



# SPREP

Secretariat of the Pacific Regional  
Environment Programme



10th Pacific Islands Conference

## NATURE CONSERVATION AND PROTECTED AREAS

*Nature Conservation Action for a Resilient Pacific*

## Law, Policy and Institutional Arrangements for EIA

### Environment and Social Management Systems





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## What is an environmental and social management system?

- Pacific Island Governments and their development partners continue to collaborate to achieve **national priorities** for sustainable development.
- Obtaining the best sustainable development outcomes depends on having an effective environmental and social management system (ESMS) in place
- **Definition:** ESMS provides a systematic procedure to check development projects for potential adverse environmental and social risks and impacts to assure that negative impacts are avoided or minimized to the extent possible while enhancing the positive impacts.





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## Environment Management Systems and Environment Impact Assessment

- **Definition: ESMS** provides a systematic procedure to check development projects for potential adverse environmental and social risks and impacts to assure that negative impacts are avoided or minimized to the extent possible while enhancing the positive impacts.
- **Definition: EIA** is a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse. Is an environmental decision support tool.
- EIA is one of the key component of an Environment and Social Management Systems in terms of development activities.
- Revisit Stakeholder Engagement and Public Participation - ESMS



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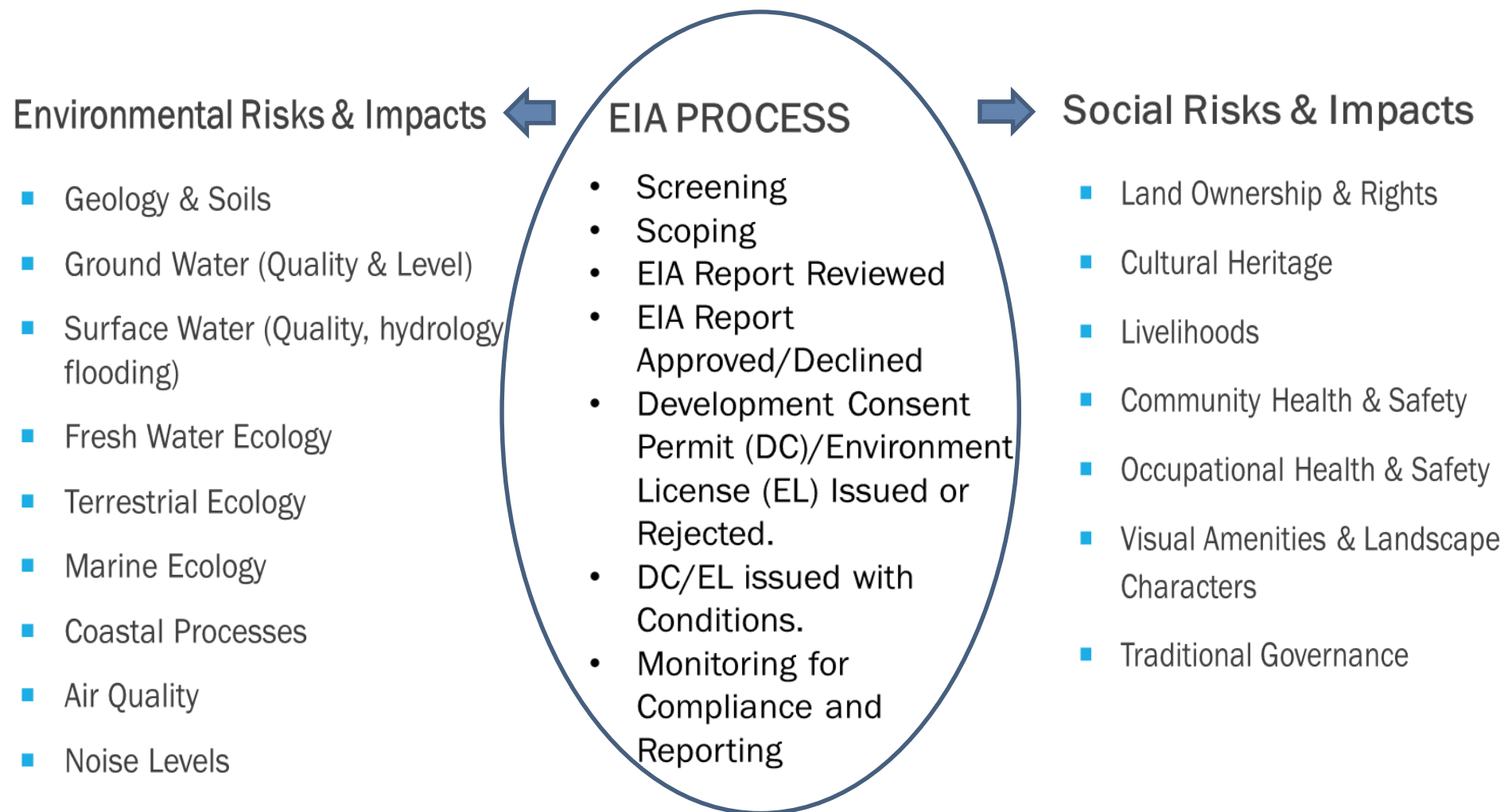
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## Environment and Social Management Within the EIA Process

