

Monitoring and Enforcement

Solomon Islands EIA process

What is MONITORING?

•DEFINITION:

-Monitoring is about collecting information that will help you answer questions about a particular activity carried out, for e.g. Project

-Continuous or repeated observation, measurement, and evaluation of health and/or environmental or technical data for defined purposes, according to prearranged schedules in space and time, using comparable methods for sensing and data collection.

•Sampling of environment (air, water, soil, vegetation, animals) that is compared with baseline samples to see if any changes have occurred.

How often is monitoring carried out?

•Purpose

Why do we monitor?

Basically to be aware of the state of the system.

-how well are we doing?

-are we doing the right things?

-what difference are we making?

Monitoring Under the Environment Act 1998

Monitoring environmental aspects of development.

31. (1) The Director or any relevant public authority may at any time, whether before or after a development activity has been completed, monitor, or cause to be monitored, all or any of the environmental aspects of the implemented development activity.

(2) In the performance of any functions under subsection (1), the Director or any relevant public authority shall have regard to the effectiveness of any safeguards or standards adopted for the protection of the environment and the accuracy of any forecasts of the environmental impacts of the development activity.

(3) The Director or public authority referred to in subsection (1) may give such directions to the developer to ensure that appropriate safeguards and steps are taken by the developer to mitigate any adverse environmental aspects.

(4) The developer shall comply with the directions of the Director or the relevant public authority issued pursuant to this section.

Monitoring Under the Guideline

Monitoring

The final step in the procedure is to conduct monitoring on the various prescribed developments that have been granted development. Monitoring will be carried out by the CA according to its monitoring programme and will concentrate on the developer's Environmental Management Plan (EMP).

This monitoring should focus on the environmental impacts, effectiveness of the mitigation measures, safeguards and standards adopted by the developer for the protection of the environment. The developer may also execute its internal monitoring based on its monitoring plan.

Power of Inspectors EIA Guideline

It is important to note that the CA or any relevant public authority may at any time, whether before or after a development activity has been completed, monitor or cause to be monitored, all or any of the environmental aspects of the implemented development activity.(Act 31(1)). In addition, under the Environment Act in section 11, an inspector(Environment officer) may enter any land, building or house however with prior notice given to the owner(s). (Act 11)

Powers of Enforcement

Establishment of Division and appointment of Director and other officers.

5. (1) There shall be established for the purposes of this Act , an Environment and Conservation Division which shall consist of -

- (a) a Director;
- (b) Environmental Inspectors; and
- (c) such other officers as may be necessary for the due administration of the Act .

(2) Any appointment made under subsection (1) shall, if the person appointed is to be a public officer, be made in accordance with the Constitution but otherwise shall be made by the Minister.

Powers of the Director

7. For the purpose of performing his functions under this Act , and subject to the provisions of this Act , the Director shall have power to –
- (a) manage and control the affairs of the Division;
 - (b) advise the Minister on matters concerning the environment and in relation to any of the functions, powers and responsibilities of the Division;
 - (c) promote co-ordination among Ministries and government divisions;
 - (e) develop, co-ordinate and facilitate implementation of national policy concerning environmental planning, environmental impact assessment and pollution control;
 - (f) monitor and advise on international developments in environmental matters and to ensure the fulfilment of obligations of Solomon Islands under the relevant international and required treaties and conventions;

Power to give directions to public authorities

10. The Director may in consultation with the Minister, where he deems it necessary direct any public authority -

(a) to do anything within the powers of that public authority which, in the opinion of the Director, contributes to the achievement of the objects of the Act ; or

(b) to refrain from doing any act which, in the opinion of the Director, detracts from the achievements of the objects of the Act .

Power of entry of Inspectors

1. Subject to the provisions of subsections (2) and (3) an Inspector may enter -
 - (a) any land or building other than a dwelling house at any time; and
 - (b) a dwelling house at a reasonable time during daylight.
- (2) An Inspector shall not exercise the powers conferred by subsection (1) except for the purpose of –
 - (a) ascertaining the character and condition of the land, building, water or reef; or
 - (b) investigating an alleged offence.
- (3) The powers conferred by subsection (1) shall not be exercised unless reasonable notice has been given to the owner or occupier of the land, building or dwelling house.

Monitoring & Enforcement

Monitoring and Enforcement is an important part of project implementation. They serve these purposes:

- (1) ensuring that required mitigation measures and conditions are being implemented;
- (2) evaluating whether mitigation measures are working effectively;
- (3) validating the accuracy of models or projections that were used during the impact assessment process.
- (4) Operation of Development –Application of regulation.