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Rapid Assessment: Criminal justice response to wildlife and forest crime in Solomon Islands

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Acronyms

BSI	Biosecurity Solomon Islands
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
ECD	Environment and Conservation Division
EEZ	Exclusive Economic Zone
FFA	Pacific Islands Forum Fisheries Agency
FID	Foreign Investment Division
FRTU	Forest Resources and Timber Utilisation (Act)
IUU	Illegal, unreported, and unregulated (fishing)
MAL	Ministry of Agriculture and Livestock
MECDM	Ministry of Environment, Climate Change, Disaster Management & Meteorology
MFMR	Ministry of Fisheries and Marine Resources
MOFR	Ministry of Forestry and Research
OCO	Oceania Customs Organisation
ODPP	Office of the Director of Public Prosecutions
PNG	Papua New Guinea
RAMSI	Regional Assistance Mission to Solomon Islands
RSIPF	Royal Solomon Islands Police Force
SBD	Solomon Islands dollars
SICED	Solomon Islands Customs and Excise Division
SIICAC	Solomon Islands Independent Commission Against Corruption
SPREP	Secretariat of the Pacific Regional Environment Programme
TCU	Transnational Crime Unit
UNCAC	United Nations Convention Against Corruption
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organised Crime
VMS	Vessel monitoring and surveillance
WPM	Wildlife Protection and Management (Act)

Introduction

The objective of the rapid assessment is to understand the current context of wildlife and forest crimes in Solomon Islands and to determine the effectiveness of the criminal justice response in addressing these crimes. The research was based on a desk review of the available primary and secondary data and interviews with key stakeholders from the government agencies. Interviews were conducted with the main agencies of the criminal justice system such as prosecutors, police, customs, and environment/forestry officials involved in law enforcement. Wherever possible, interviews were conducted at the level of departmental head or deputy.

For the purposes of this report, “wildlife crime” refers to the taking, trading (supplying, selling, or trafficking), importing, exporting, processing, possession, obtaining or consumption of wild fauna and flora in contravention of national or international law. Given the importance of oceans and coral reefs in the Pacific context, this study also looked at the way these crimes affect certain marine species such as dolphins, marine turtles, giant clams, sea cucumber, sharks, and others that may be targeted for illegal trade in a similar way to terrestrial wildlife species. However, illegal, unreported, and unregulated (IUU) fishing and other related fisheries crimes were outside the scope of this study and were not considered during the meetings or analysis.

The political commitment to use criminal justice resources to target the illegal exploitation and trade in wildlife and timber is one of the starting points for this country analysis. Criminal justice systems deal with multiple crime types and face considerable public and political pressure on a range of issues. In practice, criminal justice actors prioritise their interventions to meet the extensive demands on their services in the best way possible, given the limited resources at their disposal.

While criminal justice systems are designed in theory to respond to all crimes, the aim of this report is to map out the roles, responsibilities, and processes undertaken by the various agencies in investigating and prosecuting wildlife and forest crimes in Solomon Islands, how these agencies interact, their strengths and challenges, and capabilities to undertake complex investigations. The report concludes with a set of recommendations which are aimed at national policy makers, but also at generating a wider discussion as to how criminal justice interventions could play a more effective role in tackling transnational wildlife and forest crime.

Solomon Islands background and context

Solomon Islands consists of six major islands (Choiseul, New Georgia, Santa Isabel, Guadalcanal, Malaita, and Makira) and over 900 smaller islands, of which more than 300 are uninhabited. The 1,450 km island chain lies to the east of Papua New Guinea (PNG) and stretches southeast across the Coral Sea towards Vanuatu. The combined land area of all the islands is over 27,000 km² with more than 4,000 km of coastline and an Exclusive Economic Zone (EEZ) of more than 1,500,000 km².

In 2019, the population of Solomon Islands was estimated at approximately 669,000 and the GDP at USD 1.57 billion, according to World Bank Data.¹ The bulk of the population is very young, with 70% of people below the age of 30, and approximately 80% of the population reside in rural areas. The majority of Solomon Islanders are dependent on subsistence agriculture and fishing for at least part of their livelihood, and less than one quarter are involved in paid work. The economy is particularly dependent on the export of timber and logs, with agriculture and fisheries making up other important economic sectors. Solomon Islands is one of the least developed countries in the Pacific

¹ <https://data.worldbank.org/country/SB>

region, with a high cost of service delivery due to a small and geographically dispersed population.² These social and economic factors also contribute to significant law enforcement challenges.

Solomon Islands' period of internal conflict from 1998-2003 involved ethnic tensions, lawlessness, and violence, and took a great toll on the country.³ Although Solomon Islands has been rebuilding itself since then with assistance from many other countries in the region, instances of civil unrest have continued to erupt periodically, most recently in November 2021.⁴

Solomon Islands is recognised for its large tracts of tropical rainforest covering approximately 80% of the total land area, mostly consisting of lowland forest and cloud forest. However, unsustainable levels of logging and clearance for subsistence agriculture in recent decades have left lowland forests below 400 metres altitude as the most threatened terrestrial ecosystem. Cloud forests are less threatened due to the rugged terrain, access difficulties and fewer commercially valuable timber species.⁵

The country is estimated to have lost 6.1% of its primary forest cover between 2002 and 2020, equivalent to 122,000 hectares.⁶ The Solomon Islands government acknowledges that the current rate of logging is a critical issue, with a record 2.73 million m³ of round logs exported in 2018,⁷ which is more than 10 times the Ministry of Forestry and Research's recommended sustainable rate of harvesting.⁸ The timber industry is dominated by Chinese and Malaysian companies, and more than 80% of Solomon Islands' timber is exported to China.⁹ There is a high risk of illegal logging occurring throughout the industry and key issues commonly reported involve loggers felling timber outside of their concessions, logging in prohibited areas, harvesting protected species, and logging on private land without receiving approval from the customary landowners.¹⁰

Solomon Islands is categorised as an "Endemic Bird Area" for its large number of endemic bird species and has the highest number of restricted range birds (residing on just a few islands) of any Endemic Bird Area in the world. Current data indicates there are 163 native bird species, of which 69 are endemic and more than half are globally threatened. Few native birds appear to be CITES-listed species, and many are vulnerable simply because of the island geography and their small natural ranges and populations. In addition, there are 53 mammal species of which 19 are endemic, including murid rodents, flying foxes and bats; 80 reptile species, 21 frog species, and more than 14,500 insect species.¹¹

There is an active international trade in native birds, lizards, butterflies, and several other wildlife species in Solomon Islands. There are reportedly no commercial breeding facilities in the country, so it is likely these species are sourced from the wild and kept in temporary holding sites in Honiara for export. Non-native species may be laundered into the country and declared as "captive-bred" before being exported elsewhere. The trade in these species presents a concern due to the lack of oversight

² Solomon Islands National Biodiversity Strategic Action Plan 2016-2020, p.12

³ <https://www.ramsi.org/the-tensions/>

⁴ <https://www.lowyinstitute.org/the-interpreter/dark-days-honiara-shadow-geopolitics>

⁵ Solomon Islands National Biodiversity Strategic Action Plan 2016-2020, p.19

⁶ Global Forest Watch, *Solomon Islands Deforestation Rates and Statistics*, [accessed at this weblink](#).

⁷ <https://www.rnz.co.nz/international/pacific-news/391264/logging-rate-unsustainable-in-solomons-admits-official>

⁸ <https://www.mofr.gov.sb/en/forestry-industries>

⁹ https://news.mongabay.com/2022/01/analysts-point-to-logging-and-mining-to-explain-solomon-islands-unrest/?mc_cid=50d65eb5ad&mc_eid=3e6bf4960a

¹⁰ Global Witness, 2018, *Paradise Lost*, accessed at:

<https://www.globalwitness.org/en/campaigns/forests/paradise-lost/>

¹¹ Solomon Islands National Biodiversity Strategic Action Plan 2016-2020, p.20

and monitoring of the sourcing and status of species populations in the wild and the scale and conduct of the trade, as was acknowledged during the stakeholder interviews.

In its oceans, Solomon Islands has extensive coral reef systems with almost 500 species of coral recorded, mangrove and seagrass ecosystems, and deep-sea trenches supporting a high diversity of marine mammals, fish, crustaceans, and mollusc species. Key marine species include dugong, five species of marine turtles, eight species of whales, nine species of dolphin, many shark species, saltwater crocodile, sea cucumber, giant clams, and more.

The live dolphin export industry is a controversial issue in the Solomon Islands, and its capture, sale, export and facility establishment is now prohibited under the Fishery Management Regulation 2017. However, there is still an overlapping mandate and inconsistencies in handling between the Ministries of Environment (MECDM) and Fisheries (MFMR). Giant clam shells have previously been traded in large volumes that led to a CITES trade suspension in 2016, and although reported trade since then is minimal, there are shell stockpiles in the country and new demand from some companies that want restrictions lifted and trade in giant clams to resume.

Bans on sea cucumber harvesting and export have also been periodically introduced and lifted over the years in response to over-exploitation. The most recent ban was instated in 2019 but has been temporarily lifted for 12 months from 1 September 2021 to 1 September 2022 as a measure to support fishing communities to earn additional income during the COVID-19 pandemic.¹² The lifting of the ban has reportedly sparked a harvesting frenzy, and although there are size limits to protect populations, a lack of resources means there is little enforcement of control measures.¹³

As a country rich in natural resources, rare and endangered endemic species that are highly valuable in the trade, Solomon Islands is an attractive source location for large multinational logging companies, wildlife criminals and specialist collectors. Many of the main wildlife and forest crime issues are well known among the various government agencies, particularly the high risk of illegal logging, the use of logging ships to collect and smuggle wildlife, and the active international trade in many species of birds and reptiles that has almost no oversight or enforcement on the ground. However, this assessment found there have been very few investigations and prosecutions of cases due to under-resourcing and limited capacity of the relevant agencies to address the wildlife and forest crime risks and threats the country faces. Furthermore, Solomon Islands law permits cultural access to and use of wildlife, forestry, and fisheries resources, which are of vital importance for the majority of the population who depend on these for their livelihoods and subsistence.

In terms of responding to transnational crimes, Solomon Islands faces the same challenges as many other Pacific countries in having an extensive geographic area, porous maritime borders, a relatively small population scattered across multiple islands, and limited law enforcement resources to patrol its vast territory. For criminal enterprises, the relatively low risk of detection and the profitability of transnational and organised crime contribute to the Pacific's appeal as both a location and transit route for transnational crime.

¹² <https://sbm.sb/2021/08/31/cabinet-lifts-ban-on-bech-de-mer-as-of-1-sept-2021-to-1-sept-22/>

¹³ <https://www.abc.net.au/news/2021-10-10/divers-killed-by-crocodiles-hunting-sea-cucumber-beche-de-mer/100515588>

Legal framework

Solomon Islands has a range of pieces of legislation relating to the investigation and prosecution of wildlife and forest crimes, as well as ancillary crimes such as corruption, money laundering and smuggling, including:

- Wildlife Protection and Management Act 1998 (amended 2017)
- Wildlife Protection and Management Regulation 2008
- Forest Resources and Timber Utilisation (Amendment) Act 2000
- Forest Resources and Timber Utilisation (Protected Species) Regulation 2012
- Environment Act 1998
- Environment Regulation 2008
- Protected Areas Act 2010
- Protected Areas Regulation 2012
- Fisheries Management Act 2015
- Fisheries Management Regulations 2017 (amended 2019)
- Penal Code 1963
- Police Act 2013
- Customs and Excise Act 2003
- Money Laundering and Proceeds of Crime Act 2002
- Anti-Corruption Act 2018
- Biosecurity Act 2013
- Provincial Government Act 1997
- Foreign Investment Act 2005 (amended 2009)
- Foreign Investment Regulations 2005 (amended 2016 and 2020)

This section provides an overview of the main laws, provisions, offences, and penalties available to address wildlife and forest crimes in Solomon Islands. The full text of some of the key provisions is included in Annex I and II of this report.

Wildlife crime

The main legislation used to regulate wildlife trade in Solomon Islands is the Wildlife Protection and Management Act (referred to throughout this report as the WPM Act), which is administered by the Environment and Conservation Division (ECD) under the Ministry of Environment, Climate Change, Disaster Management and Meteorology.

