



EIA – Law, Policy & Institutional Arrangements.

An Overview of the *Environment Management Act [EMA]*

Fiji Environmental Law Association

Beautiful Fiji



Development in Fiji



How are we managing our resources?



Threats to Small Island Developing States



Sustainable Development

- ◆ National State of Environment Report 1989
- ◆ Rio Declaration
- ◆ Agenda 21
- ◆ Framework Convention on Climate Change
- ◆ The Convention on Biological Diversity
- ◆ Declaration on Forest Principles
- ◆ State of Environment Report 1993
- ◆ Sustainable Bill – Shelved.
- ◆ Environment Management Act 2005.



History - Sustainable Development



◆ Sustainable Development

“Development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs and implies using resources to improve the quality of human life within their carrying capacity”

Brundt Commission

“Our Common Future – WCED”

Challenges - UNEP

- (i) Human Activity is estimated to currently consume or pre-empt 40 % of primary productivity on land.
- (ii) 60 % of the World's population live close to or under the poverty line
- (iii) The world's population is projected to double by mid century.

Environment Impact Assessments (EIA)

- ◆ National Environment Policy Act 1969 – USA – require all Federal agencies to prepare Environment Assessments and Environment Impact Statements for proposed environment agency proposals.

- ◆ Principle 17 Agenda 21

- ◆ CBD (art 4) and UNFCCC (art. 14)
Refer to the EIA as an implementing mechanism



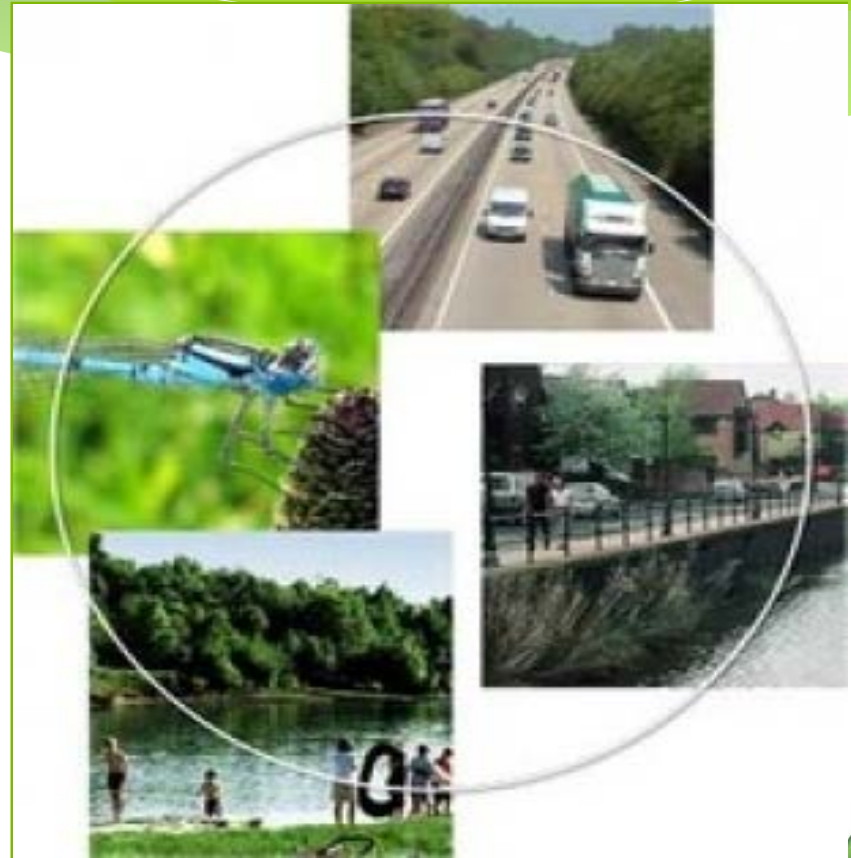
- ◆ Principle 17 – Agenda 21 – Rio Declaration on Environment and Development 1992

“Environmental Impact Assessment, as a national instrument shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.”



Environment Impact Assessments (EIA)

- ◆ United Nations Environment Programme (UNEP) defines EIA as:
- ◆ *“a tool used to identify the environmental, social and economic impacts of a project prior to decision-making. It aims to predict environmental impacts at an early stage in project planning and design, find ways to reduce adverse impacts, shape projects to suit the local environment, and present the predictions and options to decision-makers.”*



Why is EMA necessary?

