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AN OVERVIEW OF ENVIRONMENTAL PROTECTION LEGISLATION IN THE SOUTH PACIFIC COUNTRIES

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Noumea, New Caledonia
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**AN OVERVIEW OF ENVIRONMENTAL PROTECTION LEGISLATIONS
IN THE SOUTH PACIFIC COUNTRIES**

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PREFACE

Ten years ago the United Nations Conference on the Human Environment (Stockholm, 5-16 June 1972) adopted the Action Plan for the Human Environment, including the General Principles for Assessment and Control of Marine Pollution. In the light of the results of the Stockholm Conference, the United Nations General Assembly decided to establish the United Nations Environment Programme (UNEP) to "serve as a focal point for environmental action and co-ordination within the United Nations system" (General Assembly resolution XXVII of 15 December 1972). The organizations of the United Nations system were invited "to adopt the measures that may be required to undertake concerted and co-ordinated programmes with regard to international environmental problems", and the "intergovernmental and non-governmental organizations that have an interest in the field of the environment" were also invited "to lend their full support and collaboration to the United Nations with a view to achieving the largest possible degree of co-operation and co-ordination". Subsequently, the Governing Council of UNEP chose "Oceans" as one of the priority areas on which it would focus efforts to fulfil its catalytic and co-ordinating role.

The Regional Seas Programme was initiated by UNEP in 1974. Since then the Governing Council of UNEP has repeatedly endorsed a regional approach to the control of marine pollution and the management of marine and coastal resources and has requested the development of regional action plans.

The Regional Seas Programme at present includes eleven regions (1) and has over 120 coastal States participating in it. It is conceived as an action-oriented programme having concern not only for the consequences but also for the causes of environmental degradation and encompassing a comprehensive approach to combating environmental problems through the management of marine and coastal areas. Each regional action plan is formulated according to the needs of the region as perceived by the Governments concerned. It is designed to link assessment of the quality of the marine environment and the causes of its deterioration with activities for the management and development of the marine and coastal environment. The action plans promote the parallel development of regional legal agreements and of action-oriented programme activities (2).

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- (1) Mediterranean, Kuwait Action Plan Region, West and Central Africa, Wider Caribbean, East Asian Seas, South-East Pacific, South Pacific, Red Sea and Gulf of Aden, East Africa, South-West Atlantic and South Asian Seas.
 - (2) UNEP: Achievements and planned development of UNEP's Regional Seas Programme and comparable programmes sponsored by other bodies. UNEP Regional Seas Reports and Studies No.1, UNEP, 1982.

The idea for a regional South Pacific environment management programme came from the South Pacific Commission (SPC) in 1974. Consultations between SPC and UNEP led, in 1975, to the suggestion of organizing a South Pacific Conference on the Human Environment. The South Pacific Bureau for Economic Co-operation (SPEC) and the Economic and Social Commission for Asia and the Pacific (ESCAP) soon joined SPC's initiative and UNEP supported the development of what became known as the South Pacific Regional Environment Programme (SPREP) as part of its Regional Seas Programme.

A Co-ordinating Group, consisting of representatives from SPC, SPEC, ESCAP and UNEP, was established in 1980 to co-ordinate the preparations for the Conference.

The Conference on the Human Environment in the South Pacific was convened in Rarotonga (8-11 March 1982). It adopted: the South Pacific Declaration on Natural Resources and Environment of the South Pacific Region; and agreed on the administrative and financial arrangements needed to support the implementation of the Action Plan and on the workplan for the next phase of SPREP (3).

At the request of the States and Territories of the South Pacific Region, negotiations were initiated to develop, in the framework of the Action Plan, a Convention for the Protection and Development of the Natural Resources and Environment of the South Pacific Region with specific protocols related to (i) prevention of pollution by dumping and (ii) co-operation in combating oil pollution emergencies. In order to facilitate the negotiation of these legal instruments, the present document, reviewing the environmental protection legislation of the twenty-two island countries in the region, was drawn up.

The initial document was prepared by Mr S. Venkatesh, Consultant, Economic and Social Commission for Asia and the Pacific (ESCAP) and Mr S. Va'ai, Legal Officer, South Pacific Bureau for Economic Co-operation (SPEC) in 1981. The present document is a revised and updated version prepared by Mere Pulea, Legal Consultant, Mere Pulea and Associates, Fiji. The sponsors of the study would like to express their gratitude to Mere Pulea for her work on this document.

(3) SPC/SPEC/ESCAP/UNEP: Action Plan for managing the natural resources and environment of the South Pacific Region. UNEP Regional Seas Reports and Studies No.29, UNEP, 1983.

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INTRODUCTION :

The South Pacific Regional Environmental Programme (SPREP) carried out by the South Pacific Commission (SPC), the South Pacific Bureau for Economic Co-operation (SPEC), ESCAP and UNEP evolved out of concerns expressed by countries in the Region for a co-ordinated approach in managing the Environment. The ultimate objective of the Programme is to encourage and support an integrated approach to the planning and implementation of the various development activities of the countries of the Region, taking fully into account their environmental implications in order to achieve maximum social, economic and environmental benefits on a sustainable basis.

PURPOSE OF STUDY.

2. One of the objectives of the South Pacific Regional Environment Programme is to assist in the countries and territories of the Region in the exchange of information on environmental legislations. This paper attempts to give an overview of the provisions of national and local environmental legislations in the Region. International Conventions of relevance to the Environment are also examined.

FORMAT.

3. The paper will deal with the question under the following headings :
 - (a) General provisions on the Environment
 - (b) Water Quality
 - (c) Land Use Planning
 - (d) Mining
 - (e) Industry (Other than Mining)
 - (f) Agriculture
 - (g) Cultural
 - (h) Conservation
 - (i) Air Quality
 - (j) Marine Environment
 - (k) Mangrove Environment
 - (l) Environmental Impact Assessment

- (m) Regional and International Conventions
- (n) Conclusion
- (o) Recommendations.

4. Some countries may not be mentioned under some of the headings ; this is either because there are no relevant legislations or the study was not able to identify relevant legislations with the methodology used.

(a) GENERAL PROVISIONS ON THE ENVIRONMENT.

5. The Fourth Goal of the National Constitution of Papua New Guinea provides that the country's natural resources are to be conserved and used for the collective benefit of all and future generations and calls for wide use to be made of the natural resources and the environment ; the conservation and replenishment of the environment and its sacred, scenic and historical qualities ; and adequate protection be given to all valued birds, animals, fish, insects, plants and trees.
6. The Republic of Vanuatu has incorporated in its Constitution a moral duty on every person to protect and safeguard the national wealth and environment in the interests of the present and future generations. The duty can be made legal by law, and public authorities are encouraged to urge compliance with this fundamental duty.
7. The Trust Territory Environmental Quality Protection Act 1972 provides that in recognition of the dependence of the people in TTPI upon the air, land and water resources for water supply, agricultural, industrial and recreational uses and a basis for tourism ; it declared as a public policy the achievement and maintaining of such levels of air, land and water quality to protect welfare and safety and to prevent injury to plant, animal life and property, and foster the comfort and convenience of its people and their enjoyment of health, life and property and will promote the economic and social development of TTPI and

facilitate enjoyment of its attractions.

8. Fiji's Eighth Development Plan 1981 - 1985 has as one of its objectives the establishment of a system of regional and national parks and during the Plan period will enact a National Park and Reserves Act to provide for the preservation and protection of the natural environment including unspoilt landscape, reefs and waters, indigenous flora and fauna, habitats and ecological systems, features of scenic, historic or archaeological interest or other scientific interest.
9. The Guam Environmental Protection Agency Act 1973 declares that the public policy of the Territory of Guam is "that a high quality environment be maintained at all times to guarantee an enjoyable life for all people at present and in the future and that environmental degradation of the quality of land , water, and air by any pollutants , including all physical, chemical and biological agents, should not be allowed. "
10. The declared policy of American Samoa's Environmental Quality Commission and as set out under the Environmental Quality Act is to "achieve and maintain such levels of air and water quality as will protect human health and safety, and to the greatest degree practicable , prevent injury to plant and animal life and property , foster the comfort and convenience of the people, promote the economic and social development of this territory and facilitate the enjoyment of the natural attractions of this territory."
11. The Niue National Development Plan 1980 - 1985 has a number of objectives relating to the Environment "as Government is conscious of dangers from unwise practices." The environmental objectives include the promotion of awareness and understanding of the environment; improving the existing environment by specific projects; insuring that all proposed projects on Niue are assessed for environmental impact and where possible projects to include an environmental improvement proposal; the protection and preservation of the natural environment including all ecological species.

(b) WATER QUALITY.

12. Legislations to control quality, prevent pollution and protect water supplies exist in various forms in the Region. They range from the United States Territories where a host of Federal and local legislations cover the whole field of water quality control to territories like Pitcairn and Tokelau Islands where roof-catchment supplies all water requirements, and controls if any, are embodied in health regulations.
13. In Papua New Guinea, the Environmental Contaminants Act 1978 and the Environmental Planning Act 1978 administered by the Ministry of Environment and Conservation can be used to control water contamination. The Environmental Contaminants Act establishes an Advisory Council to advise on specific issues.
14. Environmental contaminants are not to be discharged except in accordance with a licence issued under the Act. Directions regarding action to be taken to abate any discharge of contaminants may also be issued under the Act. Any approved person can institute proceedings in a court of law for offences against the Act. Protected areas may be declared to protect them from discharge, emission and deposit of contaminants.
15. The Contaminants Act is intended to closely tie in with the Environmental Planning Act. Conditions specified under the Planning Act must be satisfied before an applicant is issued a licence under the Contaminants Act. The Environmental Planning Act provides for an environmental planning procedure to be invoked where it is considered that inadequate consideration has been given to environmental effects of proposed development projects. Guidelines for such environmental planning include, inter alia, alternatives to the proposed project including alternate sites; and areas of the environment that may be

expected to be affected directly or indirectly, immediately or in the long term.