The WPM Act has two main parts for CITES-listed species (which applies to all species listed in CITES Appendices I, II, and III) and for non-CITES Listed species. Schedule I identifies species that are prohibited from export, with the only exemption being for approved persons for scientific purposes; and Schedule II identifies native species that are regulated and controlled, with export only permitted for approved persons with a valid export permit. It is noted that there are some conflicts in the species listings and protections between the WPM Act and the forestry regulations, with ebony (*Diospyros ebenum*) and Ngali nut (*Canarium indicum*) listed in Schedule II under the WPM Act, allowing some regulated and controlled export, but listed as fully protected species under the Forest Resources and Timber Utilisation Regulations. It is unclear how this conflict is handled in practice.

The WPM Act includes provisions for the export, import, re-export, and introduction from the sea of any CITES specimens and requires that a relevant permit or certificate must be obtained from the CITES Management Authority. The Act allows exemptions for specimens that are personal or household effects, pre-CITES convention specimens, captive-bred specimens, and specimens for

scientific purposes or for travelling exhibitions. It also allows captive breeding of animals and artificial propagation of plants with a certificate issued by the Director of ECD.

Offences for illegal trade or possession (including offers for sale and display) of any CITES specimens, prohibited export of Schedule I specimens, or possession of illegally obtained specimens, are subject to a penalty of up to five years imprisonment and/or a fine of up to 50,000 penalty units. Offences for illegal export of Schedule II specimens are liable to up to three years imprisonment and/or a fine of up to 30,000 penalty units. There is also a specific penalty for making false or misleading statements, which is subject to a fine of up to 20,000 penalty units and/or imprisonment for up to two years.

Additional offences relating to wildlife can be found under the Protected Areas Act 2010, such as for bioprospecting research or biodiversity research, which must not take place without a permit. The import and export of specimens under the WPM Act is also subject to this permit requirement. Such offences under the Protected Areas Act are punishable with a fine of up to 500,000 penalty units or imprisonment for up to five years.

Solomon Islands law permits the cultural and traditional use of wildlife, and as such there are few specific protections for threatened or endangered native wildlife species from activities such as hunting or taking species from the wild, possession, captive breeding, or local trade. However, the Fisheries Management Regulations 2017 (amended in 2019) provides some additional protection measures for dolphins and three shark species: silky, oceanic whitetip, and whale sharks. Furthermore, the Provincial Government Act 1997 designates some legislative responsibilities to provincial governments for (among other things) environmental matters including the protection of wild creatures. This provides another potential avenue for the protection of native wildlife and has led to some specific conservation ordinances in some provinces.

The lack of specific protections for threatened and endangered terrestrial wildlife species in their natural habitat appears to be a considerable gap in the legal framework, but more concerning are the implementation issues that were outlined during the interview with the ECD, including inadequate compliance staff, quota systems based on historical trade data, no monitoring of species populations in the wild, and no involvement in inspections of wildlife exports (*see the ECD section of the report for more details*).

Forest Crime

The main legislation to investigate forest crime in Solomon Islands is the Forest Resources and Timber Utilisation (Amendment) Act 2000 (referred to throughout this report as the FRTU Act) and its subsidiary regulations, which are administered by the Ministry of Forestry and Research (MOFR).

A Forestry Bill 2004 was drafted to replace the outdated FRTU Act, which had many confusing amendments and according to MOFR's website "has been the main source of the problems currently experienced in the forestry industry". The new draft bill would provide tighter controls and better revenue collection for the industry, more sustainable forestry activities, conservation of forests, and improved management of forest resources. However, it was seen as being driven too much by foreigners, lacking local landowner consultation and ownership, and was ultimately not passed. There was also a Forests Act 1999 passed by Parliament in 1999, which would have established a Commissioner of Forests and Forestry Board, among other changes, but it was not gazetted and did not become law. Thus, the FRTU Act remains the main forestry law at the national level.

Some additional pieces of legislation have been enacted to manage forest resources in specific locations, such as the North New Georgia Timber Corporation Act 1979, which transferred the

ownership of all timber standing on customary lands within New Georgia to the Corporation and allowed it to issue logging licences directly to logging companies.

The majority of forested land in Solomon Islands is under customary ownership, and under the FRTU Act, any commercial forestry operations are required to have an approved timber rights agreement negotiated with the custom landowners and a licence authorising the particular forestry operations. The Regulations under the FRTU Act provide more specific requirements for tree felling and timber milling operations, the marking and measurement of timber for export, sale and manufacture, protected species, and other controls.

There are a range of offences available under the FRTU Act including operating without a licence, failing to comply with licence conditions, falsifying timber marks, receiving illegally obtained forest produce, and offences in state forests and forest reserves. Penalties vary depending on the offence, ranging from a fine of up to SBD 1,500 (USD 185) and/or up to one year imprisonment, to a fine of up to SBD 3,000 (USD 370) and/or up to two years imprisonment. Licences may also be cancelled or suspended if any provisions are contravened.

Recognising this is now an old piece of legislation, the primary concern is the grossly inadequate penalties for offences, especially considering the high risks of illegality occurring in the timber industry. The penalties are not at all commensurate with the high value of timber resources, the large scale of the foreign-owned logging operations, vast profits generated from illegal logging activities, and the environmental damages caused when offences are committed. Forest crime cases are rarely prosecuted in Solomon Islands, and those that have were issued paltry fines without prison sentences, which would simply be absorbed as a minor business cost by offending timber companies. During the interviews, Forestry officers indicated that the FRTU Act was currently under review, with a draft Bill expected to be tabled in parliament later in 2022. This presents an important opportunity to recalibrate the penalties and offences within the law to ensure they are relevant and appropriate to deter the types of illegality currently perpetrated in the sector.

Provisions under the Foreign Investment Act 2005 and its Regulations, administered by the Foreign Investment Division (FID) of the Ministry of Commerce, Industry, Labour, and Immigration, can offer an alternative approach to ensure that foreign companies operating in the forestry sector are complying with the laws of the Solomon Islands when carrying out their business activities. Under the Foreign Investment Act, any foreign investor found to have committed an offence against this Act or any other law of the Solomon Islands (for which the maximum penalty is imprisonment for 12 months or more) during the course of carrying out their investment activities can be subject to stop notices, fines, and cancellation of their registration. Section 29C of the Foreign Investment Act stipulates fines up to 30,000 penalty units for natural persons committing their first violation and 100,000 penalty units for any subsequent violations, while companies are liable to a fine of up to 125,000 penalty units for the first violation and 250,000 penalty units for any subsequent violations. Inspections conducted under this Act have been the mechanism through which misconduct and offences committed by foreign logging companies have been detected, such as the Tubi case described in the MOFR section of this report.

Similarly, while the Environment Act 1998 primarily deals with development and pollution matters, it also applies to the fishing and marine product industry, logging operations, saw milling, and all forms of timber processing and treatment as prescribed activities requiring an environmental impact assessment and approved development consent from the Director of ECD. Any person conducting prescribed activities without prior development consent is liable to up to SBD 10,000 fine and/or up to 12 months imprisonment.

Competent law enforcement authorities

Ministry of Environment, Climate Change, Disaster Management and Meteorology, Environment and Conservation Division

The Environment and Conservation Division (ECD) is one of the four technical divisions within the Ministry of Environment, Climate Change, Disaster Management and Meteorology, and has an overarching responsibility to protect and manage ecosystems, biodiversity conservation, development control, waste management and pollution control. Although it is a relatively small government department, the ECD administers three laws: Environment Act 1998, Protected Areas Act 2010, and the Wildlife Protection and Management (WPM) Act 1998; and is the national focal point for various multilateral environmental agreements including Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), Convention on Biological Diversity, World Heritage Convention, among others.¹⁴ The ECD is also the CITES Management Authority.

There are 23 staff in the ECD, working in two main units: the Conservation Unit and the Environment Unit. The Conservation Unit has nine staff implementing the Protected Areas Act and the WPM Act, of which a team of five staff are dedicated to wildlife. The team of five includes three officers managing CITES permits and related wildlife trade issues and one research officer, whilst all acts as compliance officers. Most recently in August 2022, MECDM recruited a senior legal officer for ECD in its restructuring plan to establish another unit to strengthen compliance and enforcement for ECD. The compliance and enforcement are outstanding issues for ECD and is further aggravated by lack of equipment to support investigations or enforcement work. It is necessary that compliance and enforcement must have its own vehicle for effective and efficient delivery of services.

Despite having the authority to investigate and prosecute its own cases, the ECD reported that there is no data on any wildlife offences and no previous prosecutions. It also reported that the department's focus is on international wildlife issues such as managing CITES-listed species and international trade and as such it does not respond to or handle domestic issues although there is need for compliance.

Reported data on CITES exports from the Solomon Islands (see Figure 1 below) shows that corals, birds, and reptiles are the most commonly traded species, the majority of which are declared as wild harvested for commercial trade. ECD confirmed there are no captive breeding facilities in Solomon Islands, and it is the same 5-6 entities that regularly apply for CITES permits. The department also reported that most trade is outgoing and import permits are rarely issued. An Excel spreadsheet is used to record CITES permit data and there is no dedicated database to collect intelligence or record violations.

Figure 1: Reported CITES exports from Solomon Islands, 2017-2021

Year	Reported no. of exports	Species type and quantity
2017	104	Corals (46 exports – 43,249 kg) Birds (26 exports – 4,335 live, 4 specimens) Reptiles (20 exports – 953 live, 11 specimens) Butterflies (7 exports – 527 bodies)

¹⁴ Cartagena Protocol on Biosafety, Convention on Wetlands, Stockholm Convention, Vienna Convention, Montreal Protocol, UNCLOS, UNFCCC, Kyoto Protocol, Waigani Convention, Noumea Convention, Dumping Protocol, Emergencies Protocol

		Cuscus (2 exports – 50 live, 14 specimens) Dolphins (1 export – 18 live) ¹⁵ Giant clams (1 export) Sperm whale teeth (1 export)
2018	102	Corals (41 exports – 52,440 kg) Birds (28 exports – 3,451 live, 18 specimens) Reptiles (20 exports – 1,899 live, 26 specimens) Flying foxes (5 exports – 10 specimens) Butterflies (3 exports – 883 bodies) Dolphins (1 export – 10 live) ¹⁶ Cuscus (1 export – 3 specimens) Giant clams (1 export) Orchids (1 export) Timber (1 export)
2019	73	Corals (27 exports – 24,221 kg) Birds (18 exports – 7,329 live, 50 specimens) Reptiles (15 exports – 3,239 live) Butterflies (6 exports – 2,426 bodies) Giant clams (2 exports) Humphead wrasse (2 exports – 1 kg meat) Cuscus (1 export – 18 live) Dolphins (1 export – 10 derivatives) ¹⁷ Timber (1 export)
2020	19	Birds (8 exports – 820 live) Reptiles (7 exports – 247 live) Butterflies (4 exports – 313 bodies)
2021	0	Data not yet reported.

Source: CITES Trade Database

Although it is a CITES requirement to assess species populations in the wild and ensure that trade is not detrimental to their survival, ECD said this rarely occurs in practice due to a lack of resources for field work, especially in remote provinces. Instead, the ECD uses historical data to determine the species quota for wildlife trade for the coming year, and if permit applications exceed the quota the Director may still approve the application if there is justification to do so.

Furthermore, ECD only issues the permits and does not inspect the actual wildlife shipments or quantity of species. While the Customs and Excise Division processes legal wildlife shipments and detects and confiscates illegal wildlife shipments, according to the ECD there is no communication of such data from Customs to ECD. In fact, the interviews with both agencies indicated a lack of communication and cooperation.

The current arrangements present a significant implementation issue, as ECD has almost no understanding of the actual impacts of wildlife trade on species in the wild, the extent to which legal and illegal trade are taking place, and it does not have the capacity to detect or investigate illegal incidents that may be occurring.

¹⁵ According to the ECD, no live dolphins were approved for export from the Solomon Islands in 2017.

¹⁶ According to the ECD, no live dolphins were approved for export from the Solomon Islands in 2018.

¹⁷ According to the ECD, no live dolphins were approved for export from the Solomon Islands in 2019.

Implementation of CITES

ECD and all other agencies interviewed for this assessment reported the issue of log ships travelling from island to island collecting logs, and sometimes collecting birds or other wildlife species enroute as well, with local people selling them to the foreign crews. Birds in particular are moved to Honiara where they are kept and consolidated prior to shipping. ECD stated they were not aware of the locations that birds are collected from as they do not monitor this, but that the WPM Act allows birds or other wildlife species to be taken from the wild for domestic and customary use. Although in these cases the wildlife is being taken for commercial trade and not customary use, nonetheless it is not investigated by any agency.

