Indigenous Peoples and the country has not endorsed the UN Declaration on the Rights of Indigenous Peoples, it has been generally upheld that traditional land rights are respected. Some legislation is written so as to make special provision for tradition or to exclude the application of certain legislation to

⁴ <http://www.trust.org/item/20131017092907-ypt9m/>

⁵ <http://www.kolombangara.org/conservation-area>

⁶ <http://www.solomonstarnews.com/news/national/6881-protected-areas-advisory-committee-formed?tmpl=component&page=>

land and sea areas held under customary tenure⁷. British colonization disrupted traditional methods of establishing land tenure and has resulted in disputes between Indigenous communities.⁸ As well, over commercialization (logging) and climate change have disrupted the environment, which will prompt further conflict if not managed properly through the varying land tenure system that exists with Solomon Islands diverse society. Although much work has been done to reform land tenure laws, continued customary land recording and registration must be encouraged more to ensure certainty of title and minimize disputes.⁹

VII. Recommendations

Cultural Survival urges the Government of the Solomon Islands to:

1. Endorse the UN Declaration on the Rights of Indigenous Peoples.
2. Ratify Convention 169 of the International Labor Organization.
3. Enact national legislation to incorporate the principle of Free, Prior, Informed Consent before development projects that affect Indigenous communities.
4. Ensure that government bodies charged with the oversight of foreign and local industries, especially logging, are equipped with the resources and funding they need to monitor and audit these projects.
5. Continue to encourage the registration of customary land title.
6. Re-establish the Ministry of Rural Development and Indigenous Business Affairs.
7. Invite the UN Special Rapporteur on the Rights of Indigenous Peoples to visit the country.
8. Adopt a national action plan on its implementation to ensure Indigenous Peoples' effective and politically meaningful participation in the decision-making process and equal representation in the governance of the country as provided under UNDRIP and ILO Convention 169.
9. Implement the World Conference on Indigenous Peoples Outcome Document, beginning with drafting a National Plan of Action to achieve the ends of the Declaration.

⁷ <http://www.culturalsurvival.org/publications/cultural-survival-quarterly/solomon-islands/asserting-traditional-rights-community-cons>

⁸ http://www.kolombangara.org/sites/default/files/MelGeo8_p32-37.pdf

⁹ <http://www.paclii.org/journals/fJSPL/vol11no1/pdf/Foukona.pdf>