16. Under the Water Resources Act 1982, no person may take, dam, divert or otherwise interfere with water or discharge materials into water without a permit from the Director of the Bureau of Water Resources. The National Water Supply and Sewerage Act established a National Water Supply and Sewerage Board which has the duty to control all aspects (planning, design, construction, management and charging) of water and sewerage facilities throughout the country. The Public Health Act also contains regulations that prevent pollution of water supplies and set standards for public water supplies.
17. The more important statutes in Guam relating to water quality are the Clean Water Act 1977, the Federal Safe Drinking Water Act, Environmental Health Act, Water Resources Conservation Act, Water Pollution Control Act, Guam Safe Drinking Water Act, the Primary Safe Drinking Water Regulations, and the Guam Water Quality Standards.
18. The Federal Safe Drinking Water Act establishes, inter alia, protection for underground water sources that provide the sole water for a community. Federally-funded projects are assessed to ensure that they do not contaminate the ground water sources in any way.
19. In TTPI, under the Trust Territory Code, the Environment Protection Board is responsible for promulgating and enforcing drinking water regulations. Any person discharging waste in violation of the requirements prescribed by the Board, shall be required to submit for Board approval a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a pollution. The Clean Water Act 1977, Public Water Supply Systems Regulations, Safe Drinking Water Act are some of the other relevant statutes.
20. The Water Act 1965 in Western Samoa establishes a Water Supply Committee to control the supply, use and conservation of water. Under the Act, any person who does any act which may pollute any water or watershed supplying

any waterworks or allows livestock to trespass on to any waterworks, commits an offence. The Committee is empowered to do anything necessary to determine whether any factory, works or business premises is allowing a pollutant to flow into any water, watershed or waterworks.

21. The cutting or removal of bush or trees from the banks of a river or stream or cultivation on the banks of a river or stream may be prohibited for the purpose of conserving the flow of water in any river or stream.
22. Water Catchment areas can be declared under the Takings of Land Act 1964.
23. American Samoa has the State Drinking Water Act , the Water Pollution Control Act, Water Quality Standards, the Health Code and regulations which guide the Local Environmental Quality Commission. These enactments are supplemented by various federal legislations.
24. The water resources and pollution law, established in New Caledonia by resolution No. 105 of 1968 prohibits discharge into surface, underground or seawater of any matter harmful to public health. Regulations drawn up under this law provide for the establishment of protection zones, where potentially polluting activities are controlled.
25. In the Cook Islands, the Public Health Act and Ordinances contain sanitary provisions including provisions to prevent contamination of water. The Conservation Act 1975 also confers the power on the Director of Conservation, established under the Act, to protect, conserve and manage water catchment areas and water resources. The Director is also responsible for the prevention, control and correction of water pollution.
26. Under the Rarotonga Waterworks Ordinance 1960 it is an offence for any person to bathe or wash in any stream or other water leading to waterworks or throw or allow any foul matter into any waterworks.

27. The Public Utilities Ordinance 1977 in Kiribati, establishes a Public Utilities Board to control the supply and development of water. The Board has power to declare any area a water supply or water catchment area and control the activities on areas so declared. It is an offence under the Act for any person to do any act which may contaminate water supply reservoirs or water reserves.

28. The Public Health Act 1970 in the Solomon Islands prohibits pollution of any watercourse, stream, lake, pond, or reservoir; depositing of refuse into a beach, foreshore, harbour, estuary or creek and depositing of refuse, raw sewerage or other noxious or offensive matter into a river, stream or other watercourse which flows through an urban district.

29. The Mining Act 1969 prohibits mining in certain areas of land including any land within 200 feet of any spring in use as a source of water supply or any artificial reservoir, waterworks or water supply building and any Forest Area or Reserve.

30. Under the Mining Regulations 1969, no person carrying out prospecting or mining operations shall allow the discharge of any rubbish, dirt, filth, debris or any waste matter from any sink, sewer or drain, into any watercourse.

31. Rainfall catchment areas can be declared under the controlled forest provision in the Forestry and Timber Act 1969.

32. In Vanuatu, other than Regulations like the Joint Regulations 6 of 1931 which deals with the control of sanitation in Vila including such matters as the prohibition of drinking of well water and use of certain receptacles for holding water, legislations like the Joint Forestry Regulation No. 30 of 1964 and the Decentralization Act 1980 contain provisions which can affect water catchment areas. The Joint Forestry Regulation No. 30. of 1964 lays down restrictions on

landowners with regard to tree felling activities on river banks ; and the Decentralization Act 1980 setting up local governments in Vanuatu confers on them the responsibility to construct and maintain water supplies.

33. In Tonga, the Public Health Act makes provisions for the control of Public Health including limited protection of water supplies from contamination. Water catchment areas can be protected by using the Forest Act; and the Parks and Reserves Act can be used to declare as reserves threatened areas.
34. In Fiji, the Public Health Act 1937 establishes a Central Board of Health which is responsible for the control of Public Health. The Act makes it an offence for anybody to pollute or permit drainage or refuse from his land to flow into or be deposited in any watercourse, stream, lake, pond or reservoir forming part of a water supply.
35. The Water Supply Act 1955 provides for the declaration of water catchment areas for the purposes of water supply and makes it an offence for anybody to do anything which may pollute a waterworks or water catchment area.
36. The Land Conservation Board established under the Land Conservation and Improvement Act 1955 is also charged with the responsibility of conserving and improving water resources. Other provisions to protect water resources are contained in the Native Land (Leases and Licence) Regulations (prohibiting clearing and burning of bush or cultivating any land within 24 feet from the bank of a river or stream), the Mining Act 1966 (prohibits mining on any land within 60 meters of any spring used as a source of water supply or any area declared as a water catchment area for water supply purposes, reservoir or waterworks) and the Mining Regulations (makes it an offence for any person to pollute water.)

(c) LAND USE PLANNING.

37. Land Use legislations in the Region are mainly in the form of Town and Country Planning Acts. Other Acts passed to control such matters are Conservation, Forests, Mining and Agriculture, also contain provisions which can affect land use. In most of the countries, land is held under customary land tenure systems. In some of the countries use of customary land is controlled by customary rules whilst others have passed specific legislations to regulate the use of customary land. Most Town Planning enactments are either confined to non-customary land or subject to legislations dealing with customary land.
38. In Fiji, land use planning is sought to be achieved through the Town Planning Act 1946. The Act provides for constitution of a Town Planning Board and for formulation of detailed Town Planning Schemes. The matters to be covered in such schemes include the conservation of the natural beauties of the area including lakes and other inland waters, banks of rivers, foreshores, harbours and other parts of the sea, hill slopes, summits and valleys.
39. The proposed legislation to supersede the Town Planning Act 1946 is much wider in scope and is intended to be a land use policy formulating mechanism. The Director of Town Planning will assume the functions now undertaken by the Town Planning Board. The Act will apply to the whole of Fiji except proclaimed Fijian villages.
40. Another legislation in Fiji is the Native Land Trust Act 1940 which establishes a Native Land Trust Board to administer customary land (comprising 83% of total land area in Fiji) on behalf of Fijian owners. The Land Conservation and Improvement Act 1953 also makes provision for the conservation and improvement of land and resources of Fiji. The Sub-division Legislation is also relevant to general land-use controls.

41. In TTPI, the Land Use Planning Act provides for the establishment of Planning Commissions with authority to adopt master plans and enact zoning and land use laws. Master Plans must take into account, amongst other things, the environmental needs, customs and standards of life of the people.

42. Under the Conservation Act 1975 in the Cook Islands any land or island may be declared a National Park, Reserve, World Park or Historic Site. The Director of Conservation has to prepare and manage land or islands so declared in accordance with an approved management plan. Land zoning orders for various purposes may be made under the Land Use Act 1969. The Local Government Act 1966 confers on Island Councils established under the Act, powers to make by-laws regulating such things as parks and reserves vested in or under the control of Island Councils.

43. Guam has an elaborate legislative framework for its land use planning which includes the Comprehensive Planning Enabling Legislation, Zoning Laws, Guam Land Conservation Act, Land Management Laws, the Guam Comprehensive Plan and Sub-division Laws.

44. In Tonga, the Land Act 1927 increases the statutory area meant for each Tongan male from 8 1/4 acres of bush land for agricultural purposes to 12 acres in certain cases.

45. The immediate environmental problem faced in Tonga is the taking of sand for construction from the beaches of Tongatapu. This has resulted in loss of aesthetics. Steps are being taken to control the taking of sand from the beach or any other potentially deleterious location.

46. In New Caledonia, Resolution No. 315 of 1971 regulates dangerous, noxious and insanitary establishments. In certain municipal districts urban master plans laying down standards and requirements are prepared. The country feels that in some specific fields, additional regulations (as in Town Planning) would make governmental action more

effective.

47. Papua New Guinea hopes to ensure proper land use through its Environmental Planning Act. The Land Act 1962 makes provisions for the procedures by which government may acquire and allocate land and all dealings in land require the approval of the Minister for Lands. Land use can be partly controlled by the granting of leases for specific purposes (eg. agricultural, pastoral, business, residential, mission, town sub-division and special purposes) subject to development conditions. The Town Planning Act provides for a zoning system for urban land use. The zones are designated as open space, residential, commercial, light industrial, heavy industrial and isolation industrial.

48. The Land Ordinance 1959 in Western Samoa regulates the use of freehold and crown land. Customary land (96% of total land) is not subject to the Land Ordinance and its use is determined by a traditional system of land tenure. The National Parks and Reserves Act 1974 can also affect land use by declaring Parks and Reserves.

49. The Land Planning Ordinance 1973 in Kiribati sets up a Central Land Planning Board to control the development and use of urban land. Local Boards can be established to be responsible for land use plans in designated areas. All land developments in urban areas must be approved by the Central Board.

50. The Lands Act 1976 in Nauru provides that lessees or grantees with rights to enter on land to remove sand may only remove trees as is reasonably required to carry out the purpose of the licence. Holders of licences to remove sand must rehabilitate the land within one year of termination of a lease or licence.

51. The Town and Country Planning Act 1979 in Solomon Islands establishes a Town and Country Planning Board which is charged with the function of ensuring that non-customary land is developed and used in accordance with properly considered policies formulated on adequate information and directed to promote the welfare of the inhabitants. The

Act stipulates that the promotion of the welfare of the people includes the preservation or creation of an environment proper for their needs.