A report published in 2012 highlighted that large numbers of CITES-listed birds were being exported from Solomon Islands, mostly to Malaysia and Singapore, from where they were frequently re-exported to other countries. The study was based on analysis of reported CITES trade data and found that 68,479 birds representing 35 species were exported from 2000 to 2010; however, the majority were identified as non-native species from Indonesia and PNG. These birds were reportedly captive bred, although there are no captive breeding facilities in the country, indicating that the birds were likely all sourced from the wild and laundered into temporary holding sites in the Solomon Islands for export.¹⁸

Analysis of more recent CITES trade data found that large numbers of birds continue to be exported from Solomon Islands, with 15,935 live birds representing 16 species exported during the four years from 2017-2020, the majority of which were native species declared as wild-caught. Six non-native species amounting to 1,000 birds were among those exported, declared as a mix of wild-caught and captive bred. Most of the non-native species were from Indonesia and PNG; however, a notable shipment was 50 keel-billed toucans (*Ramphastos sulfuratus*), native to Latin America, which were shipped from Solomon Islands to Bangladesh in 2020. Although these figures show that the average volume of bird exports per year has reduced by approximately one third, the ongoing export of large numbers of wild-caught native birds presents a concern due to the fact that there is no monitoring of the conduct of the trade or its impact on species in the wild. Furthermore, questions remain on the legality of the sourcing and import of the non-native birds into the Solomon Islands.

Reptiles and butterflies are other species groups which are prominent in the wildlife trade in Solomon Islands, and the country has faced CITES trade suspensions for significant trade in the Solomon Islands skink (*Corucia zebrata*) in 2001 and two Birdwing butterflies species in 1995 – the Queen Victoria's birdwing butterfly (*Ornithoptera victoriae*) and the common green birdwing butterfly (*Ornithoptera priamus*, formerly *Ornithoptera urvillanus*).

The Solomon Islands skink is the world's largest known skink and is in high demand in the pet trade. Thousands of skinks were being exported annually in the years leading up to the CITES trade suspension.¹⁹ Recent CITES trade data shows that exports continue although in much lower numbers. In 2017, 227 live Solomon Islands skinks were exported in six cases, 459 in 2018 in five cases, 568 in 2019 in two cases, and 40 in 2020 in one case. Some additional exports of small numbers of specimens for scientific purposes have also occurred.

¹⁸ Shepherd, C.R., Stengel, C.J., and Nijman, V. (2012). *The Export and Re-export of CITES-listed Birds from the Solomon Islands*. TRAFFIC Southeast Asia, Petaling Jaya, Selangor, Malaysia.

¹⁹ Leary, T. (1991), 'A review of terrestrial wildlife trade originating from Solomon Islands', Australian Zoologist v.27, Issue 1-2. Accessed at <https://meridian.allenpress.com/australian-zoologist/article/27/1-2/20/133976/A-review-of-terrestrial-wildlife-trade-originating>

Similarly, more than 5,000 butterflies per year were being exported at the time of the CITES trade suspension for the birdwing butterflies in the early 1990s,²⁰ and a lower volume trade has continued since then. In 2017, 527 birdwing butterflies were exported in seven cases, 883 in 2018 in three cases, 2,426 in 2019 in six cases, and 313 in 2020 in four cases.

The lizards and butterflies are reported as being a mix of captive bred and wild sourced; however, with ECD stating that no known captive breeding facilities exist in the Solomon Islands, it is more likely that all are wild-sourced. As with birds, this presents a potential concern due to ECD's lack of oversight and monitoring of the sourcing and status of species populations in the wild and the scale and conduct of the trade.

Ministry of Forestry and Research

The Ministry of Forestry and Research (MOFR) has regulatory and administrative responsibility for managing the forest sector in Solomon Islands and enforcing the Forest Resources and Timber Utilisation Act (FRTU Act). Key responsibilities include issuing timber felling and sawmill licences, permits for exporting logs, monitoring and compliance of logging operations, plantation and sustainable processing development, and forest conservation strategy. It is also the designated CITES Scientific Authority for CITES species that are forest produce.

There are approximately 80 active logging operators in Solomon Islands, the vast majority of which are foreign companies. Timber felling licence holders are usually local entities, which then contract the logging activities to logging operators as third-party contractors. MOFR officers reported that the number of logging concessions and operators was declining due to the reduction of forestry resources, down from more than 100 active operators five years ago. There are 21 sawmill licence holders, which similarly are locally owned entities that contract milling operations to third-party operators that are mostly foreign companies.

Forestry is very important for the Solomon Islands' economy and the industry is one of the country's largest employers, but it has long been recognised that decades of rampant logging is unsustainable and urgent change is needed to prevent complete commercial exhaustion of timber resources in the next 10-20 years. According to the MOFR's website, the recommended sustainable rate of timber harvesting is 250,000 m³ per year,²¹ while in 2018 the volume of round logs exported was more than 10 times this amount.²² The industry has also been beset with allegations of corruption and political interference.²³ Solomon Islands government has been attempting to shift the focus of the industry from round log exports to value-added products, non-timber products and environment conservation and management; however, the majority of timber produced in the Solomon Islands is still exported as unprocessed round logs.²⁴

The MOFR operations team has 31 officers with an inspection and compliance role, of which four officers are based in Honiara, and teams of three officers are based at each of the nine provincial stations. There are no intelligence analysts in the team and no centralised database to record information from investigations or compliance inspections. Reports are stored in hardcopy versions only. Training occurs informally in the field during the course of carrying out inspections (on-the-job

²⁰ *Ibid.*

²¹ <https://www.mofr.gov.sb/en/forestry-industries>

²² <https://www.rnz.co.nz/international/pacific-news/391264/logging-rate-unsustainable-in-solomons-admits-official>

²³ <https://news.mongabay.com/2019/05/a-new-election-brings-little-hope-for-solomon-islands-vanishing-forests/>

²⁴ <https://www.mofr.gov.sb/en/forestry-industries>

training), because there are insufficient resources to bring staff together from the provinces for classroom-based training.

The operations team is responsible for conducting on-site harvesting inspections, inspections of timber mills, and inspections of 10% of the volume of timber shipments prior to export. An audit form with key standards that must be complied with is used as the basis for each inspection. If minor issues are identified, compliance officers can advise companies on their options to rectify the problem and allow companies to continue operations. If major issues are identified, the case will be documented and evidence collected for submission to the Commissioner of Forest Resources, who will decide whether the case will be handled internally within MOFR or referred to the Solomon Islands Office of the Director of Public Prosecutions (ODPP) for prosecution.

A lack of resources on several fronts was raised as a major challenge for MOFR in discharging its duties. For example, harvesting checks are required to be conducted on-site before logs are loaded onto logging boats, but it is impossible for the teams of three officers to cover all shipments in their province as there are typically multiple boats loading logs at any given time. Inadequate fuel supplies limit the ability of compliance teams to move from one location to another within their province boundaries to conduct inspections and there are frequent issues with electricity and internet access at remote stations. Officers use two-way radios for communication but have little other equipment to assist with conducting inspections or investigations. Officers reported that this puts them behind the logging companies, which are much better resourced and have access to satellite phones and other equipment.

There is a high risk of illegal logging occurring throughout the forestry industry and key issues commonly reported involve loggers felling timber outside of their concessions, logging in prohibited areas, harvesting protected species, and logging on private land without receiving approval from the customary landowners.²⁵ Very few cases are investigated or brought forward for prosecution, but the ODPP was able to provide the assessment team with an example of a case of illegal logging of protected species that was prosecuted in 2020 (*see Case 1 below*). It is noted that this case was initially identified by the Foreign Investment Division (FID) during an inspection of the logging operator's investment activities against their registration. The FID issued a stop notice on the operations then contacted the Ministry of Environment to report the case for investigation.

The case involved the illegal harvesting of Tubi (Iron wood) trees (*Xanthostemon melanoxylon*), a dark hardwood tree species found only in two provinces of the country: Choiseul and Isabel. The species has cultural significance for the indigenous people in these areas and is also protected under the WPM Act. The director of the Malaysian logging company responsible for illegally logging 9,000 m³ of Tubi trees pleaded guilty in December 2020 and was fined SBD 50,000 (approximately USD 6,200), the maximum penalty for such an offence under the WPM Act, which is also far higher than the penalties available under the FRTU Act. This case demonstrates the woefully inadequate penalties available for forest crimes compared to the value of the timber and the vast profits generated by foreign timber companies operating in the country.

The case is still ongoing, as the court had assigned the MOFR to deal with the forfeited logs. According to media reports, the MOFR forfeited the logs to the state rather than returning them to the landowners, and then issued an order for the offending company to sell the logs "on behalf" of the government and keep part of the proceeds. The landowners are contesting the government's decision and court proceedings are ongoing.²⁶ This case bears significant questions as to whether the

²⁵ Global Witness (2018), *Paradise Lost*, accessed at: <https://www.globalwitness.org/en/campaigns/forests/paradise-lost/>

²⁶ <https://theislandsun.com.sb/robbed-of-our-tubi/>

current system is sufficiently designed to prevent illegality and whether it is capable of upholding the rule of law against offending companies with significant capital.

Case 1: Illegal logging of protected timber species - Regina v Richard Kong Sing Ngea

The case was reported by local landowners on San Jorge Island in Isabel Province when the Malaysian logging company Sunrise Company Limited entered their customary land and illegally felled Tubi trees (*Xanthostemon melanoxydon*) between May-July 2020. The company had a valid licence to conduct logging operations on the island but did not have approval to remove the Tubi trees. Tubi is a protected species under the Wildlife Protection and Management Act and all felling and logging of the trees is prohibited.

During the company's operation at San Jorge Island, 9,000 m³ of Tubi round logs were extracted and taken to a log pond where they were prepared for export. The matter was widely reported in the local media, and inspectors from the Ministry of Environment conducted initial investigations and referred the case to the Police.

The company director Richard Kong Sing Ngea was charged with three offences:

Count 1: Illegal harvesting of restricted species without proper licence contrary to the Forest Resources and Timber Utilisation Act.

Count 2: Attempted export of a restricted species without a valid permit contrary to the Wildlife Protection and Management Act.

Count 3: Possession of an illegally obtained species contrary to the Wildlife Protection and Management Act.

The defendant pleaded guilty to all charges and was sentenced in December 2020 to:

Count 1: SBD 3,000 fine, or in default eight months imprisonment.

Count 2: SBD 50,000 fine, or in default 10 months imprisonment.

Count 3: SBD 50,000 fine, or in default 10 months imprisonment.

All sentences were ordered to run concurrently, therefore the total sentence imposed was a fine of SBD 50,000, or in default 10 months imprisonment. All logs were forfeited to the Minister of Forestry and Resources for further dealing in accordance with law.

Source: Court case records, Case No. 1075/2020 – provided by the Solomon Islands ODPP

Ministry of Fisheries and Marine Resources

The Ministry of Fisheries and Marine Resources (MFMR) is responsible for the management, development, and conservation of fisheries, marine and aquatic resources in Solomon Islands. It is also one of the designated CITES Scientific Authorities for Solomon Islands for any CITES-listed water-dwelling aquatic or marine animals or plants. The MFMR was considered as part of this rapid assessment in terms of its role and responsibilities relating to the management of certain marine species that may be involved in illegal trade, such as dolphins, sea cucumbers, giant clams, sharks, sea turtles, etc. IUU fishing was outside the scope of this assessment.

The key legislation administered by the MFMR is the Fisheries Management Act 2015 and the Fisheries Management Regulations 2017 (amended in 2019). The Fisheries Management Act regulates all activities in the fisheries sector, including the licensing of fishing vessels, fishing

requirements, prohibited activities, monitoring, control and surveillance requirements, and access to fisheries by foreign fishing vessels.

The Fisheries Management Regulations include additional provisions for prohibited activities concerning dolphins and sharks. Under the Regulations, it is an offence to catch, hold in captivity, sell, or export live dolphins, but hunting and catching dolphins for traditional purposes using traditional methods with dug-out canoes is permitted. Commercial shark fishing, shark finning, and the possession, storage, transshipment, landing, buying, or selling of shark fins are also offences. Three sharks are specifically designated as protected species: silky sharks (*Carcharhinus falciformis*), oceanic whitetip sharks (*Carcharhinus longimanus*), and whale sharks (*Rhincodon typus*). The maximum penalty for any offences relating to dolphins or sharks is 500,000 penalty units and/or six months imprisonment.