◆ International obligations:

- MDGs: [7] Ensure environmental sustainability
- Rio Declaration on Environment & Development 1982 [Principles 11 & 17]
- Noumea Convention 1986 [Art 16 - EIA] Convention for the Natural Resources and Environment of the South Pacific Region

◆ Fiji's major environmental problems [2007] include:

- ❖ deforestation,
 - ❖ land degradation,
 - ❖ air and water pollution,
 - ❖ inappropriate refuse disposal,
 - ❖ climate change and sea-level rise,
 - ❖ outdated legislation and its inadequate enforcement, and
 - ❖ limited public awareness.
- [Fiji Strategic Development Plan 2007-2011]

It is conservatively estimated that 70,000 hectares of forest in Fiji has been lost in the past 15 years and forest loss continues. *Fiji Times* 15 July 2008

Loss of forests



Inappropriate waste disposal





June 5 2008 was the declaration of No Plastic Bag Day by local companies, institutions and foreign missions to Fiji. Fijitimes.com

Litter

Air pollution:
Affects health
Burning also affects soil fertility



Air Pollution

Villagers worried over polluted river

Maneesha Karan

Thursday, September 29, 2011

Fiji Times Online

PEOPLE living along Labasa's Qawa River are starting to experience the ill-effects of the polluted waterway.

Residents complained that pine logging activities had polluted and damaged water catchments supplying hundreds of residences.

Fiji Times July 12, 2011

Water pollution

River drowns Swami's hopes

Maneesha Karan

Monday, September 20, 2010



"The river water began to flood the farm about two weeks ago," he said. "The river water has turned black and I'm afraid I won't be able to plant any crop in the next five years because of the chemicals in the water."

Fiji Times Online

Worsening situation

Monika Singh

Thursday, June 10, 2010



Dr Anderson said the creek which ran across Wailea settlement was polluted with faeces and other household garbage and the polluted water was harmful to the people.

Fiji Times Online

Sewage river leak poses risk

Ifereimi Nadore

Friday, May 07, 2010

Fiji Times Online

AN environmental impact assessment carried out in the Rewa River has found high level of sewage.

Totoya fights climate change for food security

Geraldine Panapasa

Sunday, September 18, 2011

"Climate change is obviously being experienced on the island. It is really bad on Totoya - there is a lot of coastal degradation. At Ketei, there is evidence of coastal erosion and rivers have become shallow because of flooding that families have been forced to create an outlet inside their homes to channel the water out floodwaters run right through their homes.



Fiji Times – Floodwaters in Nadi 2009

Climate Change



Nausori vulnerable to climate change

Mary Rauto

Monday, August 22, 2011

Mr Qariqari said Nausori or the Rewa delta was flood-prone and of concern was the impact of extreme floods on key infrastructure skeleton to the operational well-being of the population of Nausori, its surroundings and those who accessed it.

Men and women of Nacula Village listening attentively to the climate change assessment team inside the village hall on Monday. Picture: Ministry of Information *Fiji Times* March 3, 2010

The Purpose [s3(2)]



- ◆ To apply the principles of sustainable use and development of natural resources; and
- ◆ To identify matters of national importance for the Fiji Islands as set out in subsection 3.

Principles of Sustainable Use & Development

◆ *Sustainable development* means development that:

- meets the needs of the present generation without compromising the ability of future generations to meet their own needs, and
- implies using resources to improve the quality of human life within their carrying capacity

◆ *Natural resources* means the natural resources of the Fiji Islands set out in the *Natural Resources Inventory*:

- ❖ Freshwater
- ❖ Marine
- ❖ Land
- ❖ Agricultural
- ❖ Energy
- ❖ Mineral

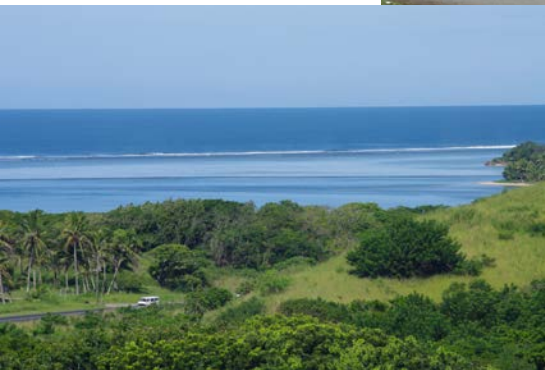


Matters of National Importance [s 3(3)]

- ◆ preservation of the coastal environment, wetlands, lakes and rivers;
- ◆ protection of outstanding natural landscapes and natural features;
- ◆ protection of areas of significant indigenous vegetation and significant habitat of indigenous fauna;
- ◆ the relationship of indigenous Fijians with their ancestral lands, waters, sites, sacred areas and other treasures; and
- ◆ the protection of human life and health