52. In Vanuatu, the Constitution provides for the passing of a national land law and declares all land to belong to the indigenous customary owners and their descendants; and that the rules of custom shall form the basis for the use of land.

53. The Land Reform Regulations 1980 provides the procedures for resolving the question of freehold land which have been deemed by the Constitution to be customary land.

(d) MINING.

54. In the countries where mining is a major activity legislations do exist mainly in the form of Mining Acts. These legislations lay down procedures and regulations for conducting mining activities including basic environmental protection provisions.

55. According to a UNDP Report, the interests of different member countries of CCOP/SOPAC (December 1975) in the field of mining are identified as under :

Petroleum : Cook Islands, Fiji, Papua New Guinea,
Solomon Islands, Tonga.

Manganese : Fiji, Kiribati, Tonga, Western Samoa.

Phosphate &
Bauxite : Cook Islands, Fiji, Kiribati, Papua New
Guinea, Solomon Islands, Tonga.

56. The legislations of Tonga to regulate mining operations are the Minerals Act to control the mining of other than "common" materials and the Petroleum Mining Act which establishes exploration licencing procedures.

57. In Papua New Guinea, environmental considerations in mining activities are sought to be taken care of through the Environmental Planning Act and the Environmental Contaminants Act.

58. The Mining Act (Amalgamated) 1977 allows for Government control and management of all mining activities in the

country. The Act includes provisions for the rehabilitation of land after prospecting and mining operations. Section 102 of the Act also provides for compensation to be paid for "damage to the surface and to improvements on the surface including crops and economic trees." There are also separate agreements to cover the Bougainville and OK Tedi copper mining operations. These provide for compensation and environmental assessment studies.

59. With a view to safeguarding specified areas, a number of protection zones prohibiting or controlling mining activities are established in New Caledonia under Decree 54-1110 of 1954. Under this Act, a Mining Pollution Control Commission was set up to determine pollution control measures to be implemented for each mine in operation.
60. The Mining Act 1969 in the Solomon Islands provides power to subject prospecting for specified minerals, to such terms and conditions the Minister sees fit to impose. The Act also allows Government protection areas to be declared, and mining in such areas is only allowed with the consent of the Government. The Director can order the prospector to restore the surface of the land where it has been disturbed by prospecting or mining operations.
61. In the Cook Islands, the Conservation Act 1975 contains wide provisions which could encompass the control of mining activities. The Territorial Sea and Exclusive Economic Zone Act 1977 also contains power to make regulations to control the exploitation and exploration of the territorial sea for any economic purposes, which could include mining.
62. Joint Regulations No. 2 of 1957 provides for the control of mining in Vanuatu by a licencing system. Mining operations are to be conducted according to standard practice and may be subject to other measures such as the conservation of mineral deposits.
63. In Niue, Kiribati and Western Samoa there are no mining legislations.

64. In Nauru, where the major activity is the mining of phosphate, carried out by the Nauru Phosphate Corporation, there are no legislative controls to protect the environment and mined areas leave gaping holes supporting little life and are uneconomic to level.
65. The Mining Act 1966 in Fiji provides for a licence system to control mining. The Act prohibits mining in certain areas including any reserved forest declared under the Forests Act and makes provisions for declaration of Government protected areas. The Director of Mines may order the holder of a mining tenement to restore the surface where such surface has been disturbed by prospecting or mining operations.
66. Exploration, production and pipeline licences issued under the Petroleum (Exploration and Exploitation) Act 1978 may be subject to any conditions that the Minister may think fit to impose.

(e) INDUSTRIES (OTHER THAN MINING)

67. The bulk of industries (other than mining) in the Region are agro-based. Legislations do exist in a few of the countries to control potential or actual environmental problems.
68. In New Caledonia, relevant legislations are Decree 77-133/cg of 1977 regarding air pollution caused by metal processing, Circulars regarding construction of smoke stacks in the case of combustion works and in the case of plants producing fine dust, Circular (25/08/71) regarding cement works and Circular(24/07/72) concerning iron ore processing. These together with provisions to maintain water quality are relevant in containing industrial pollution.

69. The Conservation Act 1975 in the Cook Islands confers on the Director of Conservation the power to control pollution from any source including industrial pollution of air, water or land.
70. In Tonga, effluents are prohibited from being dumped into the lagoon.
71. Provisions of the Environmental Contaminants Act and the Environmental Planning Act in Papua New Guinea, can be used to control the activities and location of industries to ensure minimum environmental hazards. The Environmental Planning Act which contains a provision that no authority shall grant any licence, permit or lease or provide any loan, grant or guarantee or subsidy in respect of any matter where a requisition has been served under the Act on a party to submit an environmental plan, encourages co-operation amongst other developmental agencies and the environmental authorities in preventing pollution.
72. The Public Health Act also contains regulations that cover the depositing of solidwaste and the emission of smoke from factories. The location of factories is also subject to zoning restrictions in the Town Planning Act which classify industries into light, heavy and isolated categories.
73. The Environmental Contaminants Act through its licensing process is a further safeguard against possible industrial pollution.

(f) AGRICULTURE

74. The most important development activity in most of the countries in the Region is agriculture; and some of the countries have passed legislations encouraging its development. Apart from conservation legislations and provisions aimed at preventing unnecessary clearing of land contained in statutes to control other development activities, there are only a few legislations to control some of the environmental problems associated with agriculture such as soil erosion and indiscriminate use of chemical fertilizers , herbicides or pesticides.
75. A forest area can be declared a controlled forest under the Forest and Timber Act 1969 in the Solomon Islands if it is necessary or desirable to protect the forest or other vegetation; and cutting trees, other than for personal or domestic use, clearing or breaking up land, grazing livestock or residing in areas so declared is prohibited.
76. In Vanuatu, forests threatened by the spread of agriculture can be declared forest areas or reserves under the Joint Forestry Regulation No. 30 of 1964. Areas so declared are subject to state control and deforestation for agricultural purposes or creation of pastorage is prohibited unless allowed under a permit.
77. In the Cook Islands, the Conservation Act 1975 can be used to control the spread of agriculture by declaring threatened areas as Reserves or by passing regulations to control pollution caused by chemicals used for agricultural purposes.
78. In Western Samoa, the Agriculture, Forests and Fisheries Ordinance 1959 and the Forests Act 1967 established the Agriculture Department and confer on it wide powers to conserve, protect and develop the resources of the country and establish areas of forest adequate to protect the climate, soil and water resources of the country. The

national Parks and Reserves Act 1974 and the Takings of Land Act 1964 can also be used to acquire areas threatened by agricultural developments. The control of pesticide usage can be carried out by passing regulations under the Agriculture, Forests and Fisheries Ordinance 1959 or the Forests Act 1967.

79. In Tonga, regulations for the use of pesticides is done through the Pesticide Act.
80. In TTPI, the Federal Insecticide, Fungicide and Rodenticide Act and the Pesticide Regulations control the import, use and disposal of all pesticides.
81. In Papua New Guinea, the Environmental Contaminants Act has the potential to control the use of pesticides and the problem of pesticide residue. However, mere restriction by licensing, may not by itself, be fully effective. The Environmental Planning Act is also important in relation to the impact of large-scale agricultural development and land settlement projects.
82. The Pesticides Act 1972 in Fiji regulates the registration and sale of pesticides. The Minister may make regulations to prohibit or control the use of any pesticide.
83. The Federal Insecticide, Fungicide and Rodenticide Act and the Guam Pesticides Act regulates the registration, sales, usage and disposal of pesticides in Guam.

(g) CULTURAL

84. A number of countries in the Region have general legislations to protect the cultural environment whilst others have passed specific legislations to protect particular places or objects of cultural importance.
85. In Papua New Guinea, places of historic, scientific or social importance are sought to be conserved and managed through the Conservation of Areas Act 1978. The Act establishes a National Conservation Council and provides power to declare conservation areas to be managed in accordance with management plans required under the Act. The National Parks Act also includes provisions to protect sites of cultural and historical importance. The National Cultural Property (Preservation) Act aims to protect the material cultural heritage and prohibits the export of certain artifacts.
86. In Western Samoa, any public land which may be of a national, historical, legendary or archaeological significance and is not used for any other purpose may be declared a Historic Reserve under the National Parks and Reserves Act 1974.
87. In the Cook Islands, any land or place may be declared a historic site under the Conservation Act 1975 and the Director of Conservation is charged with the responsibility of managing and controlling sites so declared.
88. The Joint Regulations No. 11 of 1965 in Vanuatu provides for the preservation of sites and objects of historical, ethnological or artistic interest which is in the possession of any person or body corporate in Vanuatu. Exportation of classified objects is prohibited unless it

is destined for a body of genuine cultural nature or the exporter can certify that the object is his personal property and will not be sold.

89. The Protection of Wrecks and War Relics Act 1980 in the Solomon Islands provides power to declare a restricted area, any site in Solomon Island's waters which may contain war relics; and makes it an offence for any person, who without authority, interferes with wrecked vessels and aircraft or war relics in restricted areas.
90. The Makira and Ulawa Council established under the Solomon Islands Local Government Act, passed by-laws in 1977 prohibiting the sale of traditional artifacts other than to the Solomon Islands Museum or in accordance with customary procedures and making it an offence to disturb or in any way interfere with historical remains in a protected area.
91. In Tonga, the Preservation of Archaeological Interest Act and Traditional legislations exist to protect from harassment ancient archaeological sites and historical landmarks.
92. Federal legislation applying to Guam is the Historical Objects and Sites Act (No. 56-1106). Local law in Guam is found in P.L. 12-126. The history and culture of Guam as well as courses in the Chamorro language are incorporated into the formal education system.
93. Other legislations in the Region for the protection of historical sites and monuments are found in Resolution No. 225 in New Caledonia and the National Historical Preservation Act 1966 in TTPI.