According to the MFMR website, there are 167 staff working across seven divisions and 86 observers who are charged with collecting independent compliance data onboard fishing vessels. The compliance and enforcement team consists of 22 officers, with 13 based in Honiara and nine in Noro. The team is responsible for inspecting vessels for inshore and offshore fisheries enforcement, investigating suspected breaches and offences, and filing cases for prosecution.

MFMR receives intelligence from other agencies such as Police and Customs, as well as from members of the public, and can receive information through phone calls, emails, or directly in person at the office. MFMR does not have any intelligence analysts. When responding to intelligence, the MFMR will collect its own information to verify the complaint, develop an operational plan to deal with the vessel when it comes to port, and collect evidence to build a case. There is no intelligence database, so files are kept as hardcopies and it can be easy to lose information. There is no secure storage facility for exhibits. Equipment is a challenge, with officers reporting they do not have access to work phones, tracking devices, or cameras, and there is one laptop at the office shared among the compliance team. Fisheries compliance officers have received training provided by New Zealand Ministry for Primary Industries, including for offshore issues, combating illegal harvesting, interviewing suspects and witnesses, and surveillance. Training has also been provided by the Pacific Islands Forum Fisheries Agency (FFA) on topics such as evidence collection and preserving the chain of custody.

For the inspection process, vessels are required to notify authorities 72 hours before coming into port. At this stage, Fisheries officers will conduct an online assessment, followed by a physical inspection at port when the catch is unloaded and sealed in containers. Inspection of fisheries exports occurs again when the container is due to leave for export. Fisheries officers reported that some instances of caged wildlife have been observed during export inspections, and such cases should be reported to the Ministry of Environment for handling.

MFMR requires all vessels to have a vessel monitoring and surveillance (VMS) system in place, but illegal transshipment and bunkering can still happen, and the risks are higher now as there have been no observers on board vessels during the COVID-19 pandemic. MFMR can request FFA assistance to review VMS data for suspicious vessels if necessary. Fisheries officers gave an example of a vessel in 2021 that was suspected to be engaging in shark fishing and finning, so a request was submitted to FFA for assistance to review the VMS data. However, the data indicated the vessel was in fact legally fishing for mackerel flake.

Fisheries officers work in cooperation with Police for investigations of complex cases and all fisheries operations. Maritime Police conduct sea patrols, and there are four regular joint operations per year

in addition to ad hoc operations when illegal activities are detected at sea. FFA also coordinate regular regional operations.

MFMR requests legal advice when required from the Attorney General and submits cases for prosecution to the ODPP, but a legal officer was recruited last year to enable more cases to be handled internally and help speed this process up. Fisheries officers considered navigating the legal process and developing cases to prosecutorial standard to be a key challenge, and feedback is rarely received to know case outcomes once they have been submitted for prosecution.

Officers reported that the Fisheries Management Act was sometimes difficult to interpret for compliance issues, particularly if there are differences between the Act and species management plans. They also highlighted implementation challenges as the law permits customary use and harvest of marine species, but there is a general lack of community awareness of the prohibitions relating to the commercial harvest and use of certain species.

For offences involving foreign vessels, fisheries officers indicated that such cases typically receive fines, and the vessels are released upon payment, or occasionally cases may be filed to the country in which the vessel is registered for prosecution in their own jurisdiction. This was reported to have occurred with some cases involving Kiribati flagged vessels. However, a notable case involving three foreign vessels illegally harvesting sea cucumbers was prosecuted in court, with the vessel operators receiving prison penalties in addition to substantial fines (*see Case 2 below*).

Marine species issues

Solomon Islands faced CITES trade suspensions for significant trade in giant clam species in 2016. The trade has since reduced dramatically, with data now showing only one or two exports of very small quantities of clams occurring per year. Both MFMR and ECD reported there is demand from some companies in Solomon Islands that want restrictions lifted and trade in giant clams to resume. According to ECD, there are large stockpiles of giant clam shells in several provinces which are managed by local communities, and the Secretariat of the Pacific Regional Environment Programme (SPREP) is preparing a non-detriment finding report on giant clams for the CITES Secretariat. Neither MFMR nor ECD was aware of any illegal trade in giant clams occurring, although the current environment of accumulated shell stockpiles and demand to trade could present an illegal trade risk if the restrictions are not well monitored and enforced.

There is a traditional practice of hunting dolphins in some parts of the Solomon Islands, primarily to obtain teeth which are used as traditional currency, bride price, adornment, and more recently, cash sale. Traditional hunting is legal under Solomon Islands law and is mainly targeted at spinner dolphins (*Stenella longirostris*) and pantropical spotted dolphins (*Stenella attenuate*), presumably because these species respond to the drive hunting techniques used. There was reportedly an increasing demand for dolphin teeth from 2013, which may have been driven by increasing commercial value of the teeth from SBD 1 each in 2004 to SBD 5 in 2013. Catch records for the 2013 hunting season indicated that more than 1,600 dolphins were caught.²⁷ While it appears to be limited to a domestic trade between villages and islands, local populations of these dolphin species in the Solomon Islands could potentially become vulnerable to over-exploitation if the trade is not monitored for possible negative impacts.

During the 2000s, a live export trade of Indo-Pacific bottlenose dolphins (*Tursiops aduncus*) also developed in the Solomon Islands. Local people were paid to capture live bottlenose dolphins, and buyers marketed and sold them to international aquariums at much higher prices. The trade was temporarily banned between 2003-2007 due to pressure from environmental groups, but it was

²⁷ <https://solomonislands-data.sprep.org/system/files/rsos.140524.pdf>

overturned after a local dolphin trader challenged the export ban in court.²⁸ In re-opening the trade, the government imposed an export quota of 100 wild-caught dolphins per year to be managed through licences and tax revenue on exports, which was later reduced to 50 dolphins. The issue is also controversial in Solomon Islands because of its potential impact on the tuna industry's "dolphin safe" status.²⁹ A second export ban was re-introduced in 2012,³⁰ but this was later lifted as well.

The Solomon Islands Government in 2014-2016 allows an export quota of 10 live wild-caught dolphins per year, despite the prohibition on live exports of dolphins under the Fisheries Management Regulations. MFMR officers reported there is also interest from some entities to develop commercial farming of dolphins to pursue this trade. Enforcement action on illegal dolphin captures has periodically occurred, with one incident reported in November 2016 of more than 30 Indo-Pacific bottlenose dolphins released following a raid on holding pens by fisheries officers and police.³¹

Case 2: Illegal harvesting of marine resources - Regina v Do Van Va

In March 2017, the Solomon Islands Maritime Police patrol vessel deployed from Honiara with police and fisheries officers on board, following reports of four foreign "blue boats" that had been sighted within Solomon Islands territorial waters. The four boats refused to comply with enforcement orders, so a second Maritime Police vessel was deployed to assist. Three of the foreign vessels were apprehended, while the fourth vessel escaped law enforcement efforts. The vessels were found to have illegally entered Solomon Islands waters and were using prohibited fishing gear such as diving compressor hoses to illegally harvest sea cucumber, giant clams, and other marine resources. A total of 43 men were taken into custody from the vessels, all Vietnamese nationals.

The three vessel operators stood trial in July 2017 and pleaded guilty to four offences under the Fisheries Management Act 2015: illegal entry into Solomon Islands fisheries waters without appropriate entry permit, illegally harvesting sea cucumber, possession of prohibited fishing gear, and processing sea cucumber for export without an appropriate licence.

The court did not see sufficient evidence to support the defendants' claim that they were subject to human trafficking for the purpose of forced labour on the fishing vessels. The fact that the defendants tried to escape law enforcement interception was considered an aggravating circumstance. During the sentencing, the court emphasised the need for a deterrent penalty as the Solomon Islands seemed to be viewed as a "soft target" by illegal fishing operators.

The defendants were sentenced to two years imprisonment and fines amounting to SBD 11,050,000 (USD 1.4 million). Another default period of two years imprisonment would run consecutively to the existing custodial sentence if the payment of fines did not occur within 30 days. Furthermore, the three vessels were forfeited to the Solomon Islands Government.

Sources: UNODC SHERLOC Case Law Database and <https://www.afp.gov.au/news-media/platypus/fishing-criminals>

²⁸ <https://www.nytimes.com/2007/08/31/business/worldbusiness/31iht-flipper.4.7337734.html>

²⁹ <https://www.smh.com.au/environment/solomons-capture-sparks-fears-of-live-dolphin-exports-20070606-gdqbo9.html>

³⁰ <https://www.solomontimes.com/news/moves-to-enforce-dolphin-export-ban/6704>

³¹ <https://savedolphins.eii.org/news/illegally-captured-dolphins-solomon-islands-returned-to-ocean>

Solomon Islands Customs and Excise Division

Solomon Islands Customs and Excise Division (SICED) is under the Ministry of Finance and Treasury and is responsible for collecting revenue, facilitating trade, and managing the security and integrity of Solomon Islands' borders and the movement of people and goods. There are approximately 80 officers in the SICED, mostly based in Honiara. The main legislation for smuggling offences and prohibited and restricted exports and imports is the Customs Act, but in responding to wildlife crime, Customs officers also have powers to inspect, seize, and arrest, and more specific offences for wildlife under the WPM Act.

SICED is pursuing a modernisation agenda with the implementation of the ASYCUDA World system to strengthen compliance and risk management. ASYCUDA is the UNCTAD Automated System for Customs Data and is an integrated customs management system for international trade and transport operations. SICED is aiming towards implementing the Single Window for trade operations.

The SICED's enforcement team comprises four investigators and two intelligence officers who are all based in Honiara. The SICED is looking to expand the enforcement team and base more investigators in Noro. Officers are equipped with desktop computers and landlines in the office, handheld radios in the field (not encrypted), and mobile phones for supervisors. Intelligence officers receive basic training on intelligence collection and analysis. There is no dedicated intelligence database, but intelligence reports are filed in a separate drive in the Customs operating system. For investigators, some training on forestry crimes and financial investigations was provided in 2019-2020 through the INTERPOL project, but it was suggested that training on CITES regulations and species, and wildlife trafficking modus operandi would be useful for risk profiling. The loss of skills and knowledge when officers rotate positions is an ongoing challenge, with rotation occurring every 4-5 years in the enforcement team.

Solomon Islands has two international airports at Honiara and Munda that are the primary points of entry, although Munda Airport has been closed during the pandemic due to travel restrictions. Honiara and Noro are the primary international seaports, and there are four secondary seaport points of entry at Gizo, Tulagi, Shortland Island and Graciosa Bay. Most of the islands can also be reached by ferry from Honiara. There are x-ray scanners for shipping containers at Honiara and Noro seaports, which are operated by the Solomon Islands Port Authority. There are currently no x-ray scanners for passengers or cargo at the airports, but these will be introduced soon under a new project. There are no detector dogs for any commodity.

The SICED considers timber, birds, and reptiles (snakes and lizards) to be high-risk products for smuggling crimes in the Solomon Islands, with the main destination markets typically in Asia and Europe. It was reported that there have been previous cases of birds, crocodile skins, and other wildlife products smuggled on board foreign logging boats, with several cases brought before the courts in the past five years and offenders were fined. It was suggested that domestic ports could be used as staging ports to collect wildlife for smuggling, as logging boats travel to the outer islands and smaller ports to collect logs then return to one of the main ports before leaving the country.

If Customs received intelligence of such an incident, the vessel would be searched, but Customs officers do not have the power to search inside a private dwelling. The SICED conducts both routine inspections and targeted risk profiling of vessels and their crews when entering the Solomon Islands, and regularly conducts joint inspections with Biosecurity Solomon Islands and the Police. The SICED can receive intelligence from members of the public, usually via the Police. Customs reported some challenges in communications with the Ministries of Environment and Forestry, and information is not shared easily between these agencies.