- Environment and Social Management System is an approach undertaken to safeguard the impact of a project environmentally and socially and point out the risk associated with it and how they can be managed.
- The Environment and Social Impact Assessment (ESIA) process is a way to identify, predict and assess the type and scale of environment and social impacts by a project.
- Within most Environment Act and EIA Regulations – It is referred to as EIA. Social is part of the definition of Environment.

## Environment Management Systems and Environment Impact Assessment





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### What are the principles that underpinned an effective environmental and social management system for the Pacific? – EIA as an Example

- Nationally owned and entrenched throughout Government systems and processes for planning and implementing development programmes/projects – driven by high level policy makers (Parliamentarians & Cabinet Level) and Heads of Ministries *eg: Environment as an important pillar to sustainable development; Political Support.*
- Underpinned by National Laws, Regulations and Policies that are up-to-date with International Standards. – *EIA Regulation and guidelines*
- Robust – adaptable to integrate new ideas (best practices) *eg – Registration of EIA Consultants*





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## **What are the principles that underpinned an effective environmental and social management system for the pacific? – *EIA as an Example***

- Monitoring and Evaluation Framework for capturing results: lessons learned & best practices.
- Appropriately Resourced: Finance and Human Resources
- Public Awareness is High
- Efficient (Administration) and Effective (Results/Impacts)



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## Policy for EIA – National Level

- The powers which provide for the legal enforcement of EIA in PICs are drawn from the Environmental Management Acts.
- The Department of Environment (DOE) has the overall responsibility to administer and enforce the provisions related to EIA
- Enforcement of the legal requirements for EIA is by the DOE but assistance from other government agencies is sought to complement DOE'S efforts.
- The Guidelines of Environment was prepared to assist project initiators and assessors in the preparation of EIA reports and contains information on procedures to be followed for conducting preliminary or detailed assessment.





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## **Environment and Social Management Systems – Management of EIA, National Context**

- **Role of the National EIA Administrator – managing environmental and social risks and impacts through the EIA process prescribed by Law, Regulation or Policy.**
- **Traditionally assigned to Ministries/Departments of Environmental.**
- **Multi/Inter-disciplinary Assessments means it requires critical inputs from other line Ministries/Departments (scoping, EIA review, setting development conditions, monitoring for compliance, etc) for the EIA process to be successful.**



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### Environment and Social Management Systems – National Context Example from 3 PICs.