(h) CONSERVATION

94. Only Cook Islands and Papua New Guinea in the Region have passed specific legislations to provide for conservation and management of the environment. Other countries and territories have passed laws for other purposes which have conservation implications and specific legislations to protect certain living things or conserve particular resources.
95. In Papua New Guinea at present, protected areas may be established under the National Parks, Conservation Areas and Fauna (Protection and Control) Acts.
96. The Conservation Areas Act provides for the conservation of sites and areas having "particular biological, topographical, geological, scientific or social importance." Under the Act land would not change ownership but it would be administered by a management committee on which the customary land owners would be represented. Any development which would alter the existing use of land in a conservation area is forbidden unless it has the approval of the Minister for Environment and Conservation.
97. Both the Environmental Planning Act and permits issued under the Forestry Act may also require timber developers to leave certain areas undisturbed as reserves for wildlife. One example is the Kumasi timber project in Oro Province where three parts of the timber rights purchase areas have been set aside to preserve the habitat of the Queen Alexandra Birdwing, the world's largest butterfly.
98. The Timber Extraction Permits issued in Papua New Guinea bind contractors to adopt sound environmental protection measures. According to one typical forestry permit, the company should within 12 months of grant of a permit,

submit a re-forestation programme providing for re-forestation, re-generation and enrichment planting. The company is also bound to devote a sum equal to three per cent of gross revenue from its operations in the preceding year to re-forestation programmes. A number of carefully devised restrictions are also imposed to ensure minimizing of environmental damage.

99. Under the Fauna (Protection and Control) Act wildlife management areas, sanctuaries and protected areas can be established on land held under customary land tenure. In the case of the wildlife management areas, the landowners form their own management committees to make rules to control the hunting of wildlife within the designated boundaries of the area. At present there are thirteen of these areas; the largest is at Tonda (5184 square kms) in Western Province. Under this Act, sanctuaries for the protection of all wildlife and protected areas for the protection of particular species may, also be declared.
100. The Fauna (Protection and Control) Act also provides for the protection of certain endangered wildlife species. These may only be hunted by indigenous Papua New Guineans using traditional methods and for traditional non-monetary purposes. At present the list of protected species is as follows: all types of Birds of Paradise, Salvadori's Teal, New Guinea Eagle, Osprey, three types of Egret, Boelen's Python, Brown and Rainbow trout less than 8 inches long, Dugong, Long-snouted Echidna, Leatherback Turtle and seven species of Birdwing Butterfly.
101. The Crocodile Trade (Protection) Act imposes restrictions on the killing of crocodiles and trade in their skins. Licences are needed for buying and exporting skins. There are minimum and maximum limits on the size of crocodiles that can be killed.
102. The International Trade (Fauna and Flora) Act 1979 also prevents the export of any form of wildlife, dead or alive, without a permit from the Wildlife Branch of the Office of Environment and Conservation.
103. There are in addition a number of other statutes designed

for the protection of birds and animals, establishment of national Parks, Reserves etc. National Parks have been established on land owned or acquired by the Government. The largest is McAdam Park (2080 hectares) in Morobe Province. Others are Variarata, Nanuk (provincial park), Talele (native reserve), Cape Wom (international memorial park), Namenatabu (historical site), the Kokoda Trail Walking Track and the Baiyer River Sanctuary.

104. The Conservation Act 1975 in the Cook Islands establishing the Director of Conservation states as its object the making of provisions for the protection and conservation of the natural resources of the Cook Islands and the territorial sea and to establish national and world parks, reserves and historic sites.
105. The Director has been conferred wide powers in carrying out his functions to protect, conserve, manage and control parks, wildlife, forests, water catchments and resources, soil, air and pollution. He also has a duty to train people to carry out the above functions, and to carry out investigations and research relevant to the carrying out of his functions.
106. Under the Act, any land, lagoon, reef or island or portion of the seabed and its superjacent waters in the territorial seas of the Cook Islands may be declared a National Park, Reserve or World Park. The Director has to prepare a management plan for any National Park or Reserve declared under the Act and after approval shall manage the facility in accordance with the plan.
107. Regulations may be passed which are necessary or expedient, inter alia, to protect and conserve wildlife, control soil erosion and siltation, and the taking of such things as gravel, sand, soil, rock or coral.
108. The Trochus Act 1975 establishes three Fishing Reserves at Aitutaki, Palmerston and Manuae and prohibits diving and fishing for trochus shells within the reserves without a licence.

109. Island Councils established under the Cook Islands Local Government Act 1966 are conferred powers to make by-laws including such things as regulating the use of any reserve or park vested in or under the control of the Island Councils.
110. In Tonga, one of the causes of concern is the rapidly diminishing stocks of important culture trees used in the making of handicrafts, cosmetic oils, folk medicines and traditional dance costumes. Aware of this problem, the government of Tonga has taken steps to create a national park with the last remaining rainforest on the island of Tongatapu. It is also considering the establishment of a whale sanitarium in Tongan waters.
111. For the protection of marine living resources, certain specified bans are imposed. In 1978, an indefinite moratorium was imposed on the catching of humpback whales, one of whose identified breeding places lies within Tongan waters. Also, a total ban on turtle catching during the designated breeding season has existed for many years. Tonga has five designated marine national parks, in which all lagoon life, coral and beach sands are fully protected.
112. Other relevant legislations in Tonga are the Forest Act (providing for forest reserves), the Whale Industry Act (protecting whales from being caught, wounded, killed or taken) and the Fish and Bird Preservation Act.
113. In TTPI, the Endangered Species Act 1975 gives the Director of Resources the authority to set up conservation programmes to conserve endangered and threatened species. The Act also declares as a public policy the fostering of the well being of endangered plants and animals to prevent their extinction by whatever means necessary; and makes it an offence to possess or engage in any commercial activity in the notified endangered species except in accordance with prescribed rules.
114. The forest policy of New Caledonia is governed by Decree No.405 of 1910 (as amended) and other similar Decrees,

prohibiting deforestation of certain hill slopes and river banks. For the protection of fauna and flora, sanctuaries or special nature reserves are set up. Local regulations to administer these reserves are brought in line with relevant international conventions (Decree 1504 of 1980).

115. The relevant conservation legislations in Guam are the Game and Fish Laws, Forestry and Conservation Laws, the Parks and Recreation Enabling Legislation, Wildlife Conservation and Endangered Species Act, and Coral Harvesting Laws.
116. In Solomon Islands, the National Parks Act 1954 provides power to declare any area of land to be a National Park and imposes restrictions on the use of National Parks.
117. The Wild Birds Protection Act 1914 makes it an offence to kill, wound or take certain specified birds and imposes a seasonal restriction on other specified birds. The Act also makes provision to declare sanctuaries for birds, and any interference with birds in a sanctuary is an offence under the Act.
118. The Forestry and Timber Act 1969 provides for the appointment of a Conservator of Forests responsible for carrying out the provisions of the Act which includes the licencing of felling of trees for sale, declaration of freehold and leasehold land as State and controlled forests. A forest area can be declared a controlled forest if it is necessary or desirable to protect the forest or other vegetation; and it is an offence to carry out certain specified activities on forests so declared.
119. The Town and Country Planning Act 1979 gives the Town and Country Planning Board, established under the Act, power, if it appears expedient in the interest of amenity, to make an order on such terms and conditions it sees fit preserving any tree, trees or woodland in any area.
120. The Corporation established under the North New Georgia Timber Corporation Act 1979 in the Solomon Islands to promote the utilization of the timber resources of North

New Georgia has the responsibility to grant licences for the felling, harvesting and extracting timber for sale on such terms and conditions it shall think fit. The Corporation is also charged with the duty of encouraging the replanting of timber in areas where trees have been felled, harvested and extracted.

121. In Western Samoa, the Agricultural, Forests and Fisheries Ordinance 1959 and the Forests Act 1967 establish the Agriculture Department to be responsible for the conservation, protection and development of the resources of the country, especially soil, water and forest and to maintain and establish areas of forest adequate to protect the climate, soil and water resources of the country, to provide on a sustained yield basis the forest produce requirements of the people and the industries of the country and to ensure the best use of all forest lands for the general benefit of the country.
122. The National Parks and Reserves Act 1974 provides for the establishment, preservation and administration of national parks and reserves. National Parks can be declared under the Act and activities which may damage flora and fauna, soil, water and forest conservation are prohibited. Any public land or territorial sea not set aside for other public purposes, may be declared a Nature Reserve for the protection of flora, fauna or aquatic life, or the habitat of fauna or aquatic life.
123. In Vanuatu, the Joint Forestry Regulation No. 30 of 1964 provides authority to declare that forest lands, forest areas or forest reserves which the public interest requires, be protected, exploited, developed or utilized in accordance with the principles of good forestry practice; or that it is in need of re-forestation. Power is also given to declare protection of any species of tree which may become valuable in time. The Regulation lays down certain requirements which the land-owners must satisfy with regard to activities that can be carried out within the forest areas.
124. Tree felling in forest areas is subject to licensing and licences issued under the Regulation may contain, amongst other things, the re-forestation and re-generation of areas upon which timber has been felled. The Regulation

also prohibits the de-forestation of any forest area for certain specified purposes without a de-forestation permit.

125. The Joint Wild Life and Bird Protection Regulation No. 5 of 1967 protects certain species of birds by licencing or seasonal prohibition of hunting; prohibiting export or sale of named birds; and prohibiting night hunting for all species of birds.
126. The control of catching of crayfish in the coastal waters of the Republic, defined in the Regulation, is provided in the Joint Regulation No. 17 of 1968 by seasonal prohibition and prohibiting the catching of female crayfish carrying eggs and crayfish under a certain length.
127. The Joint Regulation No. 7 of 1963 prohibits night underwater fishing on the coast of the island of Efate.
128. In Kiribati, a legislation which can be used for conservation purposes is the Prohibited Areas Ordinance 1957 under which any island in Kiribati and its territorial waters may be declared a prohibited area. Article 14(1) of the Constitution, in guaranteeing freedom of movement, provides that any restrictions of movement within Kiribati reasonably required in the interests of environmental conservation shall not be in contravention of the Article.
129. Any bird may be declared a protected bird under the Wildlife Conservation Ordinance 1971 in Kiribati; and hunting or killing such bird is an offence. Hunting of wild turtles is also prohibited under the Ordinance. In the interests of preserving wild life, any area can be declared a wildlife sanctuary; and an area within a wildlife sanctuary can also be declared a closed area under the Act.
130. Island Councils established under the Local Government Ordinance 1966 can regulate such matters as fishing and

related industries and erosion of land.