Royal Solomon Islands Police Force

The Royal Solomon Islands Police Force (RSIPF) had its first full year in a stand-alone capacity in 2018 following 14 years of the Regional Assistance Mission to Solomon Islands (RAMSI). The total size of the force in 2018 was about 1,500 officers across various departments including the National Intelligence Department, National Crime Investigations Department, Police Maritime Department, Police Prosecution Department, and others.³²

RSIPF is working with the Ministry of Fisheries and Marine Resources, Ministry of Forestry and Research, and Ministry of Environment to investigate wildlife and forest crime issues, mostly for cases involving sea cucumbers and illegal logging. Police don't have regular meetings with the technical agencies, so cooperation occurs on an ad-hoc basis when the agencies detect a case. The technical agencies can refer cases to the RSIPF, and Police can advise on evidence collection or assist with further investigation. However, few cases are actually reported to Police.

The National Criminal Investigation Department of RSIPF recorded seven cases between 2017-2021, although there may be more cases under other police departments, such as Maritime Police Department. Some of these cases are still pending investigation. RSIPF does not conduct its own proactive investigations into wildlife and forest crime matters and relies on the technical agencies or other channels to refer cases to them. One or two cases were reported to RSIPF by customary landowners, such as the Tubi case described in the forestry section of this report, but according to the Police there is generally a low community awareness of wildlife and forest crime issues, so few cases come through this channel. Corruption, abuse of office, and fraud have also been the basis for identifying several cases, as the issuing of licences in this sector can be a problem.

RSIPF has a forensic laboratory with capability to conduct digital analysis of phones, computers, other devices, but it does not have the capability to conduct wildlife DNA forensic analysis. There is no online case management system yet. The Transnational Crime Unit (TCU) was established in 2009 and focuses on the collection, analysis, and dissemination of intelligence on cross-border crimes through the Pacific Transnational Crime Coordination Centre, with the main crime focus on drug trafficking, human trafficking, illegal immigration, bikie gangs, criminal deportees, and other organised crimes. The Maritime Police Department's mandate is to support surveillance patrols and law enforcement activities at sea, including detecting illegal fishing.

Money laundering and proceeds of crime offences in Solomon Islands can be found in the Money Laundering and Proceeds of Crime (Amendment) Act 2010 and fall under the police investigation mandate. The Act stipulates that predicate offences for money laundering include all serious offences which generate proceeds of crime, with the threshold being any offence for which the maximum penalty is imprisonment or other deprivation of liberty for a period of not less than 12 months. The main offences under the WPM Act, FRTU Act, and the Fisheries Management Act meet this threshold and therefore could potentially trigger a money laundering or proceeds of crime investigation, although there have been no such investigations relating to wildlife or forestry offences in Solomon Islands.

Task Force Janus and the Fraud Squad are specialised police units tasked with investigating corruption and financial crimes. The Solomon Islands Independent Commission Against Corruption (SIICAC) was established in 2021 but is not yet fully operational. RSIPF is still responsible for corruption investigations at this point, but it is unclear how this will change once the SIICAC is fully operational.

³² Royal Solomon Islands Police Force Annual Report, 2018.

There are police prosecutors in the provinces and 12 police prosecutors in Honiara. Provincial police prosecutors deal only with provincial matters, but Honiara prosecutors can deal with any matters. The ODPP will advise whether a case should be prosecuted by the Police or the ODPP.

The ODPP separately identified several challenges for the RSIPF which impact investigations, including a shortage of human resources in some police stations in Honiara and at isolated posts on some of the outer islands, which can cause difficulties in locating and mobilising witnesses. Other police resourcing challenges include inadequate police vehicles to locate and serve summons on witnesses and defendants, lack of outboard motor fuel, and lack of office equipment at some posts.³³

An Environmental Crime Manual was developed in 2015 as a police resource to assist with understanding wildlife, forestry and fisheries laws and identifying and investigating offences, although it is not clear whether the manual is actively used.

Police commented that wildlife and forest crimes are viewed as important matters that need to be dealt with seriously and early on with an appropriate response, because they often relate to bigger issues such as land disputes and can escalate if not addressed, causing instability in the community. To improve the current management of these issues, RSIPF suggested that quarterly meetings with all stakeholders, undertaking joint awareness raising and crime prevention activities together in the communities, and developing standard operating procedures and more detailed MOUs to allocate resources would generate better information flow and stronger cooperation.

Biosecurity Solomon Islands

Biosecurity Solomon Islands (BSI) is a department within the Ministry of Agriculture and Livestock (MAL). It administers the Biosecurity Act 2013 and Biosecurity Regulations 2015 and is mandated to manage biosecurity risks associated with trade and the movement of regulated goods of biosecurity concern and people into and out of the country, to protect Solomon Islands' borders from pests and diseases. The Ministry is currently in the process of drafting new biosecurity regulations.³⁴

Operational staff are responsible for clearing all incoming vessels and aircraft, cargoes, and passengers, to ensure imports are free of biosecurity risk materials. They also carry out inspections and treatments of plant and animal products being exported to ensure they meet the standards required by the importing country. BSI issues phytosanitary and animal health certificates for the import and export of plants and animals, including live specimens and products. CITES permits are one of the major requirements for regulated species that BSI checks during inspections.

Staff are posted at all major ports of entry including Honiara (Point Cruz seaport and Henderson airport), Noro seaport, Munda airport, Gizo seaport, and at Shortland Island and Lata. Staff posted to Shortland Island and Lata are also the first line of defence at Solomon Islands' borders with PNG and Vanuatu, so they additionally carry out public awareness campaigns to ensure Solomon Islanders who cross the open border are aware of biosecurity risks and how to minimise them.

BSI has 45 staff, of which five officers have a compliance role. There are no intelligence analysts. Most staff are plant experts and have had a lot of training in this area and in general agriculture, reflecting the fact that Solomon Islands' trade is dominated by plants, particularly timber and agricultural crops. There is currently no veterinarian at BSI or at the MAL, so for animal exports and

³³ Solomon Islands Office of the Director of Public Prosecutions Annual Report, 2018.

³⁴ <https://solomons.gov.sb/ministry-of-agriculture-and-livestock/>

imports, officers work with the MAL's livestock team which has some equipment for monitoring animal health. BSI's role in animal cases mostly consists of counting animals and checking permits. BSI is only involved in inspecting timber exports if fumigation is required by the importing country, but it stated that there has been some improvement in the management of timber exports in recent years due to implementation of Australian and New Zealand standards.

BSI reported that the export of birds has been an active industry in Solomon Islands, although it may have slowed down during the COVID-19 pandemic. It viewed the highest risk species for illegal trade as being birds (parrots, cockatoos, and hornbills) and reptiles (lizards and snakes).

One case mentioned involved a shipment of birds to Europe about six years ago that was exported without the appropriate documents. The birds were returned to Solomon Islands but had to be incinerated for biosecurity risks because they had passed through many countries during transit. In another case, Fiji biosecurity officers raised the issue of inadequate cages for wildlife that was being exported from Solomon Islands and transiting via Fiji, a common transportation route. Fiji suggested building stronger cages to avoid the risk of animals escaping during the shipping process.

According to BSI, understanding the current status of wildlife populations is a significant issue for Solomon Islands, with more monitoring surveys, stronger control measures and better documentation of wildlife trade needed. Local communities collect and use wildlife for domestic and customary purposes across the country, but not enough information is available to authorities to understand the impact on species. The status and CITES requirements for some species are better known due to previous issues, such as birdwing butterflies, as Solomon Islands had previous CITES trade suspensions for significant trade in these species, but for many other species there is very little awareness.

If BSI receives information on wildlife or detects a case of illegal trade, it will refer it to the ECD. There is a high reliance on the ECD for all CITES processes, but BSI expressed some concerns that this may not be sufficient for effective law enforcement. It suggested joint training on wildlife trafficking risks with ECD staff would be useful to build a better understanding of these issues.

Office of the Director of Public Prosecutions

The Office of the Director of Public Prosecutions (ODPP) prosecutes criminal cases that have been investigated by the police or other investigative agencies. It has no power to direct investigations and needs to wait until files are handed over for prosecution.

According to the ODPP, forestry, fisheries, and environmental cases need to start with the technical agencies and Police, but there is insufficient monitoring to detect cases, which could be related to issues in recognising crimes, limited resources to move matters forward, and lack of prioritisation in prosecuting cases to the full extent of the law. It reported that matters rarely end in prosecution even though logging is one of the biggest issues in Solomon Islands.

The ODPP acknowledged it has only recently started engaging with the Ministry of Environment (MECDM) and Fisheries (MOFR) on what to do if they detect a potential breach and has received some cases as a result; although these have primarily been requests for legal advice only, and feedback is rarely received on further actions taken after the advice is given. They often advise the technical agencies to forward their matters to the Police for further investigation and evidence collection, as the preliminary evidence is rarely in a form that would be admissible in court, and involvement of Police at the initial stage of an investigation is key but doesn't happen often enough. A summary of environmental matters received by the ODPP from 2017-2021 is below in Figure 2.

Despite these investigation challenges, the ODPP has had some successful prosecutions of wildlife and forest crime cases, with the examples of the Tubi case in 2020 (included in the forestry section of this report) and the sea cucumber case in 2017 (included in the fisheries section of this report). The ODPP has also successfully prosecuted other types of environmental matters, such as the case of a logging boat that was prosecuted in 2021 for illegal waste discharge.

The ODPP has 25 prosecutors on its staff. It does not have specialised prosecutors or teams for environmental matters. Police prosecutors will prosecute minor cases in the Magistrates Courts before a first- or second-class magistrate, while the ODPP will prosecute minor cases of national interest and all serious crime cases.

The Central Magistrates Court and the High Court are located in Honiara, and there are also Magistrates Courts Circuits which travel to the provinces at the end of each month. There may be one or two circuits per month depending on the caseload, and one or two cases are usually prosecuted per circuit.

Ultimately, handling the prosecution of minor cases internally within the investigating agency would be the preferred approach to ease the case load on the ODPP, but it acknowledged it will take an investment of time, training and mentoring to build the capacity of the technical agencies to this level. The ODPP suggested that multiagency training would be useful to improve interagency cooperation, as well as specific policies and mentorship on the investigation and prosecution process.

The ODPP has been conducting training for various government agencies to raise awareness and understanding of the prosecution process and noted there has been an increase in corruption cases coming in for advice during the past five years.

Figure 2: Summary of environmental matters dealt with by the ODPP from 2017-2021

Year	Requesting agency	Subject	Request summary	ODPP advice
2021	Director of Environment, Ministry of Environment and Conservation	Burwood Ltd logging operation	Seeking advice on the process to suspend the company's logging operations due to suspected non-compliance with the development consent. Potential breach of the Environment Act 1998, s.25(3).	Request company to produce relevant documents. If company fails and continues logging, obtain witness statements and take photographs to confirm the operation. Forward file to Police for formal investigation.
2021	Permanent Secretary, Ministry of Environment and Conservation	Gold Ridge Mining Ltd	Seeking advice on whether a discharge of tailings storage water was a breach of the Environmental Act 1998, s.38 and 39.	The company's action amounts to a breach, ODPP referred the matter to RSIPF for formal investigation.
2021	Ministry of Environment and Conservation	Viuru Forest Enterprise	Seeking advice on whether the company should be penalised for encroachment of logging	There is sufficient evidence to prove the charge. Forward file to Police for investigation,

			operations above 400m elevation under s.19 of Environment Act 1998.	environment officers to assist police. Ministry of Forestry issued notice to stop logging operations.
2021	Director of Environment, Ministry of Environment and Conservation	Sunrise Company Ltd	Formal investigation file of illegal logging of protected species under WPM Act 2017 referred to ODPP to issue sanction for private prosecution.	ODPP formally endorsed and signed the sanction to prosecute case with private firm.
2021	Ministry of Environment and Conservation	Illegal logging operation at Kongulai water catchment	Seeking advice on company operating without development consent required under s.19 of Environment Act 1998. Company continued operating despite being served stop notice.	Environmental inspectors to collect data, take photographs, provide statements and map. After collecting documents bring file to ODPP so that it can be referred to Police.
2020	Commissioner of RSIPF	Bintan Mining Solomon Islands Ltd	Seeking advice on the process of enforcing an Interlocutory Court Order Enforcement in a dispute between two mining companies and the export of a consignment of bauxite.	RSIPF to advise the second claimant against loading the bauxite while proceedings are before the High Court.
2020	Ministry of Environment and Conservation	JQY Piggery Project	Seeking advice on potential criminal charges relating to waste discharge causing pollution of air and water and occupational health and safety concerns of company employees.	The company's actions amount to breach of s.34, 35 and 37 of Environment Act 1998. Environment officers to write statements, liaise with Ministry of Health to assess hazard affecting nearby households, and file documents with ODPP so it can engage with RSIPF for investigation and charging.