- **Fiji:** Ministry of Infrastructure and Transport (Department of Energy, Water Development Affairs, Water Authority of Fiji); Ministry of Agriculture and National Disaster Management (Land and Water Resource Management Division); Ministry of Information and Communications; Ministry of Fisheries and Forests; Ministry of Education, National Heritage, Culture and Arts; Ministry of Health; Ministry of Public Enterprise, Industry, Trade and Tourism; Ministry of Local Government, Urban Development, Housing; Ministry of Finance, Public Enterprise and Public Service (PPP Unit); iTaukei Land Trust Board (TLTB); Fiji Roads Authority; Ministry of Waterways and Environment (Department of Environment); and iTaukei Affairs Ministry.
- **Samoa:** Ministry of Natural Resources and Environment; Ministry of Works, Transport and Infrastructure; Lands Transport Authority (Planning and Urban Management Agency), Ministry of Health, Ministry of Agriculture and Forestry; Samoa Water Authority, Ministry of Communications and Information Technology; Office of the Regulator, Ministry of Education Sports and Culture; Samoa Tourism Authority; Samoa Ports Authority; Ministry of Women, Community and Social Development; Electric Power Corporation; and Ministry of Commerce, Industry and Labour.
- **Kiribati:** Ministry of Environment, Lands and Agricultural Development (Environment and Conservation Division); Ministry for Public Works and Utilities (Energy Planning Unit, Public Utilities Board); Ministry of Communications, Transport and Tourism Development; Ministry for Fisheries and Marine Resources Development; Ministry for Education; Ministry for Health and Medical Services; and Ministry for Commerce, Industry and Cooperatives.



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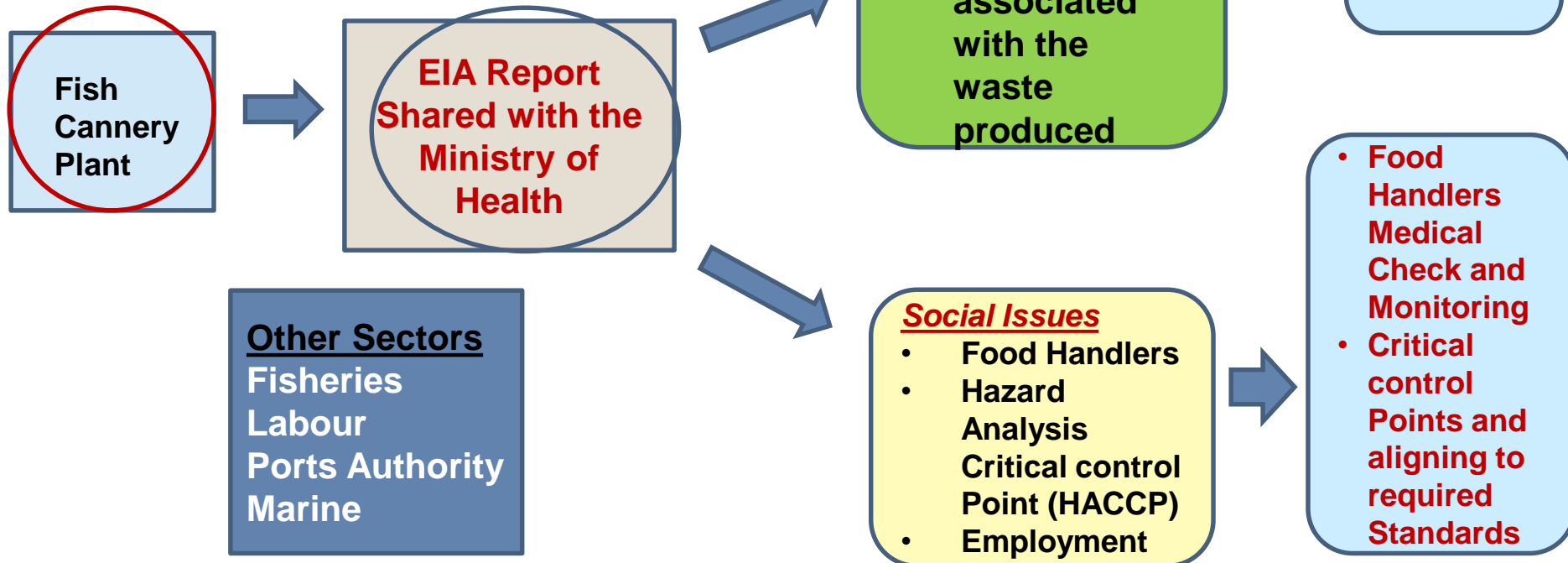
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## Case Study 1 - Fish Cannery