131. The Land Conservation and Improvement Act 1953 in Fiji establishes a Land Conservation Board comprising among others, the Directors of Agriculture, Public Works and Lands; and the Conservator of Forests. The functions of the Board includes, exercise of general supervision over land and water resources, stimulation of public interest in the conservation and improvement of land and water resources, recommendation of legislation necessary for the proper conservation and improvement of land and water resources and issuing conservation orders.
132. The Board may issue Conservation orders to prohibit, regulate and control the breaking up or clearing of any land for any purpose; prohibit, regulate and control the grazing and watering of livestock; prohibit, restrict or regulate cultivation or method of cultivation. Closing orders may also be issued where any land is being or has become despoiled.
133. The Forests Act 1953 provides power to declare any unalienated Crown land or land leased to the Crown, a reserved forest. It may also declare any area in a reserved forest, a nature reserve or silvicultural area. The Minister with the consent of the Native Land Trust Board may declare any native land not being a reserved forest or alienated land, to be a protected forest or declare any area in a protected forest a silvicultural area. The Native Land Trust Board is also empowered under the Native Land Trust Act 1940 to set aside any portion of native land as a native reserve.
134. The Birds and Game Protection Act 1923 provides for the protection of birds, game and fish, by means of a permit system or seasonal prohibition. A Wildlife Island Reserve for the protection of the habitat of the Fiji Crested Iguana has been established.

(i) AIR QUALITY

135. With the exception of the Territories and Papua New Guinea, other countries in the Region have very few legislations on controlling pollution of air.
136. In Fiji, the Traffic Act and the Traffic Regulations 1974 include provisions for controlling emissions from vehicles. It is an offence under the Act for any person who uses, causes or permits to be used on a road any motor vehicle, which discharges smoke, visible vapour, grit, sparks, ashes, cinders or oily substance which is likely to cause damage or danger to any property, injury, nuisance or annoyance to anyone.
137. In Papua New Guinea, the Environmental Contaminants Act contains the framework for controlling air quality. The definition of contaminants include any substance whether liquid, solid, gaseous, or radioactive, or any form of electro-magnetic or thermal energy. Environmental contaminants are not to be discharged or emitted except in accordance with a licence issued under the Act.
138. Another statute in Papua New Guinea which contains complementary provisions to control air quality is the Environmental Planning Act. Any proposed project which has significant environmental implications, may be served a requisition to submit a detailed environment plan for approval which has to comply with prescribed guidelines. Also too, the Public Health Act regulates the emission of smoke from factories.
139. Decree No. 77-134/cg. of 1977 in New Caledonia deals with air pollution caused by power plants. Similarly, Decree no. 79-082/cg. regulates air pollution from the Nickel Company's smelting works at Doniambo. There are corresponding Circulars concerning the construction of smoke stacks in the case of combustion works and also plants producing fine dust, cement works and iron ore

processing establishments.

140. In Guam, the Federal Clean Air Act ensures that all activities and uses comply with air pollution regulations and quality standards. The Guam Environment Protection Agency has an Air Pollution Programme "based on local laws and regulations" which basically covers vehicles, power plants, dust and open burning.

141. In TTPI, Air Pollution Control Regulations 1980 set standards for all stationary and mobile air pollution sources and also specify testing requirements. The Trust Territory Code authorises and empowers Environmental Protection Board to establish criteria for classifying air, land and water in accordance with the present and future uses.

142. The Director of Conservation established under the Conservation Act 1975 in the Cook Islands has as one of his functions the prevention, control and correction of air pollution. The Act also provides power to make regulations to control or prohibit the pollution of air.

143. American Samoa's Air Pollution Control Implementation Plan and the Air Emission Rules and Regulations provides the framework for the monitoring and control of air pollutants and sets numerical air quality standards and the maximum allowable concentrations of pollutants in the ambient air necessary to protect the health and welfare of the people. Provisions are also made in the Regulations for the control of burning, and for the control of particular emissions.

(j) MARINE ENVIRONMENT

144. Legislations to protect the Marine Environment from pollution and other damaging activities exist in various forms in the Region. Most of the fisheries legislations are aimed at controlling the taking of fish. Oil pollution legislations in existence are, in the main, Acts of former colonial powers extended prior to independence to some of the countries.

145. In Papua New Guinea, regulations to control marine pollution have been promulgated under the Merchant Shipping Act, the Environmental Contaminants Act, the Prevention of Pollution of the Sea Act 1979 and the Dumping of Wastes at Sea Act 1979. Legislation is being drafted dealing with pollution on the high seas and introducing the principle of strict liability for pollution. The Environmental Contaminants Act covers spills from off-shore oil wells. An oil spill contingency plan is "in effect" but it is felt that a much more sophisticated plan is required. The Fisheries Act controls the exploitation of marine resources in Papua New Guinea's territorial waters and exclusive economic zone by a system of licences. The Dugong and Leatherback Turtle are protected under the Fauna (Protection and Control) Act.

146. In TTPI, the USA Coast Guard is responsible for the control of oil and hazardous substance spills into the sea, under the USA Clean Water Act.

147. In New Caledonia, law No. 73-447 (of 1973) prohibits sea water pollution by hydrocarbons. Similarly, control of marine pollution by way of dumping from ships and aircraft or by accidental marine pollution is sought to be achieved through Law No. 76-599 (1976).

148. American Samoa derives its powers under the Coastal Zone Management Act. In pursuance, it has drawn up a Coastal Zone Management Plan (CZMP). It is reportedly interested in regional contingency planning for oil spill control and other disasters.

149. One of the chief concerns for coastal area management in Tonga is the erosion resulting from heavy sand-mining to meet the local requirements of concrete products. This has led to the imposition of specific bans by the local government. The country's Petroleum Mining Act 1969 envisages a licensing system for undertaking exploration, prospecting or mining of petroleum. No environmental provisions are included. However, the Continental Shelf Act 1970 prohibits pollution of the sea by oil either from ships or off-shore operations.

150. The Conservation Act 1975 in the Cook Islands confers on the Director of Conservation the responsibility to prevent, control and correct water pollution and to pass regulations necessary or expedient to regulate or prohibit pollution of water.

151. The Harbour Control Act 1971 prohibits and makes it an offence for any person to deposit any rubbish, dead animal or filth below the high water mark within any harbour or on any land belonging to the Crown adjacent to any harbour. A similar provision is contained in the Rarotonga Harbour Control Regulation 1974.

152. The Territorial Sea and Exclusive Economic Zone Act 1979 prohibits fishing by foreign fishing craft within the Cook Islands Exclusive Economic Zone without a licence issued under the Act which may specify certain conditions laid down in the Act including such matters necessary or expedient for the conservation or management of fisheries resources within the zone. Regulations may also be promulgated under the Act to control activities in the Cook Islands Territorial Sea including measures for the protection and preservation of the marine environment of the Territorial Sea and regulating the exploitation and exploration of the Territorial Sea for any economic purpose.

153. Regulations may be passed which may, inter alia, prescribe measures for the conservation and management of fisheries resources within the zone.
154. The Fisheries Act 1942 prohibits fishing in Fiji fisheries waters and native customary fishing grounds for commercial purposes, without a licence. Regulation-making power is given to make regulations to conserve, protect and maintain stocks of fish.
155. The Fisheries Regulations 1965-1972 controls the use of such things as fish fences, nets, poison; protects turtles, crabs, shells, porpoises and dolphins; and prohibits the export of live fish or turtle flesh; the use of chemicals or specified plants for the taking, killing or stupefying of any fish in any lake, pool, pond, river, stream or sea is also prohibited.
156. Under the Continental Shelf Act 1970, it is an offence, if in any designated area, oil is discharged into any part of the sea from a pipeline or as a result of any operations for the exploration of the seabed or subsoil or the exploitation of the natural resources thereof in a designated area.
157. The Marine Spaces Act 1978 makes provision for the protection and preservation of the marine environment of the exclusive economic zone and the conservation and management of fisheries resources. The Minister may make Regulations prescribing measures for the conservation and management of fisheries resources within the exclusive economic zone.
158. The Harbour Act (1974) provides for heavy penalties for pollution of harbour and coastal waters.
159. The Merchant Shipping (Oil Pollution) Act 1971 (UK) enabling effect to be given to the International

Convention on Civil Liability for Oil Pollution Damage 1969 and the Merchant Shipping Act 1974 (UK) enabling effect to be given to the International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage 1971 applies to Kiribati, Tuvalu and Solomon Islands.

160. The Exclusive Economic Zone Act 1977 in Western Samoa prohibits fishing by foreign craft within the Exclusive Economic Zone without a licence. Licences may be subject to various conditions to control the activities of vessels including any condition necessary or expedient for the conservation of fisheries resources within the zone. The Fisheries Protection Act 1972 prohibits fishing by foreign fishing vessels within the Western Samoan Waters or Territorial Sea, unless allowed under an agreement or convention to which Western Samoa is a party or allowed by the Minister.
161. The Fish Dynamiting Act 1972 makes it an offence to catch, sell or possess fish caught by dynamite. It is also an offence to supply dynamite to catch fish.
162. The fisheries Ordinance 1959 in Kiribati contains provisions to regulate fishing and fisheries industries in Kiribati and its fisheries limits. No foreign fishing vessel is allowed to fish within these limits without a licence. The Act prohibits the use of explosives, poison or other noxious substance for catching fish; and ancient customary fishing grounds are protected under the Act from poaching by others. Matters which may be controlled by Regulations passed under the Act include the control and conservation of fish.
163. The Harbours Ordinance 1957 prohibits the discharge into a harbour of any night soil, sewage or other filth without permission. Harbour Regulations passed under the Ordinance makes it an offence for a master or owner of any vessel or shore installation to discharge or allow oil to escape into a harbour.
164. The Marine Resources Act 1978 in Nauru establishes the

exclusive fisheries zone and provides for the exploitation, conservation and management of the resources of fish and aquatic mammals in the territorial waters and the zone. Fishing within the zone is only permitted under licence except fishing by Nauruan residents in small crafts. Licences may be subject to various conditions aimed at controlling the activities of licensees including any matters which may be necessary or expedient for the conservation or management of fish resources.