Source: Information provided by ODPP, 2022

Foreign Investment Division

The Foreign Investment Division (FID) is part of the Ministry of Commerce, Industry, Labour, and Immigration, and is responsible for promoting foreign direct investment, facilitating the registration of foreign investors, and providing aftercare services.

Within the FID, the Monitoring and Aftercare Unit conducts inspections of foreign companies to ensure they are operating in compliance with the terms and conditions of their registration and with the laws of Solomon Islands. If breaches are detected, it could result in a review and penalties for the offending foreign investor such as stop notices, fines, and/or cancellation of their registration.

It was reported that following 20 years of rebuilding and developing the country since the end of 'the tensions' conflict, the government is now increasing its focus on ensuring business is clean and legitimate and as such, the oversight role of the FID is becoming more important. FID began conducting inspections of foreign investors in 2019, which have moved systematically by sector and province. The compliance data collected during this period will be analysed and from 2023, the monitoring strategy will become more targeted on the higher-risk sectors and/or provinces.

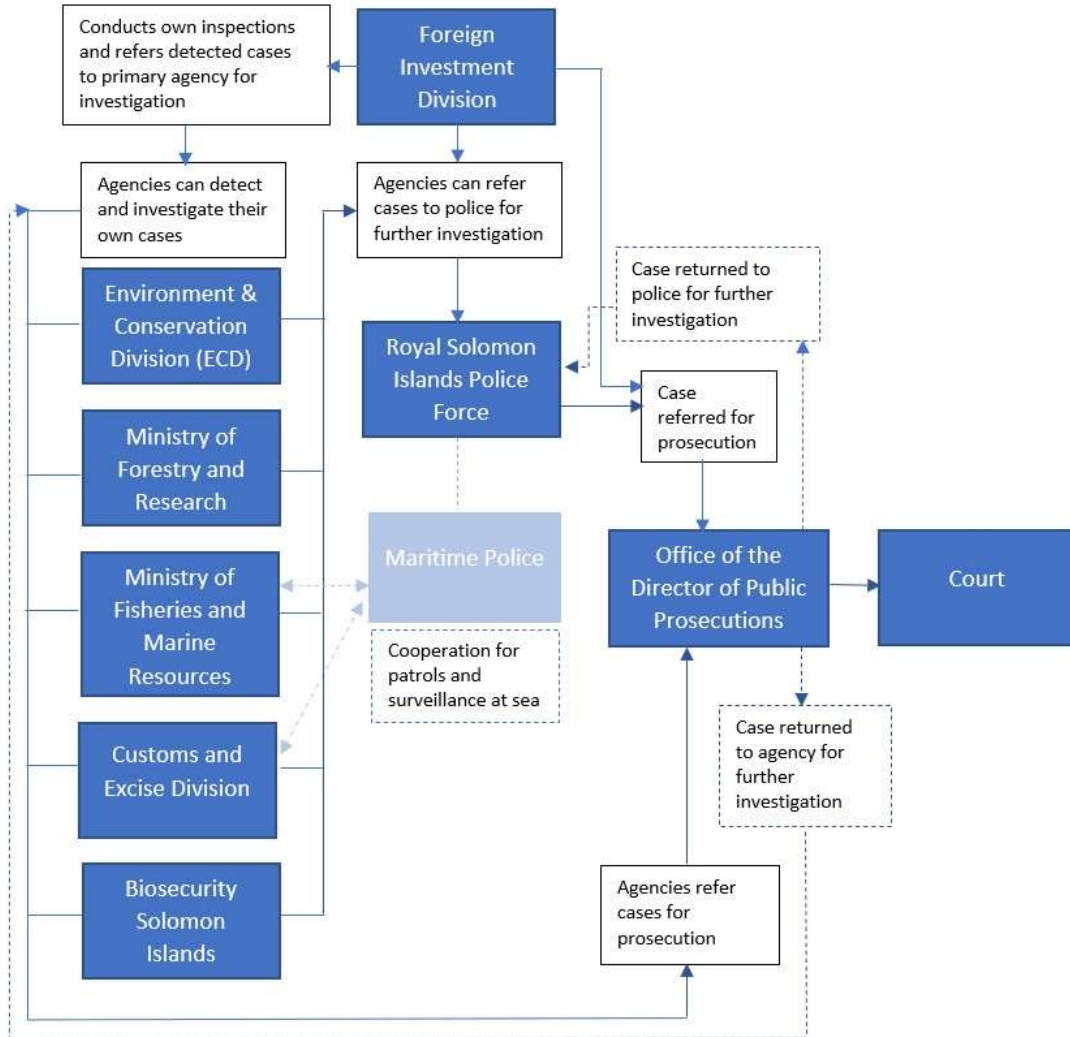
The FID is staffed by seven officers, two of whom are designated compliance officers, although all other officers can provide support during inspections if necessary. FID inspections are unannounced, and inspectors are accompanied by three police officers for security. FID reported that several forestry companies have been identified breaching their foreign investor registration or other national laws, with the Sunrise Company in the Tubi case being one of the first to be charged. The Sunrise Company has been suspended from operating and removed from the FID registry, and once the appeal at the High Court is finalised, FID will revoke the company's licence. There is also a current case against a second forestry company in Isabel province. When a criminal offence is detected, FID refers the case to the relevant primary agency for further investigation. In this way, FID inspections can be an alternative avenue through which crimes can be identified and addressed, but it is still reliant on the primary agencies to enforce their legislation.

During the interview, FID reported that it has found instances of caged wildlife at logging camps and in shipping containers during its inspections.

Interagency cooperation

Each of the technical agencies in Solomon Islands has the mandate to detect and investigate their own cases, and most agencies have the power to prosecute their own cases. However, agencies can also opt to refer cases to RSIPF for investigation and to the ODPP for prosecution, which appears to have been the process for the few wildlife and forest crime cases that were successfully prosecuted. If the ODPP determines there is insufficient evidence for prosecution, it can return the case to either the Police or the investigating agency for further investigation. This process is illustrated below in Figure 3.

Figure 3: Solomon Islands interagency cooperation for wildlife and forest crime cases



In this framework, each agency has the ability to work independently and manage cases almost entirely within their own agency. While this may appear to be an efficient process for handling cases, it also means there is little incentive for cooperation between agencies at the operational level, particularly in terms of intelligence sharing. It was reported that RSIPF is not requested often enough to assist with investigations, and the ODPP has had very few wildlife and forest crime cases referred for prosecution through the courts.

Although there are some policy coordination mechanisms such as the Environmental Advisory Committee and Fisheries Advisory Council, among others, there is no national mechanism

specifically designated for sharing wildlife and forest crime intelligence between agencies in Solomon Islands. A specific Memorandum of Understanding agreed between the key agencies for sharing intelligence and working collaboratively and a dedicated taskforce or working group focused on wildlife and forest crimes could be useful to strengthen intelligence sharing and better information flow between agencies. In turn, such a mechanism could also raise awareness for better targeting of law enforcement resources and interagency cooperation to address any issues identified.

International cooperation

Law enforcement challenges across the Pacific are exacerbated by the vast expanses of ocean and the limited resources available to patrol it, so by the nature of this shared geography, cooperation in the region is crucial.

In this regard, there is a good level of cooperation between Pacific countries facilitated by several well-established and well-respected regional organisations. For instance, the Oceania Customs Organisation (OCO) assists Pacific customs administrations to enhance coordinated border management to combat transnational organised crime;³⁵ the FFA supports countries to prevent and control IUU fishing and conduct regional surveillance operations;³⁶ and the Pacific Transnational Crime Network (a mandated programme under the Pacific Islands Chiefs of Police) consists of 28 transnational crime units in 20 countries across the region, coordinated by a central hub based in Samoa.³⁷ The Pacific Islands Forum also fosters collaboration and cooperation between countries at the political and policy level, and Forum leaders signed the Boe Declaration on Regional Security in 2018 which declares an increasing emphasis on environmental and resource security and transnational crime, among other commitments.³⁸

Although wildlife and forest crime issues are not a significant focus of any of the major regional bodies, good infrastructure exists for sharing intelligence and information between countries and conducting joint operations should the need arise.

Based on interviews with the different agencies, Solomon Islands authorities have their closest working relationships with counterparts in Australia, New Zealand, and Papua New Guinea, as well as other Pacific countries. There is also growing cooperation with China, and a new MOU on policing cooperation was recently signed in March 2022.³⁹ There is otherwise little direct contact with counterparts in other regions, and if cooperation was needed with a jurisdiction outside the Pacific region, it is likely that assistance would be sought via the relevant regional organisation or one of the larger bilateral partners in Australia or New Zealand.

Solomon Islands is a member party of several relevant international bodies and conventions, including CITES (acceded in 2007), the United Nations Convention Against Corruption (acceded in 2012), and has been an INTERPOL member since September 2017. Solomon Islands has not yet acceded to the United Nations Convention against Transnational Organised Crime and is not a member of the World Customs Organization.

³⁵ <https://www.ocosec.org/about/strategic-plan/>

³⁶ <https://www.ffa.int/>

³⁷ <https://picp.co.nz/our-work/pacific-transnational-crime-network/>

³⁸ <https://www.forumsec.org/2018/09/05/boe-declaration-on-regional-security/>

³⁹ <https://www.scmp.com/news/asia/australasia/article/3171703/solomon-islands-mulls-security-ties-china-signs-mou>

Advanced investigation capabilities

Advanced investigation methods enable law enforcement agencies to covertly collect intelligence and evidence used to investigate and prosecute organised crime. They generally require specific legal authority and the use of specialist equipment or training. Figure 4 indicates those agencies in the Solomon Islands that are mandated and have the capacity to undertake advanced investigation techniques.

Figure 4: Advanced investigation capabilities in Solomon Islands by organisation

Agency	Undercover investigations	Surveillance	Telecom interception	Controlled deliveries	Listening devices
RSIPF	X	X	X	X	X**
SICED	-	X	-	X	-
MFMR	-	-	-	-	-
MOFR	-	-	-	-	-
ECD	-	-	-	-	-
BSI	-	-	-	-	-
SIICAC	-	X*	X*	-	X*

* Utilising police powers

** s107 Police Act, 2013.

Strengths and challenges of environmental law enforcement agencies

Solomon Islands experienced a period of internal conflict from 1998-2003 involving ethnic tensions, lawlessness, and violence that took a great toll on the country. Although Solomon Islands has been rebuilding itself since then with assistance from many other countries in the region, instances of civil unrest have continued to erupt periodically, most recently in November 2021.

As such, despite being a country rich in natural resources, it faces significant challenges to develop the necessary regulatory systems to effectively protect these resources. The key technical agencies (ECD, MOFR and MFMR) lack the human and technical capacity to detect and investigate organised wildlife and forest crimes and the legal framework fails to deter criminal activity. Although RSIPF and ODPP recognise the seriousness of these crimes and the need for a stronger criminal justice approach, they are reliant on the technical agencies to initiate cases.

The primary area of concern is in the forestry sector due to its size and the extent of the problems within the sector. Open-source research identified allegations of widespread corruption^{40,41} and illegal logging,^{42,43,44} while MOFR has no intelligence capacity and only limited law enforcement and

⁴⁰ <https://www.u4.no/publications/solomon-islands-overview-of-corruption-and-anti-corruption.pdf>

⁴¹ <https://www.globalwitness.org/en/press-releases/alarm-bells-sound-chinas-trade-reputation-new-report-reveals-destructive-logging-solomon-islands-rainforests-risks-illegality/>

⁴² <https://www.globalwitness.org/en/campaigns/forests/paradise-lost/>

⁴³ <https://psmag.com/environment/chinese-demand-is-decimating-solomon-islands-forests>

compliance capacity to address these issues, and extensive resourcing challenges. MOFR's ability to address organised illegal logging is weak and significant investment is needed to address the criminality that allegedly plagues the sector.

In respect to wildlife, there have been few effective enforcement or compliance activities carried out by the ECD, which has minimal capacity to address wildlife crime. Their one compliance officer is fresh out of university, has not been provided with compliance training and is currently performing in another role. There is no vehicle or equipment to support compliance operations.