Use of Natural Resources



- ◆ The traditional owners or guardians of resources
- ◆ The maintenance and enhancement of amenity values
- ◆ The intrinsic values of ecosystems
- ◆ The maintenance and enhancement of heritage values of buildings and sites
- ◆ The maintenance and enhancement of the quality of the environment
- ◆ The finite characteristic of natural and physical resources

Structure of EMA



- ◆ Part 1 – Preliminary
- ◆ Part 2 – Administration
- ◆ Part 3 – Environmental Reports and Plans
- ◆ Part 4 – Environmental Impact Assessment
- ◆ Part 5 – Waste Management & Pollution Control
- ◆ Part 6 – Offence & Penalties
- ◆ Part 7 – Miscellaneous
 - *Environment Management(EIA Process) Regulations 2007*
 - *Environment Management (Waste Disposal & Recycling) Regulations 2007*

The Significance of EMA

- ◆ Binds the government
- ◆ Has application in addition to any other law
- ◆ Cannot contract or agree to exclude or limit the application of the Act



National Environment Council



◆ Membership of NEC:

- ❖ CEO Environment [Chair]
- ❖ CEO Ministries:
 - Land
 - Mineral resources
 - Agriculture
 - Fisheries, or Forests
 - iTaukei Affairs
 - Health
 - Tourism
- ❖ Gen Manager, iTaukei LTB
- ❖ President LGA
- ❖ NGO
- ❖ Gen business (1)
- ❖ Manufacturing (1)
- ❖ Academic community

◆ Creates ***National Environment Council***
[NEC]

Role of NEC



- ◆ Approves *National Report*
- ◆ Approves *National Environment Strategy*
- ◆ Oversees implementation
- ◆ Forum for environmental issues
- ◆ Ensure commitments met
- ◆ Advise Govt

- ◆ Powers include:
 - Appoint any technical committee to advise
 - Appoint committee for coastal zone management
 - Establish Resource Owners Committee

Department of Environment



- ◆ Department (DOE) to carry out functions of NEC

- ◆ DOE must have 3 units:

- EIA
- Resource management
- Waste management & pollution control

- ◆ Other roles include:

- Facilitate environmental units in Ministries, Depts, stat authorities, local authorities, facilities
- Formulate:
 - ❖ National Resource Management Plan
 - ❖ National Resources Inventory

Environment Management Unit Role

- ◆ CEO may establish, if DOE requires
- ◆ Responsibilities:
 - Scoping development proposal for EIA/assisting
 - Reviewing/assisting to review EIA report
 - Monitoring & enforcing conditions of approved EIA report
 - Processing development proposal at request EIA Administrator



Other Obligations/Opportunities

- ◆ Establish Environmental Register
 - Any person may have access to any record or document
- ◆ Have Chief Environmental Inspector and other inspectors
- ◆ CEO may appoint other persons/class of persons to be inspectors



Offences

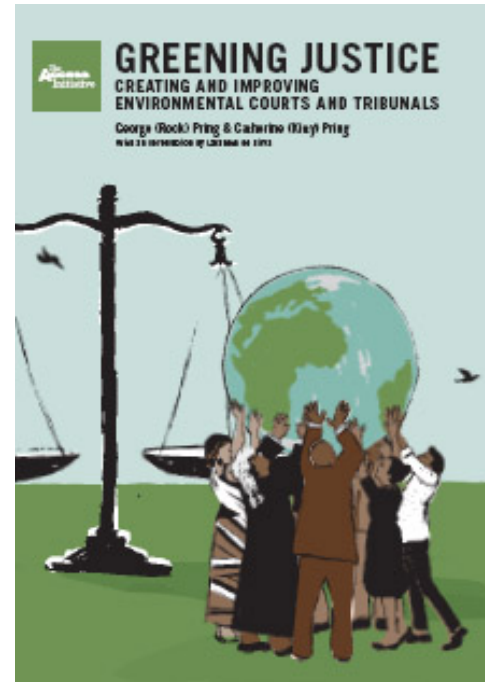
- ◆ Part 5 – waste management & pollution control
- ◆ Part 6 – generally



- ◆ Magistrates Court
- ◆ Penalties: fine and/or imprisonment
- ◆ Convicted person may also have to pay:
 - Compensation
 - Cost of remedial or preventative action necessary

Environmental Tribunal

- ◆ Established to hear and determine appeals [s 56]



Vinaka



E Wangi