Policy, Legal & Regulatory Issues And Challenges Impacting Geospatial Information Management

The Solomon Islands Case

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Ministry of Lands, Housing & survey

Background

• Early 1990s - First ever geospatial datasets created from existing hard copy maps and aerial imagery for Forest Inventory purposes
• Late 1990s - Solomon Islands Institutional strengthening of Land Administration (SIISLAP) introduced digital land administration
• 2002 - Government of Solomon Islands & Government of Australian signed MOU for Aerial Survey and Mapping of the entire country – 50k topo, 5k ortho-phomaps & DTM
• 2003 - Defense Imagery & Geospatial Organization (DIGO), Australia begin aerial survey and mapping
• 2006 - Intellectual Property Deed between Government of Solomon Islands (GSI) and Government of Australia (GOA) signed
• This is where we begin to know about the essence of Policy, Legal and Regulatory Issues & Challenges Impacting Geospatial Information Management
Policy

The policy on geospatial information based on:

1. Special Map Request Form

   Client fills a form with contact details and nature of the request to the Surveyor General for approval. If approved

2. End User License Agreement (between MLH&S and User)

   Elements includes the following where parties agree on the following:
   - Non commercial
   - Use
   - Ownership
   - Notices
   - Warranty
   - Indemnity
   - Confidentiality

Schedule
   - Purpose
   - Data details
   - Currency
   - Format
   - Estimated Quality
   - Supplier & Recipient Sign

Samples
Legal & Regulatory Challenges & Issues

• Legal?, Regulatory challenges & Issues
  • All geospatial data/information captured for the Solomon Islands Government and paid for by the government or a donor is owned by the government SIG
  • Intellectual Property not fully understood – Legal language
  • All captured data and deliverables not received or some data missing or held back, eg. New Choiseul Bay Township Topo-Survey not received, LIDAR data for new Nat. Referral Hospital Relocation and other hospital sites Project not yet received.
  • Illegal use gov’t geospatial data by others e.g. logging Companies - how to address that
  • Geospatial information can be easily copied and transferred through available media

An example of IP document misinterpreted by others, especially political figures or other critics

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**BETWEEN**

THE GOVERNMENT OF AUSTRALIA (GOA)

AND

THE GOVERNMENT OF THE SOLOMON ISLANDS (GSI)

(hereinafter known as the “Parties”)

**RECITALS**

Whereas:

A. The Intellectual Property described in Schedule 1 of this Deed (“Licensed Intellectual Property”) is vested in the GOA.

B. The Government of Australia (GOA) and the Government of the Solomon Islands, Represented by the Minister of Lands and Surveys (“SIMLS”) have entered into a Memorandum of Understanding Concerning Aerial Survey and Mapping (“MOU”). Section 4.5 of the MOU provides that “At the request of the SIMLS, the GOA will take all necessary steps to assign ownership of the Intellectual Property in the Mapping produced in accordance with this MOU, to the SIMLS, in accordance with arrangements to be mutually determined.”

C. The Government of the Solomon Islands (“GSI”) has requested, and the GOA has agreed to assign ownership of the Licensed Intellectual Property to the GSI, in accordance with this Deed.

**THE PARTIES AGREE AS FOLLOWS**
Hem nomoa
&
Tagio Tumas