In respect to the fisheries sector, the Solomon Islands has been identified as having a low capacity and ability to address IUU fishing⁴⁵ but there have been some efforts taken to address fisheries crimes in the country. Joint RSIPF and MFMR operations have been successful in catching vessels engaged in illegal fishing and close monitoring of the VMS system occurs. Despite these successes, enforcement and compliance efforts have been impacted by low human capacity and financial constraints, alongside the immense challenges of adequately patrolling the country's vast ocean territory.

Despite these issues, the problems facing the Solomons Islands are not insurmountable. The respondents who were interviewed for this report were passionate and committed to protecting the natural environment of their country. They all identified a need for awareness training, capacity building, and ongoing support as requirements to enhance and improve the current system.

Corruption

The Wantok system is a key feature of social organisation throughout Solomon Islands. The term "Wantok" is used to refer to a network of relationships and obligations between people connected by common origin, geographic area, kinship, and language. It is an extended family or clan, which can range in size from a few people to several hundred. In politics, public service, and the business environment, Wantok can be misused for personal gain through corrupt and unethical practices, as people may be expected to distribute funds or favours to members of their Wantok.⁴⁶

While steps are being taken to address corruption in Solomon Islands, it remains a significant issue, especially in the forestry sector. The Solomon Islands Independent Commission Against Corruption (SIICAC) was established under the Anti-Corruption Act 2018. Solomon Islands is now in the process of establishing the body, which will focus on investigating corruption cases in collaboration with police, although it is not yet clear how the overlapping investigation responsibilities between the two agencies will be resolved.

⁴⁴ <https://www.theguardian.com/world/2021/jun/01/lush-forests-laid-to-waste-how-pacific-islands-got-hooked-on-logging>

⁴⁵ <https://iuriskintelligence.com/wp-content/uploads/2019/05/Solomon-Islands-country-Report-Global-Fisheries-MCS-Report-2017.pdf>

⁴⁶ https://devpolicy.org/Events/2016/Pacific%20Update/2b%20Private%20Sector%20Development/2b_Emanuel%20Iyabora_2016%20Pacific%20Update%20Conf.pdf

Conclusions and recommendations

The incidence and scale of wildlife and forestry crime in the Solomon Islands is yet to be fully understood, with the lack of data being the major impediment to determining the prevalence of these crimes. As a result, the capacity for Solomon Islands authorities to identify and act against wildlife crimes is completely reactive and restricted to potential seizures at air and seaports.

There is an absence of specialised systems to enable and enhance the collection, analysis, and dissemination of intelligence on wildlife and forestry crimes. There are also some deficiencies in the legislation about domestic possession and trade and the penalties are insufficient to act as any form of deterrent.

Accordingly, the recommendations of this report are focused on raising awareness, increasing capacity, enhancing interagency cooperation, and developing the systems to promote a greater understanding of the wildlife and forestry crime issues in the Solomon Islands through the development of an improved intelligence capacity.

Recommendations

Building national capacities

- Strengthen data collection to enable an understanding of the size and scale of wildlife and forestry crimes within the Solomon Islands.
- Develop a specific Memorandum of Understanding and a formalised intelligence sharing mechanism between the RSIPF, SICED, SIICAC, MFMR, MOFR, ECD and BSI.
- Recruit an international law enforcement expert for both the ECD and the MOFR to help establish best practice protocols, provide advice, mentorship and to assist with investigations and case file preparation.
- Recruit an intelligence analyst and data entry operator in both the ECD and the MOFR, whose roles it will be to collect, analyse and disseminate intelligence within their own organisations and to share with other relevant stakeholders.
- Acquire an intelligence database for the ECD and the MOFR. This database could be shared, with different security layers or even portioned databases on the same system.
- Provide basic and advanced intelligence analysis training to the new analysts and data entry operators within the ECD and MOFR.
- Provide advanced intelligence analysis training to the RSIPF and SICED.
- Provide awareness training to senior managers in the ECD and MOFR on the value of intelligence analysis.
- Provide training for officers from Police, Customs, Forestry, Fisheries and other border agencies on relevant domestic legislation, advanced intelligence analysis, online investigations, crime scene to court, and species identification
- Provide awareness training to prosecutors from the Office of the Director of Public Prosecutions, Ministry of Forestry and Research, and the Ministry of Environment.
- Train prosecutors on collecting and presenting evidence on wildlife and forest crime, including the drafting of charges and roles of agencies.

Strengthening interagency cooperation

- Consider the establishment of a Solomon Islands Wildlife Enforcement Network made up of representatives of RSIPF, SICED, SIICAC, MFMR, MOFR, ECD and BSI, with regular quarterly meetings for information and intelligence exchange. This network would have an operational law enforcement focus, as opposed to the existing policy focused committees.

- Consider whether access to the Justice Information Management System (JIMS) database should be expanded to environmental agencies to assist with sharing information on incident reports.

Focusing on international cooperation

- Consider establishing a regional forum for operational practitioners that meets annually or bi-annually to discuss emerging wildlife and forest crime issues within the Pacific region and promote the sharing of intelligence amongst agencies.
- Increase the use of international information sharing mechanisms with foreign law enforcement agencies especially at regional level, through the use of INTERPOL and World Customs Organisation channels and the various specialised fora provided by the international aid and technical assistance providers (UNODC, USFWS, INL, CITES, etc).

Addressing corruption

- Once it is fully operational, SIICAC could lead the development of an anti-corruption strategy that included wildlife and forestry crimes. SIICAC could assist the stakeholders to undertake a corruption risk assessment to identify corruption risks across the supply chain, including the issuance of licences, permits, and the potential exploitation of the wantok system.

Addressing the Legal Framework

- The current penalties in the relevant legislation that deal with natural resources in the Solomon Islands are insufficient to pose a deterrent to offenders who would exploit those natural resources. There is also a need to review the powers of agencies mandated to protect scarce resources to ensure they are fit for purpose and can maintain pace with the increasing sophistication of crime.
- Review the protection under the law for native wildlife other than CITES listed species.
- Consideration should be given to providing protection to native fauna under the WPM Act including adding offences for the unlawful hunting, trapping, harming, possessing, and supplying of native fauna.

Annex I: Selected provisions from the Wildlife Protection and Management Act

Wildlife Protection and Management Act 1998 (amended 2017)	
Section	Provision
11	<p><u>Prohibited or restricted export.</u></p> <p>(1) No person shall export or attempt to export any plant or animal specimen specified in Schedule I, unless he is an approved person and has a valid export permit issued for scientific research purposes under section 14(5);</p> <p>(2) No person shall export or attempt to export any plant or animal specimen specified in Schedule II, unless he is an approved person and has a valid permit to export such specimen for commercial purposes or otherwise under section 14;</p> <p>(3) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to-</p> <p style="padding-left: 40px;">(a) in the case of a specimen specified in subsection (1), a fine not exceeding 50,000 penalty units or imprisonment for a term not exceeding 5 years; or</p> <p style="padding-left: 40px;">(b) in the case of a specimen specified in subsection (2), a fine not exceeding 30,000 penalty units or imprisonment for a term not exceeding 3 years.</p>
12	<p><u>Prohibited or restricted imports.</u></p> <p>No person shall import or attempt to import any plant or animal specimens declared by the Minister by Order, to be prohibited or restricted import, unless such a person is an approved person and has a valid permit issued under section 14;</p>
26	<p><u>Possession of illegally obtained specimens.</u></p> <p>A person who without reasonable excuse has in his possession –</p> <p>(a) on board a vessel or aircraft any specimen obtained in contravention of the provisions of this Act; or</p> <p>(b) any specimen that he knows or has reasonable grounds to suspect has been imported or is to be exported in contravention of the provisions of this Act, is guilty of an offence and liable on conviction to a fine not exceeding 50,000 penalty units or to imprisonment for a period not exceeding 5 years or to both such fine and imprisonment.</p>
33	<p><u>False and misleading statements.</u></p> <p>If a person in connection with an application for a permit knowingly makes a false statement or knowingly furnishes an inspector information that is false or misleading, he shall be guilty of an offence and on conviction liable to a fine not exceeding 20,000 penalty units or imprisonment for a period not exceeding 2 years or to both such fine and imprisonment.</p>
Schedule I	<p><u>Prohibited Exports</u></p> <p>Includes birds (24 species, plus all birds of the Psittacidae family with the exception of 5 specific species), mammals (13 species), reptiles (4 species), amphibians (4 species), insects (6 species), plants (9 species), and fish (9 species).</p>
Schedule II	<p><u>Regulated and Controlled Species</u></p> <p>Includes reptiles (14 species), plants (24 species), and molluscs (3 species).</p>

Annex II: Selected provisions from other laws

Forest Resources and Timber Utilisation (Amendment) Act 2000	
Section	Provision
4	<p><u>Felling of trees for sale to be licensed</u></p> <p>(1) Any person who fells any tree or removes any timber from any land for the purpose of sale thereof or of the products thereof otherwise than -</p> <ul style="list-style-type: none"> (a) for use within Solomon Islands as firewood or unmilled timber; (b) for supplying logs for milling to a mill licensed under section 18, from within the area that mill is by its licence authorised to draw unmilled timber; (c) for such other purpose declared by the Minister by notice to be exempt from the provisions of this section; or (d) under and in accordance with the terms and conditions of a valid licence issued under section 5, <p>shall be guilty of an offence and liable to a fine of SBD 3,000 or to imprisonment for 2 years or to both such fine and such imprisonment.</p> <p>(2) Any person who fells a tree or removes timber from any land shall, until the contrary is proved, be presumed to have felled that tree or removed that timber for the purpose of sale.</p> <p>(3) The onus of proving that a tree has been felled or timber has been removed for any of the purposes specified in paragraphs (a) or (b), or under paragraph (c) of subsection (1), shall lie on him who so alleges.</p>
22	<p><u>Offences relating to state forests</u></p> <p>Any person who within a state forest otherwise than under and in accordance with a valid permit issued under section 23 or in pursuance of any right which existed prior to the declaration of that state forest (the onus of proving which shall lie on such person) -</p> <ul style="list-style-type: none"> (a) fells, cuts, taps, damages, burns, removes, works or sells any tree; (b) causes any damage therein by negligence in felling any tree, dragging any timber, lighting any fire or otherwise howsoever; (c) clears or breaks up any land for cultivation or any other purposes; (d) resides or erects any building, shelter or structure; (e) grazes or permits to be grazed any livestock; (f) has in his possession any machinery, equipment or implement for cutting, taking, working or removing any forest produce, without being able to show that such machinery, equipment or implement is in his possession for a lawful purpose; or (g) constructs or re - opens any road, saw - pit or workplace, <p>shall be guilty of an offence and liable to a fine of SBD 2,000 or to imprisonment for 1 year or to both such fine and such imprisonment.</p>
27	<p><u>Offences relating to forest reserves</u></p> <p>(1) Any person who within a forest reserve otherwise than under and in accordance with a valid permit issued under section 28 -</p> <ul style="list-style-type: none"> (a) fells, cuts or removes any forest produce otherwise than for his own personal or domestic use; (b) clears or breaks up any land for cultivation, or any other purpose; (c) resides or erects any building, shelter or structure; or (d) grazes or permits to be grazed any livestock, <p>shall be guilty of an offence and liable to a fine of SBD 3,000 or imprisonment for 1 year or to both such fine and such imprisonment.</p> <p>(2) Subsection (1) shall not apply to any person acting in exercise of any right specified under section 24, but any person charged with an offence under this section shall, until the contrary is proved, be presumed not to have been a person acting as aforesaid.</p>
29	<p><u>Penalties for falsification of timber marks</u></p> <p>Any person who -</p> <ul style="list-style-type: none"> (a) knowingly counterfeits upon any tree or timber, or has in his possession any implements for counterfeiting, any mark used by enforcement officers or forest officers to indicate that such tree or timber may lawfully be felled or removed by some