## Main Outcome of the Case Study 1

- The Environmental and Social Management Plan (ESMP) will be prepared for the construction, operation and closure.
- The ESMP will be prepared based on the environmental and social issues identified during the environmental and social impact study.
- The ESMP contains plans, programmes, specifications and guidelines designed to control and manage the potential environmental and social impacts that were identified in the ESIA.
- The social, cultural and environmental dynamics to be taken into consideration.





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## Establishing and Effective environmental and Social System – In the Context of EIA

### EXAMPLE OF AN ESMS TEAM



- Skilled and Committed people at all levels
- Training of Staff is important
- Awareness on ESM Systems and Policies – eg EIA, ESMP, TOR, etc
- Political support
- Funding and Technology
- Support from partners and investors
- Information and Data



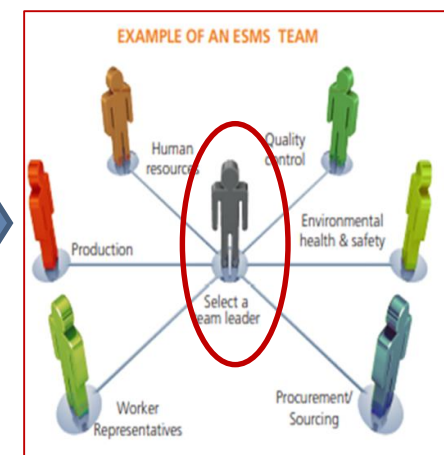
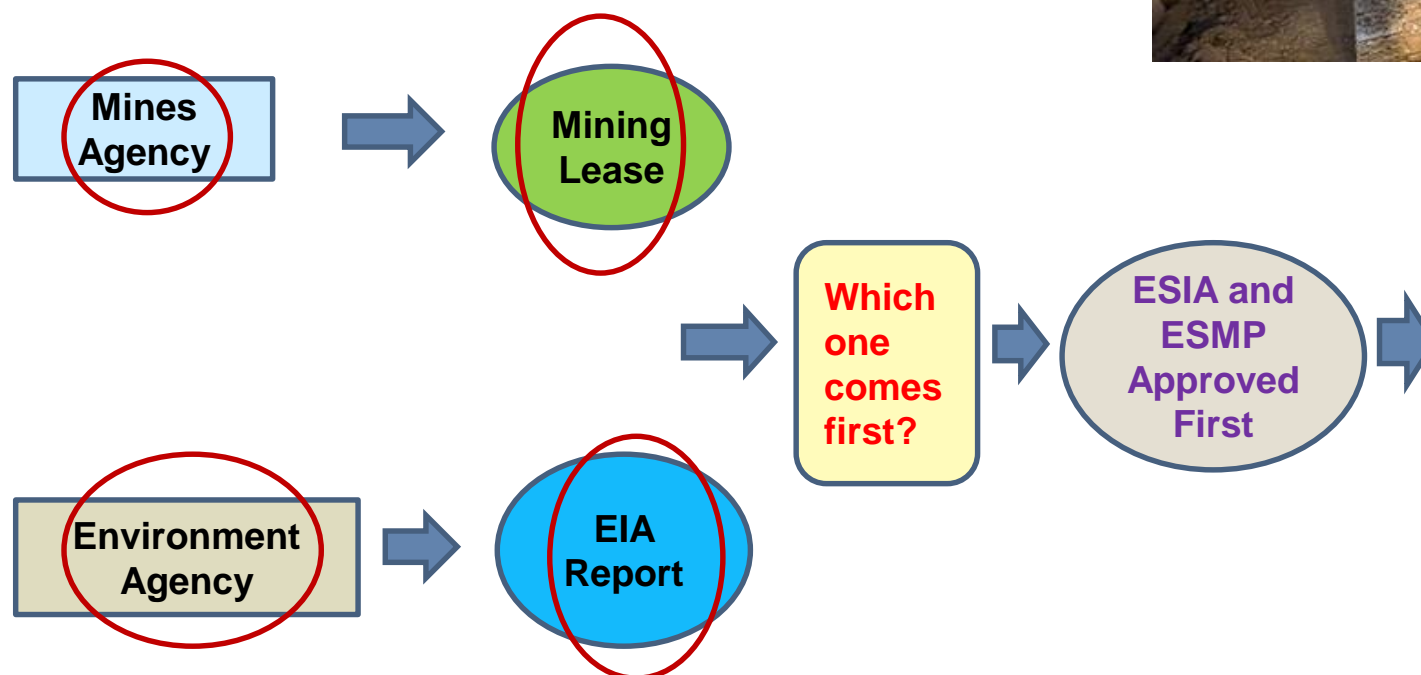
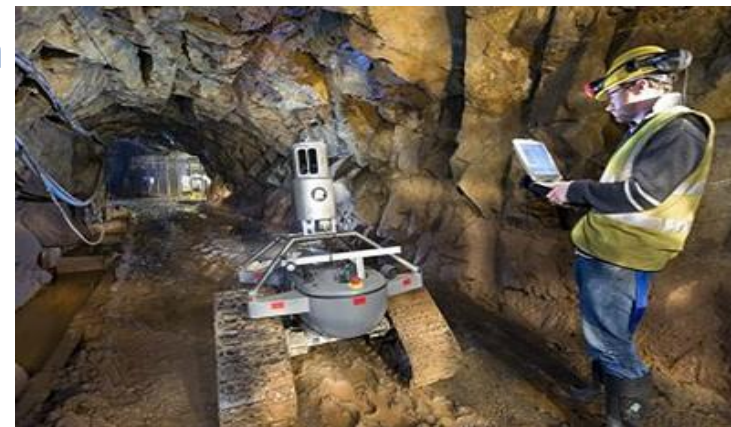
## Establishing and Effective Environmental and Social System – In terms of Stakeholder Engagement