165. In Tuvalu, the Fisheries Ordinance 1977 is directed primarily to the control of deep sea fishing by foreign-owned vessels. Fishing without a licence is an offence carrying heavy penalties. The Act also forbids the use of explosives for fishing. Detailed regulations may be passed to protect all species of fish.
166. The Public Law 4C-65 in TTPI prohibits fishing with explosives, poisons, chemicals and other substances in TTPI waters.
167. The Fish and Wildlife Co-ordination Act (P.L. 85-624) provides assistance to public and private agencies and organizations to improve conditions for the management of wildlife resources. The Fish and Wildlife Service which administers the Act is authorised to carry out any function necessary to minimize the impact of development projects on the marine environment.
168. The Fish and Wildlife Co-ordination Act (P.L. 85-624) also applies to Guam. In addition, the Guam Game Act and Fish Laws prohibit fishing with explosives, poisons, chemicals or other substances in Guam waters.
169. Under the Delimitation of Marine Waters Act 1978 in Solomon Islands the Minister may make Regulations prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone.

(k) MANGROVE ENVIRONMENT

170. Mangrove and Coral reserves in the Region are steadily getting depleted due to various causes such as urban growth reclamation, demand for building materials, sewage outfalls etc.
171. In Fiji, the value of mangroves has been built into the government policy (DP 7 chapter 9); licences for small scale commercial exploitation of mangroves and coral sand dredging are issued. Monitoring and research into mangrove habitat are said to be lacking.
172. Although there is no specific legislation in Papua New Guinea covering mangroves, the Forests Act does make provision for mangroves.
173. Export of shells and reef products require licencing from appropriate authorities in Papua New Guinea and a few other States. Mangrove areas in Guam are protected under the Guam Wetland Rules and Regulations. Guam also has its Coral Harvesting Laws. In American Samoa, certain mangrove forests have been designated as areas for special attention in the Coastal Zone Management Plan.

(1) ENVIRONMENTAL IMPACT ASSESSMENT

174. Environmental impact assessment of projects is carried out in the region mainly as a matter of policy. Although not spelt out in explicit terms most of the legislations regulating development activities by way of licencing can be used to assess environmental impact.
175. In Papua New Guinea, the Environmental Planning Act provides the framework for undertaking prior environmental impact assessments. Submission of an environmental plan is voluntary; otherwise, the Minister may require a project to submit an "environmental plan". The Bougainville and OK Tedi copper mining operations are not covered by the Act but have their own legislation. Schedule B of the OK Tedi Supplementary Agreement of 1980 provides for environmental impact studies to be carried out at the mine site, waste disposal area, the Fly River catchment area and at the ocean port site.
176. In Fiji, applications for production licences for petroleum mining are to be accompanied by an environmental impact statement of the programmes and possible safeguards. Also, the proposed new Town Planning Act is expected to ensure that environmental impacts of particular proposals are adequately assessed during the decision making process.
177. In American Samoa and TTPI Environmental Assessments are made for projects involving Federal funding.
178. In Tonga, all development projects in Nuku'alofa, Vava'u and Pangai are assessed for environmental impact under the Building Regulations 1941. The Regulations require the Department of Public Health and Lands and Survey to be satisfied before a permit to proceed is issued.

179. In Guam, the National Environmental Policy Act applies, requiring Environmental Assessments and Environmental Impact Statements for all projects involving Federal funds, lands or permits.

180. In Niue one of the duties of the Public Works Department's Design and Planning Division is to include environmental assessment for all development projects and building proposals. The Public Works Department is responsible for instigating specific environment improvement projects and the provision of environmental reports on all development and construction projects. All Government departments are encouraged to submit proposals to the Public Works Department during the early stages so that an environmental assessment report can be included in the submission to Cabinet. The Agriculture Department provides environmental assessment on agricultural projects and conservation of wildlife. The Planning office is responsible for the co-ordination of development projects and will consider questions relating to the environment.

(m) REGIONAL AND INTERNATIONAL CONVENTIONS

181. There are only two Conventions of limited scope in the Region relevant to the protection and preservation of the Environment. A small number of the countries have acceded to a few International Conventions either dealing with particular problems or containing general provisions to promote the protection and conservation of the Environment.
182. The Convention on the Conservation of Nature in the South Pacific is the first attempt by the Region to co-operate on environmental matters. The Convention appoints the South Pacific Commission as the Co-ordinating body and provides for such things as encouraging the creation of protected areas to protect indigenous fauna and flora, discourage certain acts in national parks and encourage co-operation in the Region in promoting the objectives of the Convention. The Convention is not yet in force as it requires four countries to accept the Convention before it can come into force. Papua New Guinea, New Caledonia and Western Samoa are the only countries which have accepted the Convention.
183. The South Pacific Forum Fisheries Agency Convention establishing the Forum Fisheries Agency does include authority for the Agency to undertake measures to conserve fisheries resources. The Region is presently involved in developing a fisheries Research and Development Programme, through the Forum Fisheries Agency, with the possibility of establishing an institutional framework to ensure conservation and promoting optimum utilization of fisheries resources of the Region. Cook Islands, Fiji, Kiribati, Nauru, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu and Western Samoa have accepted the Convention.
184. The International Convention for the Prevention of Pollution of the Sea by Oil, 1954 (Oilpol) with its amendment of 1969 provide permissible rates of discharge of oily mixtures subject to restrictions regarding, inter

alia, oil content and location of discharge. The "load on top" system has the potential to control total oil spillage. The Convention requires that vessels are properly equipped and requisite shore facilities are available for the discharge of oil residues. The constructional standards for new tankers have been written into this Convention, by way of the amendments of 1971. Countries of the Region which have acceded to the Convention are Fiji, Papua New Guinea, and TTPI. This Convention is also applicable to New Caledonia, French Polynesia, Wallis and Futuna.

185. The Convention for Prevention of Pollution from Ships 1973 ("Marpol") breaks away from the traditional flag-state principle and extends the rights of coastal states regarding prevention of pollution. It consists of 5 annexes and comprehensively deals with regulations for the prevention of pollution by oil, the control of pollution by noxious substances in bulk, the prevention of pollution by harmful substances carried by sea in packaged forms, and the prevention of pollution by garbage from ships. No country in the Region has acceded to this Convention and on its coming into force supersedes the "Oilpol" Convention.
186. The International Convention on Civil Liability for Oil Pollution Damage 1969 seeks to establish a uniform international regime under which owners of ships carrying oil in bulk as cargo have strict liability for pollution damage resulting from the escape or discharge of oil. Fiji, Kiribati, Papua New Guinea, Solomon Islands and Tuvalu are parties to this Convention.
187. The Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971 supplements the Civil Liability Convention to assure adequate compensation to parties suffering pollution damage. It provides for additional compensation for oil pollution damage in excess of the amount covered by the 1969 Civil Liability Convention. Kiribati, Papua New Guinea, Solomon Islands and Tuvalu have acceded to this Convention. This Convention is also applicable to New Caledonia, French Polynesia, Wallis and Futuna.
188. The International Convention relating to Intervention on

High Seas in cases of Oil Pollution Casualties 1969 and its Protocol covering instances of pollution by substances other than oil recognize the rights of contracting States to take effective action against a ship which by reason of a marine accident, is threatening to pollute the coast or other interests of that State. The State may take such measures on high seas as necessary to prevent, mitigate or eliminate such grave or imminent danger or threat of pollution. Fiji and TTPI are parties to the Convention. This Convention is also applicable to New Caledonia, French Polynesia, Wallis and Futuna.

* 189. The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters 1972 classifies wastes into different categories according to potential threat. Dumping of first category wastes is prohibited, whilst second category wastes can be dumped with a special permit. Before issuing such permits certain factors must be taken into account including the effects of dumping on other legitimate uses of the sea. Papua New Guinea has acceded to this Convention. This Convention is also applicable to New Caledonia, French Polynesia, Wallis and Futuna.

* 190. Only Fiji has acceded to the Nuclear Test Ban Treaty 1963 where parties agree to ban nuclear explosions at any place under their jurisdiction or control; and the Treaty on the Non-proliferation of Nuclear Weapons 1968.

191. Other Relevant International Conventions which some countries have acceded to include-:

(a) Fishing and Conservation of the Living Resources of the High Seas 1958. (Fiji and Tonga)

(b) International Trade in Endangered Species and Wild Fauna and Flora. (Papua New Guinea, New Caledonia, French Polynesia, Wallis and Futuna)

(c) International Plant Protection Convention, Plant Protection Agreement for the South Asia and Pacific Region. (Fiji)

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Tonga
Conservation*

- (d) Territorial Sea and the Contiguous Zone 1958. (Fiji and Tonga)
- (e) High Seas 1958. (Fiji and Tonga)
- (f) Continental Shelf 1958. (Fiji, Tonga, New Caledonia, French Polynesia, Wallis and Futuna)
- (g) Prevention of Collision at Sea 1960. (Fiji, Papua New Guinea and Tonga)
- (h) International Regulations for Preventing Collisions at Sea 1972. (Papua New Guinea, Tonga and TTPI)
- (i) Prohibition of the Development, Production and Stockpiling of Bacteriological (biological) and Toxic Weapons and on their Destruction 1972. (Fiji)

192. The International Composite Negotiating Text of the United Nations Conference on the Law of the Sea contains a part on protection and preservation of the Environment. States are under an obligation to take all measures necessary including passing of national legislations, to prevent, reduce and control pollution of the marine environment from land based sources, seabed activities, activities in the area, dumping, vessels, atmosphere or any other source. The draft Convention also provides for global and regional co-operation in protecting and preserving the environment.