	<p>person; or (b) unlawfully or fraudulently affixes to any tree or timber any mark used by enforcement officers or forest officers; or (c) alters, defaces, or obliterates any such mark placed on any tree or timber by or under the authority of an enforcement officer or a forest officer; or (d) wastes timber by such acts or operations as are specified in the regulations, shall be guilty of an offence and liable to a fine of SBD 3,000 or to imprisonment for 2 years or to both such fine and such imprisonment.</p>
30	<p><u>Receiving illegally obtained forest produce</u> Any person who receives any forest produce knowing or having reasonable cause to believe it to have been obtained in contravention of this Act shall be guilty of an offence and liable to a fine of SBD 1,500 or to imprisonment for 1 year or to both such fine and such imprisonment.</p>
Schedule I	<p><u>Protected Trees</u></p> <ol style="list-style-type: none"> 1. Rosewood (<i>Pterocarpus indicus</i>) 2. Ironwood (<i>Intsia bijuga</i>) 3. Ebony (<i>Diospyros spp.</i>) 4. Kauri (<i>Agathis macrophylla</i>) 5. Nali nuts (<i>Canarium indicum</i>) 6. All edible fruit trees 7. Any other timber tree as the Minister may, by order, declare to be a protected tree in this behalf, for the conservation of timber producing trees in Solomon Islands.
Forest Resources and Timber Utilisation (Protected Species) Regulations 2012	
Section	Regulation
3	<p>The following species are protected and shall not be felled or removed from any land for purposes of sale or export, except for scientific research purposes as authorised under the Wildlife Protection and Management Act 1998 – Mangrove – <i>Rhizophora spp.</i> and all other mangrove species Ebony – <i>Diospyros spp.</i> Ngali nut – <i>Canarium indicum</i> Tubi – <i>Xanthostemon melanoxylon</i></p>
4	<p>The following species shall only be exported in milled timber form pursuant to a milling licence issued by the Commissioner of Forest Resources: Rosewood – <i>Pterocarpus indicus</i> Ironwood – <i>Intsia bijuga</i> Kauri – <i>Agathis macrophylla</i> Walnut – <i>Dracontomelum vitiense</i> Canoe tree – <i>Gmelia moluccana</i> <i>Canarium spp.</i> Vasa – <i>Vitex cofassus</i></p>
5	<p>The following species shall only be exported in product form manufactured in Solomon Islands: Rattan – <i>Calamus spp.</i></p>

Fisheries Management Act 2015	
Section	Provision
2	<p>(1) In this Act, unless the context otherwise requires – fish means any water-dwelling aquatic or marine animal or plant, alive or dead, and includes their eggs, spawn, spat and juvenile stages, and any of their parts.</p>
27	<p>(1) No person shall buy, sell, possess, or otherwise trade in fish, fish products, or any other fishery resource taken or obtained in contravention of this Act. (2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 2 million penalty units or imprisonment to a term not exceeding 2 years, or to both, and in addition, all fish or fish products shall be forfeited to the Solomon Islands Government.</p>
31	<p>(1) The Minister may, on the advice of the Director and in consultation with the Minister responsible for environment, by Order in the <i>Gazette</i>, declare as protected or endangered any fish -</p>

	<p>(a) that are designated as protected or endangered under an international agreement; or</p> <p>(b) that the Director recommends be declared as protected or endangered, based on the best available scientific evidence.</p> <p>(2) No person shall take, land, sell, deal in, transport, receive, buy, possess, import or export any fish or fish product declared as protected or endangered in accordance with this section.</p> <p>(3) Any person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not exceeding 500,000 penalty units or imprisonment to a term not exceeding 6 months, or to both, and in addition, the fish or fish products shall be forfeited to the Solomon Islands Government.</p>
37	<p>(1) Subject to subsection (2), the owner and the operator of a foreign fishing vessel that enters the fisheries waters or is used for fishing or related activities in the fisheries waters, except in compliance with this Act, Solomon Islands law, or, where there is no applicable provision, international law, each commits an offence and is liable on conviction to a fine not exceeding 12 million penalty units, or, except as provided in section 103, imprisonment to a term not exceeding 5 years, or to both.</p> <p>(2) An owner or operator who contravenes subsection (1) does not commit an offence if he or she enters the fisheries waters or uses such vessel for fishing or related activities in the fisheries waters for a lawful purpose recognised by this Act, Solomon Islands law or, where there is no applicable provision, by international law as recognised by Solomon Islands.</p>
44	<p>(1) No person shall -</p> <p>(a) engage in any activity relating to fish processing for the purposes of export without a licence;</p> <p>(b) buy fish from an unlicensed storage facility or an unlicensed fish processing facility; or</p> <p>(c) buy or sell fish where there are reasonable grounds to believe that it has been caught in contravention of this Act.</p> <p>(2) Any person who contravenes subsection (1)(a) commits an offence and is liable on conviction to a fine not exceeding 5 million penalty units or imprisonment to a term not exceeding 5 years, or to both.</p> <p>(3) Any person who contravenes subsection (1)(b) or (c) commits an offence and is liable on conviction to a fine not exceeding 2 million penalty units or imprisonment to a term not exceeding 2 years, or to both.</p>
56	<p>(1) No person shall, except in accordance with a valid and applicable licence or authorisation granted under this Act -</p> <p>(a) on his or her own account or in any other capacity, engage in any activity; or</p> <p>(b) cause or permit a person acting on his or her behalf to engage in any activity; or</p> <p>(c) use or permit a vessel to engage in fishing or a related activity, that is of a kind or type, or at a time, or in a place or manner, for which a licence or authorisation is required under this Act.</p> <p>(2) For the purposes of this section, where a vessel is used in the commission of an offence, the operator, master, and charterer of the vessel shall be deemed each to have committed the offence.</p> <p>(3) Section 10 of the Penal Code relating to mistake of fact is not a defence to a prosecution for an offence under this section.</p> <p>(4) Any person who acts or omits to act otherwise than under the authority of any licence in contravention of subsection (1) commits an offence and on conviction, is liable to a fine not exceeding 10 million penalty units or imprisonment to a term not exceeding 10 years, or to both.</p>
106	<p>(1) If a body corporate is convicted of an offence against this Act, a fine of up to three times the maximum fine specified for the offence may be imposed.</p> <p>(2) The Court shall, in imposing a fine pursuant to subsection (1), report fully in writing on details of the expert evidence upon which its judgment was based.</p>
128	<p>(1) No person shall, within Solomon Islands or in the fisheries waters, on their own account or in any other capacity -</p> <p>(a) cause or permit a person acting on their behalf to take, import, export, land,</p>

	<p>tranship, transport, sell, receive, acquire, or buy any illegal fish or fish product; or (b) use or permit a vessel to be used to engage in fishing or related activities for a purpose referred to in paragraph (a).</p> <p>(2) Notwithstanding section 3(2), this section applies to all persons, vessels, fishing, related activities, and other activities governed by this Act.</p> <p>(3) In this section, “illegal fish or fish product” means fish or fish product taken, possessed, transported, or sold in violation of any law or regulation of another State or of applicable international conservation and management measures, but does not include fish taken on the high seas contrary to the law of another State where Solomon Islands does not recognise the jurisdiction of that State over those fish.</p> <p>(4) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 2 million penalty units, or imprisonment to a term not exceeding 2 years, or to both.</p> <p>(5) Section 10 of the Penal Code, which sets out mistake of fact, is not a defence to a prosecution for an offence under this section.</p> <p>(6) Where an international agreement with another State provides for a fine, penalty or other determination or any portion of it to be remitted to that State on conviction or other process, such remittance shall be made after all costs and expenses incurred by the Solomon Islands Government have been deducted.</p>
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Penal Code 1963	
Section	Provision
91	<p><u>Official corruption</u> Any person who –</p> <p>(a) being employed in the public service, and being charged with the performance of any duty by virtue of such employment, corruptly asks for, solicits, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, by him in the discharge of the duties of his office; or</p> <p>(b) corruptly gives, confers, or procures, or promises or offers to give or confer, or to procure, or attempt to procure, to, upon, or for any person employed in the public service, or to, upon, or for any other person, any property or benefit of any kind on account of any such act or omission on the part of the person so employed,</p> <p>is guilty of a felony and shall be liable to imprisonment for 7 years.</p>
93	<p><u>Public officers receiving property to show favour</u> Any person who, being employed in the public service, receives any property or benefit of any kind for himself or any other person, on the understanding, express or implied, that he shall favour the person giving the property or conferring the benefit, or any one in whom he is interested, in any transaction then pending, or likely to take place, between the person giving the property or conferring the benefit, or any one in whom he is interested, and any person employed in the public service, shall be guilty of a misdemeanour and shall be liable to imprisonment for 6 months.</p>
96	<p><u>Abuse of office</u> (1) Any person who, being employed in the public service, does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another, is guilty of a misdemeanour. If the act is done or directed to be done for purpose of gain, he shall be guilty of a felony, and shall be liable to imprisonment for 3 years. (2) A prosecution for any offence under this or either of the two last preceding sections shall not be instituted except by or with the sanction of the Director of Public Prosecutions.</p>
289	<p><u>Killing animals with intent to steal</u> Any person who wilfully kills any animal with intent to steal the carcass, skin or any part of the animal killed, is guilty of a felony, and shall be liable to the same punishment as if he had stolen such animal, provided that the offence of stealing the animal so killed would have amounted to felony.</p>
325	<p><u>Injuring animals</u></p>

	Any person who wilfully and unlawfully kills, maims, or wounds any animal or bird capable of being stolen, is guilty of a misdemeanour.
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Customs Act 2003	
Section	Provision
193	<p>If any aircraft or ship is found or discovered to have been within or over Solomon Islands—</p> <ul style="list-style-type: none"> (a) which has any secret or disguised place adapted for concealing goods or any device adapted for running goods; or (b) which has on board or in any manner attached thereto, or which has had on board or in any manner attached thereto, or which is conveying or has conveyed in any manner any goods imported contrary to the customs laws or goods intended for exportation contrary to the customs laws; or (c) from which any part of the contents of such aircraft or ship has been thrown overboard to prevent seizure; or (d) on board which any goods have been staved or destroyed to prevent seizure, <p>then in every such case every person who is found or discovered to have been on board any such aircraft or ship shall incur a penalty of SBD 2,000, and all such goods shall be forfeited: Provided that no person shall be liable under this section unless there shall be reasonable cause to believe that such person was concerned in or privy to the illegal act or thing proved to have been committed.</p>
199	<p>All persons to the number of three or more who shall assemble for the purpose of evading any of the provisions of the customs laws, or who having so assembled evade any such provisions, shall each be guilty of an offence, and shall each be liable on summary conviction to imprisonment for 12 months.</p>
210	<p>Save as otherwise provided in section 211 any person who is convicted of any offence against the customs laws for which no specific penalty is provided shall incur a penalty of SBD 1,000.</p>
212	<p>Any person who, in any matter relating to the customs laws, or under the control or management of the Comptroller—</p> <ul style="list-style-type: none"> (a) makes and subscribes, or causes to be made and subscribed, any false declaration; or (b) makes or signs or causes to be made or signed, any declaration, certificate or other instrument required to be verified by signature only, the same being false in any particular; or (c) makes or signs any declaration made for the consideration of any officer on any application presented to him, the same being untrue in any particular; or (d) when required by the customs laws to answer questions put to him by any officer, refuses to answer such questions or answers any such questions untruly, <p>shall incur a penalty of SBD 10,000.</p>
213	<p>Every person who—</p> <ul style="list-style-type: none"> (a) imports or brings or is concerned in importing or bringing into Solomon Islands any prohibited goods, or any goods the importation of which is restricted, contrary to such prohibition or restriction, whether the same be unloaded or not; or (b) knowingly unloads or assists or is otherwise concerned in unloading, any goods which are prohibited, or any goods which are restricted and imported contrary to such restriction; or (c) knowingly harbours, keeps or conceals, or knowingly permits or suffers or causes or procures to be harboured, kept or concealed, any prohibited, restricted or uncustomed goods; or (d) knowingly acquires possession of or is in any way knowingly concerned in carrying, removing, depositing, concealing, or in any manner dealing with any goods with intent to defraud the revenue of any duties thereon, or to evade any prohibition or restriction of or applicable to such goods; or (e) is in any way knowingly concerned in any fraudulent evasion or attempt at evasion of any import or export duties of customs, or of the laws and restrictions of the customs relating to the importation, unloading, warehousing, delivery, removal, loading and exportation of goods,

	shall for each offence incur a penalty of treble the value of the goods or SBD 2,000 at the election of the Comptroller, and all goods in respect of which any such offence shall be committed shall be forfeited.
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UNODC
United Nations Office on Drugs and Crime

Regional Office for Southeast Asia and the Pacific

United Nations Building, 3rd floor B Block, Secretariat Building, Raj Damnern Nok Avenue, Bangkok 10200, Thailand

Tel. (66-2) 288-2100 Fax. (66-2) 281-2129 E-mail: unodc-thailandfieldoffice@un.org

Website: <http://www.unodc.org/roseap>

 Twitter: @UNODC_SEAP