- **Country A: EIA Regulation 18. Consultation** – (1) **The Agency shall consult with all stakeholders** where possible and shall provide them with all relevant information on the environment of the planning area so far as it relates to the aims and objectives of the proposed sustainable management plan. (2) The Agency **shall consider all information obtained from the consultation process.**
- Identifying key stakeholders that may be affected by a development activity is critical in the ESMS.
- Need to identify people or groups of people (i.e. communities, businesses, etc) that have a genuine interest in the proposed development activity. These may include land-owners, resource users, community hierarchy such as leaders, women and youth groups, businesses, churches, etc.
- Mapping your stakeholders/Stakeholder Engagement Plan
- Grievance Redress Mechanism: procedure for the public to send inquiry, concerns or formal complaint.





## Case Study 2 – Mineral Extraction





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### Main Outcome of the Case Study 2

- The responsible agencies to strengthen their collaboration
- The Environmental and Social Management Plan (ESMP) will be prepared for the construction, operation and closure (including rehabilitation and aftercare).
- The ESMP will be prepared based on the environmental and social issues identified during the environmental and social impact study.
- The ESMP contains plans, programmes, specifications and guidelines designed to control and manage the potential environmental and social impacts that were identified in the ESIA.
- The social, cultural and environmental dynamics to be taken into consideration.





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### Key Elements of an effective environmental and social management system







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# Thank you.