CONCLUSION

193. Only Cook Islands and Papua New Guinea have passed comprehensive and general legislations aimed specifically at protection and conservation of the environment, whilst colonial legislations inherited by the other countries still serve as the basis of environmental control; and in the case of the Territories, most of the metropolitan environmental legislations apply to them as a matter of course; and sometimes with appropriate amendments. Other countries such as Guam, Fiji, Tonga, etc., however do not have a single comprehensive piece of legislation aimed at protection and conservation of natural resources and the environment, but taken together, all their laws, regulations, executive orders and policies do form a comprehensive environmental protection package.
194. Generally, basic provisions to protect and conserve the Environment are scattered across the various development legislations in each country and the authorities responsible for administering the particular activities are also responsible for their enforcement.
195. Legislations in the region also reflect the levels of development and often legislations in some areas apply only to town areas, customary lands and customary rights are exempted from certain legislations, or legislative controls are subject to customary controls. In the majority of countries, which are largely rural, environmental control programmes must not only as far as possible, blend in with customary practices but must also depend to a large extent on customary institutions to enforce them.
196. Some form of control in the use of pesticides and industrial pollution is said to be required in some of the countries in the Region. What is not apparent is that the control should be in the form of legislations. Governments in most countries in the Region are either the main partners in development activities or can control the supply and source of such things as pesticides and herbicides. Furthermore, it is not an uncommon practice

for Governments to pass legislations which they are not bound by.

197. Most of the island states in the Region are amongst the least developed countries in the world and economic development is their first priority providing for the basic needs of the people. The pace of economic development, accelerated by such factors as rapid increases in population, dependence on imports and balance of payment problems, to meet the aspirations of the people, has also contributed to the neglect of the environment.
198. Papua New Guinea, having more national resources and the potential for major development projects, has passed environmental legislations which should at least ensure adequate consideration being given to the environmental effects of development projects. The Cook Islands Conservation Act as another example of an attempt to provide a comprehensive legislation also has the potential to promote conservation and protect the environment.
199. The advantage of comprehensive legislations either to control a particular activity or the protection of the environment as a whole has the potential of one body being responsible for its enforcement and a more conscientious effort could be made to enforce controls, drawing attention to potential environmental contaminants and creating awareness amongst the public of the need to protect the environment. However, in most of the small island states, diversion of scarce manpower resources to an activity, which is quite often seen as an obstacle to economic development, does not receive sympathetic treatment in determining and executing national priorities. Consequently, most of existing legislations are either ignored, are not enforced, or are difficult to enforce.
200. Absence of specific and comprehensive environmental protection legislations does not appear to be the problem. The main problem is one of enforcement due to such things as conflict with national priorities, insufficient staffing, conflict with customary practices, immunity of governments and lack of co-ordination.

201. With the exception of Papua New Guinea, which can justify, and has set up a Ministry of the Environment, the other island states in the Region should in their endeavours to protect and conserve their environments, within the constraints of scarce resources and economic development, devise a suitable method to consolidate and co-ordinate the various controls and efforts aimed at protecting the environment.

202. Co-ordination could be carried out by a small unit situated at the appropriate organ of government where it can carry out its role in the most effective way. The co-ordination procedure could entail identifying existing legislative controls; liaising with the authorities responsible for enforcing such controls to encourage and assist in enforcement; encouraging inter-departmental discussion and exchanges on the need to protect and conserve the environment and taking into account environmental considerations in development activities; and promoting awareness on the importance of protecting and conserving the environment.

203. The only regional convention to co-operate in protecting and conserving the environment is the Conservation of Nature in the South Pacific and to a limited extent the South Pacific Forum Fisheries Agency Convention. Only a few of the countries are parties to some of the major Institutional Conventions on the Environment.

204. For most of the countries in the Region, their major potential resources lie in their coastal waters, territorial seas and exclusive economic zones. Control of the exploitation of these resources will require a major regional effort to ensure that activities in these areas are properly controlled.

RECOMMENDATIONS

1. Identify existing customary controls, local by-laws and national legislation relevant to the protection and conservation of the environment. This can be done by national administrations.
2. Examine and determine the most appropriate mechanism to harmonise the implementation of controls to ensure maximum effectiveness including examination of the need or otherwise to update, amend or pass new legislations. This can be done by national administrations with assistance from the programme.
3. Most of the countries are small island states, largely rural and still practice customary controls. For national legislations to be effective they must, as far as possible, be harmonised with customary law and practices.
4. The Conservation of Nature in the South Pacific Convention should serve as a legal basis for regional co-operation on environmental matters in the Region. The Convention probably needs to be revamped and administrative arrangements require reconsideration.
5. Examine the advantages of participation by countries in international conventions on the environment. Particular emphasis should be given to conventions on pollution of the marine environment from any source. Emphasis should also be given to the International Composite Negotiating Text of the United Nations Conference on the Law of the Sea. Such examinations to be undertaken in close co-operation with the South Pacific Forum Fisheries Agency.

6. Expertise to undertake studies should, as far as possible, be recruited from the Region and have the requisite knowledge of traditional customs of the Region. In that respect, the programme should keep in close contact with the Regional Advisory Services being established in the Region by the Commonwealth Secretariat.

(p) SUMMARY OF ACTS, ORDINANCES, REGULATIONS, POLICIES AND ADMINISTRATIVE PROVISIONS.

REVIEW OF NATIONAL ENVIRONMENTAL LEGISLATIONS.

(a) GENERAL PROVISIONS.

PAPUA NEW GUINEA

Constitution of Papua New Guinea. Fourth Goal.

VANUATU

Constitution of Vanuatu

TTPI

Environmental Quality Protection Act 1972

FIJI

Fiji's Eighth Development Plan 1981-1985

GUAM

Guam Environmental Protection Agency Act 1973.

AMERICAN SAMOA

Environmental Quality Commission.
Environmental Quality Act

NIUE

Niue National Development Plan 1980-1985

(b) WATER QUALITY

PAPUA NEW GUINEA

Environmental Contaminants Act 1978
Environmental Planning Act 1978
Water Resources Act 1982
National Water Supply and Sewerage Act
Public Health Act

GUAM

Clean Water Act 1977
Federal Safe Drinking Water Act
Environmental Health Act
Water Resources Conservation Act
Water Pollution Control Act
Guam Safe Drinking Water Act
Primary Safe Drinking Water Regulations
Guam Water Quality Standards

TTPI

Trust Territory Code
Clean Water Act 1977
Public Water Supply Systems Regulations
Safe Drinking Water Act

WESTERN SAMOA

The Water Act 1965
Takings of Land Act 1964

AMERICAN SAMOA

State Drinking Water Act
Water Pollution Control Act
Water Quality Standards
Health Code and Regulations

NEW CALEDONIA

Water Resources and Pollution Law (Resolution No. 105 of 1968)

COOK ISLANDS

Public Health Act and Ordinances
Conservation Act 1975
Rarotonga Water Works Ordinance 1960

KIRIBATI

Public Utilities Ordinance 1977

SOLOMON ISLANDS

Public Health Act 1970
Mining Act 1969
Mining Regulations 1969
Forest and Timber Act 1969

VANUATU

Joint Regulations No. 6 of 1931
Joint Forestry Regulations No. 30 of 1964
Decentralization Act 1980

TONGA

Public Health Act
Forest Act
Parks and Reserves Act

FIJI

Public Health Act 1937
Water Supply Act 1955
Land Conservation and Improvement Act 1955
Native Land (Leases and Licence) Regulations
Mining Act 1966
Mining Regulations

(c) LAND USE PLANNING

FIJI

Town Planning Act 1946

Native Land Trust Act 1940

Land Conservation and Improvement Act 1953

TTPI

Land Use Planning Act

COOK ISLANDS

Conservation Act 1975

Land Use Act 1969

Local Government Act 1966

GUAM

Comprehensive Planning Enabling Legislation

Zoning laws

Guam Land Conservation Act

Land Management Laws

Guam Comprehensive Plan and Sub-division Laws

TONGA

Land Act 1927

NEW CALEDONIA

Resolution No. 315 of 1971

PAPUA NEW GUINEA

Environmental Planning Act

Land Act 1962

Town Planning Act

WESTERN SAMOA

Land Ordinance 1959

National Parks and Reserves Act 1974

KIRIBATI

Land Planning Ordinance 1973

NAURU

Lands Act 1976

SOLOMON ISLANDS

Town and Country Planning Act 1979

VANUATU

The Constitution of Vanuatu

Land Reform Regulations 1980

(d) MINING

TONGA

Minerals Act
Petroleum Mining Act

PAPUA NEW GUINEA

Environmental Planning Act
Environmental Contaminants Act
Mining Act (Amalgamated) 1977

NEW CALEDONIA

Decree No. 54 - 1110 of 1954
Mining Pollution Control Commission

SOLOMON ISLANDS

Mining Act 1969

COOK ISLANDS

Conservation Act 1975
Territorial Sea and Exclusive Economic Zone Act 1977

VANUATU

Joint Regulations No. 2 of 1957

NIUE

No mining legislation

KIRIBATI

No mining legislation

WESTERN SAMOA

No mining legislation

NAURU

No legislative controls to protect the Environment

FIJI

Mining Act 1966
Forests Act
Petroleum (Exploration and Exploitation) Act 1978

(e) INDUSTRIES (other than mining)

NEW CALEDONIA

Decree No. 77 - 133/cg of 1977
Circular (25/08/71)
Circular (24/07/72)

COOK ISLANDS

Conservation Act 1975

PAPUA NEW GUINEA
Environmental Contaminants Act
Environmental Planning Act
Public Health Act
Town Planning Act

(f) AGRICULTURE

SOLOMON ISLANDS
Forest and Timber Act 1969

VANUATU
Joint Forestry Regulation No. 30 of 1964

COOK ISLANDS
Conservation Act 1975

WESTERN SAMOA
Agriculture, Forests and Fisheries Ordinance 1959 ; and Regulations
Forests Act 1967 ; and Regulations
National Parks and Reserves Act 1974
Takings of Land Act 1964

TONGA
Pesticide Act

TTPI
Federal Insecticide, Fungicide and Rodenticide Act
Pesticide Regulations

PAPUA NEW GUINEA
Environmental Contaminants Act
Environmental Planning Act

FIJI
Pesticides Act 1972

GUAM
Guam Pesticides Act
Federal Insecticide, Fungicide and Rodenticide Act

(g) CULTURAL

PAPUA NEW GUINEA
Conservation of Areas Act 1978
National Parks Act
National Cultural Property (Preservation) Act

WESTERN SAMOA
National Parks and Reserves Act 1974

COOK ISLANDS
Conservation Act 1975

VANUATU
Joint Regulations No. 11 of 1965

SOLOMON ISLANDS
Protection of Wrecks and War Relics Act 1980
Solomon Islands Local Government Act

TONGA
Preservation of Archaeological Interest Act ; and Traditional
legislations.

