



KIBCA

**Kolombangara Island
Biodiversity Conservation Association**

PO Box 199, Gizo, Western Province, Solomon Islands
W: www.kibca.org E: info@kibca.org P: +677 60 987

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Landowners Succeed In Enforcing Environmental Laws For Logging

On Friday last week, the High Court delivered judgment in favour of the Kolombangara Island Biodiversity Conservation Association (**KIBCA**) in proceedings brought to enforce environmental laws in the Solomon Islands and help protect land above 400m on Kolombangara Island.

KIBCA is delighted with its success. “We pleased that the court understood the seriousness of the issue the area’s conservation significance,” said Mr Ferguson Vaghi, KIBCA Coordinator.

“We are determined to prevent logging above 400m altitude on Kolombangara Island. All landholders on Kolombangara agreed not to log above 400m by signing a community conservation agreement.”

“The court ruling enforces the wishes of Kolombangaran people and creates an important precedent. The laws that control logging are valid and must be respected,” said Mr Vaghi.

“We also hope that those that sought to cash in on an enticing logging contract have learnt not to trust Success Company.”

“The case raises important issues for the Solomon Islands Government,” said Mr Vaghi.

“The Government should suspend all logging operations of Success Company. It is likely that all operations by Success Company are illegal because they do not have an approved environmental impact assessment. This includes Lots 9 and 10 and Sunvangga on Kolombangara Island and Kohingo on New Georgia Island.”

“The Government also needs to deal with the conflict of interest of the Minister for Forestry, Bodo Dettke, whose Ministry approves logging operations by the company he owns, Success Company.”

“KIBCA was represented by the Public Solicitor’s Office and the case was brought through the Landowners’ Advocacy and Legal Support Unit (**LALSU**).”

“In the case, Justice Chetwynd issued an injunction against Success Company Limited (the licensee) and Xiang Lin (SI) Timber Ltd (the logging company) to stop them from logging on part of Kolombangara Island in breach of laws made to help protect the environment.”

The KIBCA case was brought on two main legal grounds: 1) to stop logging above 400m Above Sea Level where no specific approval had been granted by the Commissioner of Forests; and 2) to stop logging in breach of the Environment Act, where no development consent had been granted by the Director of Environment and Conservation. KIBCA was successful in obtaining an injunction against the licensee and logging company on both grounds.

Justice Chetwynd also made a declaration that KIBCA was not required to obtain the consent of the Attorney-General to bring these proceedings to enforce environmental or forestry laws.

“This judgment from the High Court is legally important for three reasons. First of all, it recognises that companies cannot log forests above 400m unless they have a specific approval from the Commissioner of Forests,” said Mr Ferguson Vaghi, Coordinator of KIBCA.

“On Kolombangara Island, the forest above 400m has special ecological values that our KIBCA is seeking to conserve for the benefit of future generations on Kolombangara Island, and this judgment helps them do that.”

“Secondly, the judgment is important because it recognises that the Environment Act must be followed by companies doing logging in the Solomon Islands. Companies need to do an Environmental Impact Assessment and seek development consent from the Director of Environment and Conservation before they can start logging,” said Mr Vaghi.

“Thirdly, the declaration made by the Court was very significant for KIBCA as the claimant in the case, and has implications for other landowner associations set up to protect the environment,” said Mr Vaghi.

“The Court recognised that since KIBCA and its members have an interest in protecting the environment on Kolombangara Island, we also have the right to bring companies to court to stop them from breaching laws that are designed to protect the environment.”

“Environmental Impact Assessment (or EIA) is a legal process where a scientific expert must prepare a report on the likely effects of major developments on the communities and their environment, and submit it to the Ministry of Environment. The Director then hears from all stakeholders, and makes a decision about whether logging or other development should go ahead.”

“The EIA process applies for all logging operations, as well as other major forms of development like mining. Even if logging companies have a licence from the Ministry of Forests, they cannot start logging until they also go through EIA, and have a development consent from the Ministry of Environment.”

“Through the EIA process, communities affected by development have a right to be heard, and must be given an opportunity to object to logging or mining on their land on environmental, social or cultural grounds.”

“If companies do not comply with the EIA laws, this deprives landowners and communities of their rights to voice their opinions about development that affects their lives, culture and land,” said Mr Vaghi.

“KIBCA is confident that there are ways of providing jobs and benefits to local islanders while protecting the forest above 400m. That is why we are promoting Kolombangara Island to tourists and developing other livelihood programs. This year we distributed 73 education scholarship to local families worth over \$60,000.

The LALSU has been running legal awareness training for the past 15 months under an EU-funded project across the provinces, which included training on EIA and the Environment Act. Last week, it also went out to speak to landowners at Hunda, Kuzi and Kaza on Kolombangara Island about the court case and conducted training on the EIA laws.

Contact: Ferguson Vaghi, KIBCA Coordinator, on 740 1198