GUAM
Historical Objects and Sites Act (Law No. 56 - 1106)
P.L.12-126

NEW CALEDONIA
Resolution No. 225

TTPI
National Historical Preservation Act 1966

(h) CONSERVATION

PAPUA NEW GUINEA
Conservation Areas Act 1978
Fauna (Protection and Control) Act 1974
Crocodile Trade (Protection) Act 1974
Environmental Planning Act
Forests Act
International Trade (Fauna and Flora) Act 1979

COOK ISLANDS
Conservation Act 1975
Trochus Act 1975
Cook Islands Local Government Act 1966

TONGA
Forest Act
Whale Industry Act
Fish and Bird Preservation Act

TTPI
Endangered Species Act 1975

NEW CALEDONIA
Decree No. 405 of 1910
Decree No. 1504 of 1980

GUAM

Game and Fish Laws
Forestry and Conservation Laws
Parks and Recreation Enabling Legislation
Wildlife Conservation and Endangered Species Act
Coral Harvesting Laws

SOLOMON ISLANDS

National Parks Act 1954
Wild Birds Protection Act 1914
Forestry and Timber Act 1969
Town and Country Planning Act 1979
North New Georgia Timber Corporation Act 1979

WESTERN SAMOA

Agriculture, Forests and Fisheries Ordinance 1959
Forests Act 1967
National Parks and Reserves Act 1974

VANUATU

Joint Forestry Regulations No. 30 of 1964
Joint Wildlife and Bird Protection Regulations No. 5 of 1967
Joint Regulations No. 17 of 1968
Joint Regulations No. 7 of 1963

KIRIBATI

Constitution of Kiribati. Article 14 (1)
Prohibited Areas Ordinance 1957
Wildlife Conservation Ordinance 1971
Local Government Ordinance 1966

FIJI

Land Conservation and Improvement Act 1953
Forests Act 1953
Native Land Trust Act 1940
Birds and Game Protection Act 1923

(i) AIR QUALITY

FIJI

Traffic Act
Traffic Regulations 1974

PAPUA NEW GUINEA

Environmental Contaminants Act
Environmental Planning Act
Public Health Act

NEW CALEDONIA

Decree No. 77 - 134/cg of 1977
Decree No. 79 - 082/cg

GUAM

Federal Clean Air Act

TTPI

Air Pollution Control Regulations 1980
Trust Territory Code.

COOK ISLANDS

Conservation Act 1975

AMERICAN SAMOA

Air Pollution Control Implementation Plan
Air Emission Rules and Regulations

(j) MARINE ENVIRONMENT

PAPUA NEW GUINEA

Merchant Shipping Act
Environment Contaminants Act
Prevention of Pollution of the Sea Act 1979
Dumping of Wastes at Sea Act 1979
Fisheries Act
Fauna (Protection and Control) Act

TTPI

USA Clean Water Act

NEW CALEDONIA

Law No. 73 - 447(1973)
Law No. 76 - 599(1976)

AMERICAN SAMOA

Coastal Zone Management Act

TONGA

Petroleum Mining Act 1969
Continental Shelf Act 1970

COOK ISLANDS

Conservation Act 1975
Harbour Control Act 1971
Rarotonga Harbour Control Regulation 1974
Territorial Sea and Exclusive Economic Zone Act 1979

FIJI

Fisheries Act 1942
Fisheries Regulations 1965-1972
Continental Shelf Act 1970
Marine Spaces Act 1978
Harbour Act 1974

KIRIBATI, TUVALU, SOLOMON ISLANDS

The Merchant Shipping (Oil Pollution) Act 1971 (UK)

International Convention on Civil Liability for Oil Pollution
Damage 1969

Merchant Shipping Act 1974 (UK)

International Convention on the Establishment of an International
Fund for Compensation for Oil Pollution Damage 1971

WESTERN SAMOA

Exclusive Economic Zone Act 1977

Fisheries Protection Act 1972

Fish Dynamiting Act 1972

KIRIBATI

Fisheries Ordinance 1959

Fisheries Regulations

Harbours Ordinance 1957

Harbour Regulations

NAURU

Marine Resources Act 1978

TUVALU

Fisheries Ordinance 1977

TTPI

Clean Water Act

Public Law 4c-65

Fish and Wildlife Co-Ordination Act (P.L. 85 - 624)

GUAM

Fish and Wildlife Co-Ordination Act (P.L. 85 - 624)

Guam Game Act and Fish Law

SOLOMON ISLANDS

Delimitation of Marine Waters Act 1978

(k) MANGROVE ENVIRONMENT

FIJI

No specific legislation to cover mangroves but Government policy
relating to mangroves can be found in Development Plan 7 chapter 9.

PAPUA NEW GUINEA

No specific legislation but the Forests Act does make provision
for mangroves.

GUAM
Guam Wetland Rules and Regulations
Coral Harvesting Laws

AMERICAN SAMOA
Costal Zone Management Plan

(1) ENVIRONMENTAL IMPACT ASSESSMENT

PAPUA NEW GUINEA
Environmental Planning Act

FIJI
Petroleum (Exploration and Exploitation) Act 1978
Town Planning Act

TONGA
Building Regulations 1941

AMERICAN SAMOA
Environmental Assessment for Projects involved with Federal Funding

TTPI
Environmental assessment for Projects involved with Federal funding

GUAM
National Environmental Policy Act
Environmental assessment for all projects involving Federal funding

(m) REGIONAL AND INTERNATIONAL CONVENTIONS

REGIONAL

1. The Convention on the Conservation of Nature in the South Pacific.
(Papua New Guinea, New Caledonia, Western Samoa)
2. The South Pacific Forum Fisheries Agency Convention.
(Cook Islands, Fiji, Kiribati, Nauru, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu, Western Samoa)

INTERNATIONAL

1. The International Convention for the Prevention of Pollution of the Sea by Oil 1954 (OILPOL)
(Fiji, Papua New Guinea, TTPI. This Convention is also applicable to New Caledonia, French Polynesia, Wallis and Futuna)
2. The Convention for Prevention of Pollution from Ships 1973 (MARPOL)
(No country in the Region has acceded to this Convention)
3. The International Convention on Civil Liability for Oil Pollution Damage 1969
(Fiji, Kiribati, Papua New Guinea, Solomon Islands, Tuvalu)
4. The Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971
(Kiribati, Papua New Guinea, Solomon Islands, Tuvalu. This Convention is also applicable to New Caledonia, French Polynesia, Wallis and Futuna)
5. The International Convention relating to Intervention on High Seas in Cases of Oil Pollution Casualties 1969 and its Protocols.
(Fiji, TTPI. This Convention is also applicable to New Caledonia, French Polynesia, Wallis and Futuna)
6. The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters 1972.

(Papua New Guinea. This Convention is also applicable to New Caledonia, French Polynesia, Wallis and Futuna)

7. Nuclear Test Ban Treaty 1963.

(Fiji)

8. Fishing and Conservation of the Living Resources of the High Seas 1958.

(Fiji, Tonga)

9. International Trade in Endangered Species and Wild Fauna and Flora.

(Papua New Guinea. This Convention is also applicable to New Caledonia, French Polynesia, Wallis and Futuna)

10. International Plant Protection Convention. Plant Protection Agreement for the South Asia and Pacific Region.

(Fiji)

11. Territorial Sea and the Contiguous Zone 1958.

(Fiji, Tonga)

12. High Seas 1958.

(Fiji, Tonga)

13. Continental Shelf 1958.

(Fiji, Tonga, . This Convention is also applicable to New Caledonia, French Polynesia, Wallis and Futuna)

14. Prevention of Collision at Sea 1960.

(Fiji, Papua New Guinea, Tonga)

15. International Regulations for Preventing Collisions at Sea 1972.

(Papua New Guinea, Tonga, TTPI)

16. Prohibition of the Development, Production and Stockpiling of Bacteriological (biological) and Toxic Weapons and on their Destruction 1972.

(Fiji)

REVIEW OF NATIONAL ENVIRONMENTAL LEGISLATION

COUNTRY INDEX

(a) GENERAL PROVISIONS

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Vanuatu
TTPI
Fiji
Guam
American Samoa
Niue

(b) WATER QUALITY

Papua New Guinea
Guam
TTPI
Western Samoa
American Samoa
New Caledonia
Cook Islands
Kiribati
Solomon Islands
Vanuatu
Tonga
Fiji

(c) LAND USE PLANNING

Fiji
TTPI
Cook Islands
Guam
Tonga
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Western Samoa
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Solomon Islands
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(d) MINING

Tonga
Papua New Guinea
New Caledonia
Solomon Islands
Cook Islands
Vanuatu
Niue
Kiribati
Western Samoa
Nauru
Fiji

(e) INDUSTRIES (other than mining)

New Caledonia
Cook Islands
Tonga
Papua New Guinea

(f) AGRICULTURE

Solomon Islands
Vanuatu
Cook Islands
Western Samoa
Tonga
TTPI
Papua New Guinea
Fiji
Guam

(g) CULTURAL

Papua New Guinea
Western Samoa
Cook Islands
Vanuatu
Solomon Islands
Tonga
Guam
New Caledonia
TTPI

(h) CONSERVATION

Papua New Guinea
Cook Islands
Tonga
TTPI
New Caledonia
Guam
Solomon Islands
Western Samoa
Vanuatu
Kiribati
Fiji

(i) AIR QUALITY

Fiji
Papua New Guinea
New Caledonia
Guam
TTPI
Cook Islands
American Samoa

(j) MARINE ENVIRONMENT

Papua New Guinea
TTPI
New Caledonia
American Samoa
Tonga
Cook Islands
Fiji
Western Samoa
Kiribati
Nauru
Tuvalu
Guam
Solomon Islands

(k) MANGROVE ENVIRONMENT

Fiji
Papua New Guinea
Guam
American Samoa

(1) ENVIRONMENTAL IMPACT ASSESSMENT

Papua New Guinea
Fiji
American Samoa
TTPI
Tonga
Guam
Niue

